

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 34, Issue 41
October 8, 2010
Pages 14480-15589

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
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<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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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
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
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

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
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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32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
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46	November 1, 2010	November 12, 2010
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: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2010 to January 3, 2011.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.47	Amendment
310.50	Amendment
310.260	Amendment
310.410	Amendment
310.500	Amendment
310.APPENDIX A TABLE C	Amendment
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE I	Amendment
310.APPENDIX A TABLE S	Amendment
310.APPENDIX A TABLE W	Amendment
310.APPENDIX A TABLE X	Amendment
310.APPENDIX D	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: In the table of contents, the word "Agency" is added to the heading for the Section 310.Appendix A Table C.

In Section 310.47, the in-hiring rates no longer relevant are removed. The contract between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed October 23, 2008 eliminated Step 1b effective July 1, 2010. The titles affected are the Children and Family Service Intern Option 2, Information Services Specialist I and Information Services Specialist II.

In Section 310.50, the definition of "option" is changed. The Option 8T is changed in the Public Service Administrator (PSA) title listing of options assigned a negotiated rate. The Option 8E is removed from the Senior Public Service Administrator (SPSA) title listing of options assigned a negotiated rate.

In Section 310.260, the Gaming Special Agent Trainee title, its title code 17195, and its pay assignments RC-062-14 and MS-11 are added to the trainee titles. The Gaming Special Agent Trainee classification was established and approved by the Civil Service Commission effective April 1, 2010. The "I" is removed leaving the Mental Health Technician Trainee title and the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

title code is changed to 27020. Mental Health Technician Trainee classification was revised and approved by the Civil Service Commission effective May 1, 2010.

In Section 310.410, the MC- salary range assignment table is removed. Following the Memorandum of Understanding between the Illinois Federation of Public Employees and the State of Illinois signed March 19, 2010, the Security Officer Lieutenant and Security Officer Chief titles were assigned to the RC-056 bargaining unit and pay grades RC-056-14 and RC-056-16, respectively, effective May 19, 2009. Therefore, the titles have their MC- salary range assignments removed and are assigned to MS- salary ranges for positions not represented by the bargaining unit. The Human Rights Mediation Supervisor title with its salary range assignment MS-23 is added. The classification was established and approved by the Civil Service Commission effective July 1, 2010. The "I" is removed leaving the Mental Health Technician Trainee title and the title code is changed to 27020. With negotiations recently completed, the Gaming Senior Special Agent title with its salary range assignment MS-29, the Gaming Special Agent title with its salary range assignment MS-21, the Gaming Special Agent Trainee title with its salary range assignment MS-11, the Educational Diagnostician title with its salary range assignment MS-10, the Security Officer Chief title with its salary range assignment MS-15 and the Security Officer Lieutenant title with its salary range assignment MS-11 are added. The Security Officer Sergeant title's salary range assignment is changed to MS-10. The title codes were changed for the Forensic Science Administrator I and II titles effective December 1, 2009 and for the Plant and Pesticide Specialist Supervisor, Veterinary Pathologist, and Warehouse Examiner Supervisor titles effective April 1, 2010.

In Section 310.500, the definition of "option" is changed. The Option 8T is changed in the PSA title listing of options assigned a negotiated rate. The Option 8E is removed from the Senior Public Service Administrator (SPSA) title listing of options assigned a negotiated rate.

In Section 310.Appendix A Table C, the word "Agency" is added to the heading. In the title table, the title codes were changed for the Plant and Pesticide Specialist Supervisor, Veterinary Pathologist, and Warehouse Examiner Supervisor titles effective April 1, 2010.

In Section 310.Appendix A Table E, two rows are removed from the Highway Maintainer (Drill Rig) new hire rates effective July 1, 2009 through June 2010. The rows were supposed to have been removed in the proposed amendments adopted at 34 Ill. Reg. 9759. The new hire rates reflect the Memorandum of Agreement between the State of Illinois and the Fox Valley Teamsters/Local 330 signed November 11, 2009.

In Section 310.Appendix A Table I, the "I" is removed leaving the Mental Health Technician Trainee title and the title code is changed to 27020.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.Appendix A Table S, the title codes are changed for the Forensic Science Administrator I and II titles. The new title codes became effective December 1, 2009. The semicolon after 8L is removed from the Note as requested by the Joint Committee on Administrative Rules staff with respect to the preemptory amendments at 34 Ill. Reg. 8633.

In Section 310.Appendix A Table W, the semicolon after 8Y is removed from the Note as requested by the Joint Committee on Administrative Rules staff with respect to the preemptory amendments at 34 Ill. Reg. 8633.

In Section 310.Appendix A Table X, the SPSA title Option 8E, title code, bargaining unit and pay grade are removed from the title table. The semicolon after 8U is removed from the Note as requested by the Joint Committee on Administrative Rules staff with respect to the preemptory amendments at 34 Ill. Reg. 8633. The SPSA title Option 8E is removed from the Note immediately following the title table.

In Section 310.Appendix D, the introductory paragraph and the MC-salary range table are removed. No title is assigned to a MC- salary range.

- 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? Yes, Sections 310.50, 310.500 and 310.Appendix A Table X replace the same Sections in the emergency amendments at 34 Ill. Reg. 12240.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These 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.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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- 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: July 2010

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	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 (Repealed)
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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 (Repealed)
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' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency 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 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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].

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 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.

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3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. 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.

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13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 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

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Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 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,

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2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 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

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Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.47 In-Hiring Rate

- a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, merit compensation salary range or broad-band salary range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.
- b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.
- c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
- d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-

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hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.

e) Approved In-Hiring Rates –

Effective January 1, 2008

Title	Pay Grade or Range	In-Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	Step 3
Actuarial Examiner Trainee	RC-062-13	Step 4
Children & Family Services Intern, Option 2	RC-062-15	Step 1b
Civil Engineer I	RC-063-15	Step 2
Civil Engineer II	RC-063-17	Step 1
Civil Engineer Trainee	NR-916	To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering program, add \$40/quarter work experience up to 8, add \$60 if passed Engineering Intern exam, and master's degree adds to experience up to two years
Clinical Psychology Associate	RC-063-18	Step 1 for applicants possessing the minimum class requirements and Step 3 for applicants who have completed their doctoral dissertation
Commerce Commission Police Officer Trainee	MS-10	\$2,943
Correctional Officer	RC-006-09	Step 2
Correctional Officer Trainee	RC-006-05	Step 4
Engineering Technician I	NR-916	See Note

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Engineering Technician II	NR-916	See Note
Engineering Technician III	NR-916	See Note
Engineering Technician IV	NR-916	See Note
Environmental Engineer I	RC-063-15	Step 2
Environmental Engineer II	RC-063-17	Step 1
Environmental Protection Engineer I	RC-063-15	Step 5
Environmental Protection Engineer II	RC-063-17	Step 4
Financial Institutions Examiner Trainee	RC-062-13	Step 2
Forensic Scientist Trainee	RC-062-15	Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago
Information Services Intern	RC-063-15	See Note
Information Services Specialist I	RC-063-17	Step 1a for Outside Cook County and Step 2 for Cook County
Information Services Specialist II	RC-063-19	Step 1a for Cook County
Insurance Company Financial Examiner Trainee	RC-062-13	Step 4
Internal Auditor Trainee	MS-09	\$2,854
Juvenile Justice Specialist	RC-006-14	Step 1 for a bachelor's degree and Step 2 for a master's degree
Juvenile Justice Specialist Intern	RC-006-11	Step 1 for a bachelor's degree and Step 2 for a master's degree
Meat & Poultry Inspector Trainee	RC-033	Step 3 for Regions 1 and 6
Physician Specialist, Option C	RC-063-MD-C	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Physician Specialist, Option D	RC-063-MD-D	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities

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Products & Standards Inspector Trainee	MS-09	\$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and \$2,854 for all other counties
Revenue Auditor Trainee	RC-062-12 (IL); RC-062- 15 (See Note in 310.Appendix A Table W); and RC-062-13 (states other than IL and not assigned to RC- 062-15)	Step 5
Revenue Special Agent Trainee	RC-062-14	Step 2
Security Therapy Aide Trainee	RC-009-13	Step 5 for the Joliet Treatment and Detention Facility
State Mine Inspector	RC-062-19	Step 1
Telecommunicator	RC-014-12	Step 2 for District 2
Telecommunicator Trainee	RC-014-10	Step 3 for Kane County and Step 7 for Cook County
Terrorism Research Specialist Trainee	RC-062-14	Step 2

Note: The Engineering Technician series has the following in-hiring rates –

Education Level

Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	\$2,600
Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,500
An Associate Degree from an accredited 2 year civil engineering technology program	\$2,720
Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,720

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Completion of 4 years of college courses in areas other than civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit)	\$2,600
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	\$2,830
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	\$3,210

The Information Services Intern title has the following in-hiring rates –

Education	Outside Cook County	Cook County
Computer Science degree at 4-year college	Step 4	Step 6
Computer Science degree at 2-year technical school	Step 2	Step 4
Non-Computer Science degree at 4-year college	Step 1	Step 3

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the

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individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal

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Audit/Insurance/Financial

- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor
- 8D = Special License – Federal Communications Commission
License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical
Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Professional Land Surveyor License
- 8J = Special License – Registered American Dietetic Association/Public
Health Food Service Sanitation Certificate/Licensed Dietitian
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Administrative Certificate issued by the Illinois State
Board of Education~~Type 75 Administrative Certificate – General~~

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~~Administrative Endorsement or Superintendent Endorsement~~

- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8X = Special License – Blaster Certificate
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training
- 9G = Special License – Registered Professional Geologist License

The following ~~option isoptions are~~ for the Senior Public Service Administrator classification and ~~hashave~~ a negotiated pay grade assigned:

- ~~8E~~ = ~~Engineer (Professional)~~
- 8P = Pharmacist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- B = Negotiated regular pension formula rate for the State of Illinois
- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt

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- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-15
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11

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Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economic Development Representative Trainee	12939	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Forensic Scientist Trainee	15897	RC-062-15	MS-12
<u>Gaming Special Agent Trainee</u>	<u>17195</u>	<u>RC-062-14</u>	<u>MS-11</u>
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	None	MS-04
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04

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Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-033	MS-07
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee I	27020 27021	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Office Occupations Trainee	30075	None	MS-01
Police Officer Trainee	32985	None	MS-06
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Public Service Trainee	37025	None	MS-01

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Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to classes of positions, or positions excluded from bargaining unit representation, designated below and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Plan
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02

Title	Title Code	Salary Range
Account Clerk I	00111	MS-03
Account Clerk II	00112	MS-04
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-11
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-19
Accounting and Fiscal Administration Career Trainee	00140	MS-09
Activity Program Aide I	00151	MS-04
Activity Program Aide II	00152	MS-05
Activity Therapist	00157	MS-12
Activity Therapist Coordinator	00160	MS-16
Activity Therapist Supervisor	00163	MS-24
Actuarial Assistant	00187	MS-14
Actuarial Examiner	00195	MS-14
Actuarial Examiner Trainee	00196	MS-10
Actuarial Senior Examiner	00197	MS-21
Actuary I	00201	MS-23
Actuary II	00202	MS-31
Actuary III	00203	MS-36

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Administrative Assistant I	00501	MS-16
Administrative Assistant II	00502	MS-21
Administrative Services Worker Trainee	00600	MS-02
Agricultural Executive	00800	MS-23
Agricultural Land and Water Resources Supervisor	00811	MS-25
Agricultural Market News Assistant	00804	MS-09
Agricultural Marketing Generalist	00805	MS-11
Agricultural Marketing Reporter	00807	MS-19
Agricultural Marketing Representative	00810	MS-19
Agricultural Products Promoter	00815	MS-10
Agriculture Land and Water Resource Specialist I	00831	MS-11
Agriculture Land and Water Resource Specialist II	00832	MS-16
Agriculture Land and Water Resource Specialist III	00833	MS-23
Aircraft Dispatcher	00951	MS-09
Aircraft Lead Dispatcher	00952	MS-11
Aircraft Pilot I	00955	MS-21
Aircraft Pilot II	00956	MS-27
Aircraft Pilot II – Dual Rating	00957	MS-29
Animal and Animal Products Investigator	01072	MS-11
Animal and Animal Products Investigator Trainee	01075	MS-09
Apiary Inspector	01215	MS-03
Apparel/Dry Goods Specialist I	01231	MS-04
Apparel/Dry Goods Specialist II	01232	MS-05
Apparel/Dry Goods Specialist III	01233	MS-10
Appraisal Specialist I	01251	MS-11
Appraisal Specialist II	01252	MS-14
Appraisal Specialist III	01253	MS-19
Appraisal Specialist Trainee	01255	MS-09
Arbitrator	01401	MS-33
Architect	01440	MS-27
Arson Investigations Trainee	01485	MS-12
Arson Investigator I	01481	MS-18
Arson Investigator II	01482	MS-23
Arts Council Associate	01523	MS-09
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assignment Coordinator	01530	MS-25

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Assistant Automotive Shop Supervisor	01565	MS-11
Assistant Reimbursement Officer	02424	MS-05
Audio Visual Technician I	03501	MS-04
Audio Visual Technician II	03502	MS-06
Auto and Body Repairer	03680	MS-11
Automotive Attendant I	03696	MS-03
Automotive Attendant II	03697	MS-03
Automotive Mechanic	03700	MS-11
Automotive Parts Warehouse Specialist	03734	MS-11
Automotive Parts Warehouse	03730	MS-11
Automotive Shop Supervisor	03749	MS-18
Bank Examiner I	04131	MS-14
Bank Examiner II	04132	MS-21
Bank Examiner III	04133	MS-27
Behavioral Analyst Associate	04355	MS-12
Behavioral Analyst I	04351	MS-16
Behavioral Analyst II	04352	MS-21
Boat Safety Inspection Supervisor	04850	MS-22
Boiler Safety Specialist	04910	MS-28
Breath Alcohol Analysis Technician	05170	MS-15
Bridge Mechanic	05310	MS-15
Bridge Tender	05320	MS-15
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building Services Worker	05616	MS-04
Building/Grounds Laborer	05598	MS-08
Building/Grounds Lead I	05601	MS-10
Building/Grounds Lead II	05602	MS-12
Building/Grounds Maintenance Worker	05613	MS-09
Building/Grounds Supervisor	05605	MS-12
Business Administrative Specialist	05810	MS-14
Business Manager	05815	MS-19
Buyer	05900	MS-19
Buyer Assistant	05905	MS-07
Canine Specialist	06500	MS-20
Capital Development Board Account Technician	06515	MS-08
Capital Development Board Art In Architecture Technician	06533	MS-09

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Capital Development Board Construction Support Analyst	06520	MS-08
Capital Development Board Media Technician	06525	MS-11
Capital Development Board Project Technician	06530	MS-09
Cartographer III	06673	MS-28
Chaplain I	06901	MS-14
Chaplain II	06902	MS-21
Check Issuance Machine Operator	06920	MS-06
Check Issuance Machine Supervisor	06925	MS-08
Chemist I	06941	MS-14
Chemist II	06942	MS-21
Chemist III	06943	MS-25
Child Development Aide	07184	MS-07
Child Protection Advanced Specialist	07161	MS-21
Child Protection Associate Specialist	07162	MS-14
Child Protection Specialist	07163	MS-19
Child Support Specialist I	07198	MS-14
Child Support Specialist II	07199	MS-16
Child Support Specialist Trainee	07200	MS-09
Child Welfare Administrative Case Reviewer	07190	MS-27
Child Welfare Advanced Specialist	07215	MS-21
Child Welfare Associate Specialist	07216	MS-14
Child Welfare Court Facilitator	07196	MS-27
Child Welfare Nurse Specialist	07197	MS-22
Child Welfare Senior Specialist	07217	MS-27
Child Welfare Specialist	07218	MS-19
Child Welfare Staff Development Coordinator I	07201	MS-16
Child Welfare Staff Development Coordinator II	07202	MS-21
Child Welfare Staff Development Coordinator III	07203	MS-23
Child Welfare Staff Development Coordinator IV	07204	MS-27
Children and Family Service Intern, Option 1	07241	MS-09
Children and Family Service Intern, Option 2	07242	MS-12
Civil Engineer I	07601	MS-22
Civil Engineer II	07602	MS-26
Civil Engineer III	07603	MS-30
Civil Engineer IV	07604	MS-27
Civil Engineer Trainee	07607	MS-15
Clerical Trainee	08050	MS-01

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Clinical Laboratory Associate	08200	MS-05
Clinical Laboratory Phlebotomist	08213	MS-04
Clinical Laboratory Technician I	08215	MS-07
Clinical Laboratory Technician II	08216	MS-09
Clinical Laboratory Technologist I	08220	MS-19
Clinical Laboratory Technologist II	08221	MS-21
Clinical Laboratory Technologist Trainee	08229	MS-11
Clinical Pharmacist	08235	MS-32
Clinical Psychologist	08250	MS-29
Clinical Psychology Associate	08255	MS-19
Clinical Services Supervisor	08260	MS-31
Commerce Commission Police Officer I	08451	MS-18
Commerce Commission Police Officer II	08452	MS-22
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Commodities Inspector	08770	MS-08
Communications Dispatcher	08815	MS-06
Communications Equipment Technician I	08831	MS-16
Communications Equipment Technician II	08832	MS-21
Communications Equipment Technician III	08833	MS-23
Communications Systems Specialist	08860	MS-29
Community Management Specialist I	08891	MS-12
Community Management Specialist II	08892	MS-16
Community Management Specialist III	08893	MS-21
Community Planner I	08901	MS-12
Community Planner II	08902	MS-16
Community Planner III	08903	MS-21
Compliance Officer	08919	MS-11
Conservation Education Representative	09300	MS-09
Conservation Grant Administrator I	09311	MS-19
Conservation Grant Administrator II	09312	MS-23
Conservation Grant Administrator III	09313	MS-27
Conservation Police Lieutenant	09340	MS-22
Conservation Police Officer I	09341	MS-18
Conservation Police Officer II	09342	MS-18
Conservation Police Officer Trainee	09345	MS-06
Conservation Police Sergeant	09347	MS-20

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Conservation/Historic Preservation Worker	09317	MS-01
Construction Program Assistant	09525	MS-09
Construction Supervisor I	09561	MS-10
Construction Supervisor II	09562	MS-14
Cook I	09601	MS-04
Cook II	09602	MS-07
Correctional Casework Supervisor	09655	MS-25
Correctional Counselor I	09661	MS-13
Correctional Counselor II	09662	MS-18
Correctional Counselor III	09663	MS-22
Correctional Lieutenant	09673	MS-24
Correctional Officer	09675	MS-11
Correctional Officer Trainee	09676	MS-08
Correctional Sergeant	09717	MS-16
Corrections Apprehension Specialist	09750	MS-22
Corrections Clerk I	09771	MS-11
Corrections Clerk II	09772	MS-13
Corrections Clerk III	09773	MS-18
Corrections Food Service Supervisor I	09793	MS-13
Corrections Food Service Supervisor II	09794	MS-18
Corrections Food Service Supervisor III	09795	MS-21
Corrections Grounds Supervisor	09796	MS-16
Corrections Identification Supervisor	09800	MS-20
Corrections Identification Technician	09801	MS-13
Corrections Industries Marketing Representative	09803	MS-18
Corrections Industry Lead Worker	09805	MS-16
Corrections Industry Supervisor	09807	MS-21
Corrections Laundry Manager I	09808	MS-18
Corrections Laundry Manager II	09809	MS-20
Corrections Leisure Activities Specialist I	09811	MS-13
Corrections Leisure Activities Specialist II	09812	MS-18
Corrections Leisure Activities Specialist III	09813	MS-22
Corrections Leisure Activities Specialist IV	09814	MS-25
Corrections Locksmith	09818	MS-16
Corrections Maintenance Craftsman	09821	MS-16
Corrections Maintenance Supervisor	09822	MS-18
Corrections Maintenance Worker	09823	MS-12

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Corrections Medical Technician	09824	MS-12
Corrections Nurse I	09825	MS-20
Corrections Nurse II	09826	MS-25
Corrections Parole Agent	09842	MS-18
Corrections Residence Counselor I	09837	MS-13
Corrections Residence Counselor II	09838	MS-20
Corrections Senior Parole Agent	09844	MS-22
Corrections Supply Supervisor I	09861	MS-13
Corrections Supply Supervisor II	09862	MS-18
Corrections Supply Supervisor III	09863	MS-21
Corrections Transportation Officer I	09871	MS-13
Corrections Transportation Officer II	09872	MS-20
Corrections Utilities Operator	09875	MS-16
Corrections Vocational Instructor	09879	MS-16
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter	09900	MS-12
Court Reporter Supervisor	09903	MS-26
Crime Scene Investigator	09980	MS-25
Criminal Intelligence Analyst I	10161	MS-19
Criminal Intelligence Analyst II	10162	MS-23
Criminal Intelligence Analyst Specialist	10165	MS-27
Criminal Justice Specialist I	10231	MS-14
Criminal Justice Specialist II	10232	MS-23
Criminal Justice Specialist Trainee	10236	MS-10
Curator Of The Lincoln Collection	10750	MS-14
Data Processing Administrative Specialist	11415	MS-11
Data Processing Assistant	11420	MS-04
Data Processing Operator	11425	MS-03
Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Supervisor I	11435	MS-08
Data Processing Supervisor II	11436	MS-11
Data Processing Supervisor III	11437	MS-19
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04
Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19

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Deck Hand	11500	MS-14
Dental Assistant	11650	MS-07
Dental Hygienist	11700	MS-11
Dentist I	11751	MS-29
Dentist II	11752	MS-33
Developmental Disabilities Council Program Planner I	12361	MS-09
Developmental Disabilities Council Program Planner II	12362	MS-14
Developmental Disabilities Council Program Planner III	12363	MS-19
Dietary Manager I	12501	MS-14
Dietary Manager II	12502	MS-19
Dietitian	12510	MS-12
Disability Appeals Officer	12530	MS-27
Disability Claims Adjudicator I	12537	MS-14
Disability Claims Adjudicator II	12538	MS-19
Disability Claims Adjudicator Trainee	12539	MS-10
Disability Claims Analyst	12540	MS-25
Disability Claims Specialist	12558	MS-21
Disaster Services Planner	12585	MS-21
Document Examiner	12640	MS-27
Drafting Worker	12749	MS-08
Drug Compliance Investigator	12778	MS-31
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
<u>Educational Diagnostician</u>	<u>12965</u>	<u>MS-10</u>
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-26
Educator – Provisional	13105	MS-09
Educator Aide	13130	MS-08
Electrical Engineer	13180	MS-30
Electroencephalograph Technician	13300	MS-05
Electronic Equipment Installer/Repairer	13340	MS-07
Electronic Equipment Installer/Repairer Lead Worker	13345	MS-09
Electronics Technician	13360	MS-12
Elevator Inspector	13495	MS-21
Elevator Operator	13500	MS-05
Emergency Response Lead Telecommunicator	13540	MS-10

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Emergency Response Telecommunicator	13543	MS-08
Employment Security Field Office Supervisor	13600	MS-23
Employment Security Manpower Representative I	13621	MS-09
Employment Security Manpower Representative II	13622	MS-11
Employment Security Program Representative	13650	MS-11
Employment Security Program Representative – Intermittent	13651	MS-11
Employment Security Service Representative	13667	MS-14
Employment Security Specialist I	13671	MS-11
Employment Security Specialist II	13672	MS-14
Employment Security Specialist III	13673	MS-21
Employment Security Tax Auditor I	13681	MS-16
Employment Security Tax Auditor II	13682	MS-21
Energy and Natural Resources Specialist I	13711	MS-12
Energy and Natural Resources Specialist II	13712	MS-16
Energy and Natural Resources Specialist III	13713	MS-21
Energy and Natural Resources Specialist Trainee	13715	MS-09
Engineering Technician I	13731	MS-09
Engineering Technician II	13732	MS-13
Engineering Technician III	13733	MS-20
Engineering Technician IV	13734	MS-30
Environmental Engineer I	13751	MS-12
Environmental Engineer II	13752	MS-16
Environmental Engineer III	13753	MS-21
Environmental Engineer IV	13754	MS-27
Environmental Equipment Operator I	13761	MS-09
Environmental Equipment Operator II	13762	MS-11
Environmental Health Specialist I	13768	MS-11
Environmental Health Specialist II	13769	MS-14
Environmental Health Specialist III	13770	MS-19
Environmental Protection Associate	13785	MS-09
Environmental Protection Engineer I	13791	MS-12
Environmental Protection Engineer II	13792	MS-16
Environmental Protection Engineer III	13793	MS-21
Environmental Protection Engineer IV	13794	MS-27
Environmental Protection Geologist I	13801	MS-12
Environmental Protection Geologist II	13802	MS-16
Environmental Protection Geologist III	13803	MS-21

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Environmental Protection Legal Investigator I	13811	MS-10
Environmental Protection Legal Investigator II	13812	MS-11
Environmental Protection Legal Investigator Specialist	13815	MS-13
Environmental Protection Specialist I	13821	MS-11
Environmental Protection Specialist II	13822	MS-14
Environmental Protection Specialist III	13823	MS-19
Environmental Protection Specialist IV	13824	MS-27
Environmental Protection Technician I	13831	MS-05
Environmental Protection Technician II	13832	MS-07
Equal Pay Specialist	13837	MS-16
Equine Investigator	13840	MS-09
Executive I	13851	MS-19
Executive II	13852	MS-23
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Explosives Inspector I	14051	MS-11
Explosives Inspector II	14052	MS-18
Facility Assistant Fire Chief	14430	MS-10
Facility Fire Chief	14433	MS-13
Facility Fire Safety Coordinator	14435	MS-09
Facility Firefighter	14439	MS-09
Ferry Operator I	14801	MS-16
Ferry Operator II	14802	MS-17
Financial Institutions Examiner I	14971	MS-14
Financial Institutions Examiner II	14972	MS-21
Financial Institutions Examiner III	14973	MS-27
Financial Institutions Examiner Trainee	14978	MS-10
Fingerprint Technician	15204	MS-10
Fingerprint Technician Supervisor	15208	MS-18
Fingerprint Technician Trainee	15209	MS-05
Fire Certification Specialist	15285	MS-16
Fire Prevention Inspector I	15316	MS-13
Fire Prevention Inspector II	15317	MS-20
Fire Prevention Inspector Trainee	15320	MS-10
Fire Protection Specialist I	15351	MS-14
Flight Safety Coordinator	15640	MS-27

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Florist II	15652	MS-08
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Forensic Science Administrator I	15911 <u>15881</u>	MS-31
Forensic Science Administrator II	15912 <u>15882</u>	MS-32
Forensic Scientist I	15891	MS-19
Forensic Scientist II	15892	MS-23
Forensic Scientist III	15893	MS-27
Forensic Scientist Trainee	15897	MS-12
<u>Gaming Senior Special Agent</u>	<u>17191</u>	<u>MS-29</u>
<u>Gaming Special Agent</u>	<u>17192</u>	<u>MS-21</u>
<u>Gaming Special Agent Trainee</u>	<u>17195</u>	<u>MS-11</u>
Geographic Information Specialist I	17271	MS-21
Geographic Information Specialist II	17272	MS-29
Geographic Information Trainee	17276	MS-12
Governmental Career Trainee	17325	MS-09
Graduate Pharmacist	17345	MS-23
Graphic Arts Designer	17366	MS-11
Graphic Arts Designer Advanced	17370	MS-14
Graphic Arts Designer Supervisor	17365	MS-19
Graphic Arts Technician	17400	MS-09
Grounds Supervisor	17549	MS-18
Guard I	17681	MS-04
Guard II	17682	MS-06
Guard III	17683	MS-09
Guard Supervisor	17685	MS-11
Guardianship Representative	17710	MS-16
Guardianship Supervisor	17720	MS-24
Habilitation Program Coordinator	17960	MS-16
Handicapped Services Representative I	17981	MS-08
Health Facilities Surveillance Nurse	18150	MS-22
Health Facilities Surveyor I	18011	MS-14
Health Facilities Surveyor II	18012	MS-21
Health Facilities Surveyor III	18013	MS-23
Health Information Associate	18045	MS-07
Health Information Technician	18047	MS-09

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Health Services Investigator I, Option A – General	18181	MS-21
Health Services Investigator I, Option B – Controlled Substance Inspector	18182	MS-25
Health Services Investigator II, Option A – General	18185	MS-27
Health Services Investigator II, Option B – Controlled Substance Inspector	18186	MS-28
Health Services Investigator II, Option C – Pharmacy	18187	MS-32
Health Services Investigator II, Option D – Pharmacy/Controlled Substance Inspector	18188	MS-32
Hearing and Speech Advanced Specialist	18227	MS-27
Hearing and Speech Associate	18231	MS-19
Hearing and Speech Specialist	18233	MS-23
Hearing and Speech Technician I	18261	MS-04
Hearing and Speech Technician II	18262	MS-06
Hearings Referee	18300	MS-29
Hearings Referee – Intermittent	18301	MS-29
Heavy Construction Equipment Operator	18465	MS-18
Highway Construction Supervisor I	18525	MS-24
Highway Construction Supervisor II	18526	MS-28
Highway Maintainer	18639	MS-16
Highway Maintenance Lead Worker	18659	MS-18
Historical Documents Conservator I	18981	MS-10
Historical Exhibits Designer	18985	MS-12
Historical Library Chief Of Acquisitions	18987	MS-22
Historical Research Editor II	19002	MS-11
Historical Research Specialist	19008	MS-23
Housekeeper II	19602	MS-03
Human Relations Representative	19670	MS-14
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Investigator I	19774	MS-14
Human Rights Investigator II	19775	MS-19
Human Rights Investigator III	19776	MS-21
<u>Human Rights Mediation Supervisor</u>	<u>19769</u>	<u>MS-23</u>
Human Rights Mediator	19771	MS-20
Human Rights Specialist I	19778	MS-11
Human Rights Specialist II	19779	MS-14

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Human Rights Specialist III	19780	MS-19
Human Services Casework Manager	19788	MS-23
Human Services Caseworker	19785	MS-14
Human Services Grants Coordinator I	19791	MS-11
Human Services Grants Coordinator II	19792	MS-16
Human Services Grants Coordinator III	19793	MS-23
Human Services Grants Coordinator Trainee	19796	MS-09
Human Services Sign Language Interpreter	19810	MS-14
Iconographer	19880	MS-09
Industrial and Community Development Representative I	21051	MS-16
Industrial and Community Development Representative II	21052	MS-21
Industrial Commission Reporter	21080	MS-14
Industrial Commission Technician	21095	MS-08
Industrial Services Consultant I	21121	MS-11
Industrial Services Consultant II	21122	MS-14
Industrial Services Consultant Trainee	21125	MS-08
Industrial Services Hygienist	21127	MS-21
Industrial Services Hygienist Technician	21130	MS-14
Industrial Services Hygienist Trainee	21133	MS-09
Information Services Intern	21160	MS-12
Information Services Specialist I	21161	MS-16
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Information Systems Analyst III	21167	MS-32
Information Technology/Communications Systems Specialist I	21216	MS-21
Information Technology/Communications Systems Specialist II	21217	MS-31
Inhalation Therapist	21259	MS-05
Inhalation Therapy Supervisor	21260	MS-08
Institutional Helper	21460	MS-05
Institutional Maintenance Worker	21465	MS-05
Instrument Designer	21500	MS-19
Insurance Analyst I	21561	MS-06
Insurance Analyst II	21562	MS-09
Insurance Analyst III	21563	MS-11
Insurance Analyst IV	21564	MS-14
Insurance Analyst Trainee	21566	MS-04

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Insurance Company Claims Examiner I	21601	MS-16
Insurance Company Claims Examiner II	21602	MS-21
Insurance Company Field Staff Examiner	21608	MS-14
Insurance Company Financial Examiner Trainee	21610	MS-10
Insurance Performance Examiner I	21671	MS-11
Insurance Performance Examiner II	21672	MS-16
Insurance Performance Examiner III	21673	MS-23
Intermittent Clerk	21686	MS-02
Intermittent Laborer (Maintenance)	21687	MS-08
Intermittent Unemployment Insurance Representative	21689	MS-09
Intermittent Unemployment Insurance Technician	21690	MS-04
Internal Auditor I	21721	MS-16
Internal Auditor Trainee	21726	MS-09
Internal Security Investigator I	21731	MS-19
Internal Security Investigator II	21732	MS-25
International Marketing Representative I	21761	MS-20
Janitor I	21951	MS-13
Janitor II	21952	MS-14
Juvenile Justice Chief of Security	21965	MS-31
Juvenile Justice Specialist	21971	MS-20
Juvenile Justice Specialist Intern	21976	MS-13
Juvenile Justice Supervisor	21980	MS-27
Juvenile Justice Youth and Family Specialist Option 1	21991	MS-20
Juvenile Justice Youth and Family Specialist Option 2	21992	MS-25
Juvenile Justice Youth and Family Specialist Supervisor	21995	MS-29
Kidcare Supervisor	22003	MS-23
Labor Conciliator	22750	MS-23
Labor Maintenance Lead Worker	22809	MS-15
Laboratory Assistant	22995	MS-03
Laboratory Associate I	22997	MS-07
Laboratory Associate II	22998	MS-09
Laboratory Equipment Specialist	22990	MS-19
Laboratory Quality Specialist I	23021	MS-21
Laboratory Quality Specialist II	23022	MS-25
Laboratory Research Scientist	23025	MS-29
Laboratory Research Specialist I	23027	MS-21
Laboratory Research Specialist II	23028	MS-25

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Laborer (Maintenance)	23080	MS-14
Land Acquisition Agent I	23091	MS-12
Land Acquisition Agent II	23092	MS-19
Land Acquisition Agent III	23093	MS-25
Land Reclamation Specialist I	23131	MS-11
Land Reclamation Specialist II	23132	MS-16
Landscape Architect	23145	MS-27
Landscape Planner	23150	MS-21
Laundry Manager I	23191	MS-11
Legal Research Assistant	23350	MS-10
Liability Claims Adjuster I	23371	MS-11
Liability Claims Adjuster II	23372	MS-19
Liability Claims Adjuster Trainee	23375	MS-09
Librarian I	23401	MS-14
Librarian II	23402	MS-20
Library Aide I	23421	MS-03
Library Aide II	23422	MS-04
Library Aide III	23423	MS-05
Library Associate	23430	MS-09
Library Technical Assistant	23450	MS-07
Licensed Practical Nurse I	23551	MS-07
Licensed Practical Nurse II	23552	MS-09
Licensing Assistant	23568	MS-05
Licensing Investigator I	23571	MS-10
Licensing Investigator II	23572	MS-13
Licensing Investigator III	23573	MS-15
Licensing Investigator IV	23574	MS-20
Life Sciences Career Trainee	23600	MS-09
Liquor Control Special Agent I	23751	MS-13
Liquor Control Special Agent II	23752	MS-14
Local Historical Services Representative	24000	MS-16
Local Housing Advisor I	24031	MS-11
Local Housing Advisor II	24032	MS-14
Local Housing Advisor III	24033	MS-19
Local Revenue and Fiscal Advisor I	24101	MS-12
Local Revenue and Fiscal Advisor II	24102	MS-16
Local Revenue and Fiscal Advisor III	24103	MS-21

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Lock and Dam Tender	24290	MS-07
Locksmith	24300	MS-16
Lottery Commodities Distributor II	24402	MS-09
Lottery Regional Coordinator	24504	MS-21
Lottery Sales Representative	24515	MS-14
Lottery Telemarketing Representative	24520	MS-06
Maintenance Equipment Operator	25020	MS-17
Maintenance Worker	25500	MS-15
Management Operations Analyst I	25541	MS-19
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Management Systems Specialist	25583	MS-25
Manpower Planner I	25591	MS-11
Manpower Planner II	25592	MS-16
Manpower Planner III	25593	MS-23
Manpower Planner Trainee	25597	MS-09
Manuscripts Manager	25610	MS-22
Meat and Poultry Inspector	26070	MS-10
Meat and Poultry Inspector Supervisor	26073	MS-13
Meat and Poultry Inspector Trainee	26075	MS-07
Mechanical Engineer I	26201	MS-12
Mechanical Engineer II	26202	MS-16
Mechanical Engineer III	26203	MS-21
Medical Administrator I Option C	26400	MS-60
Medical Administrator I Option D	26401	MS-62
Medical Administrator II Option C	26402	MS-61
Medical Administrator II Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator I	26811	MS-19
Mental Health Administrator II	26812	MS-23
Mental Health Administrator Trainee	26817	MS-12
Mental Health Program Administrator	26908	MS-63

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Mental Health Recovery Support Specialist I	26921	MS-16
Mental Health Recovery Support Specialist II	26922	MS-19
Mental Health Specialist I	26924	MS-09
Mental Health Specialist II	26925	MS-11
Mental Health Specialist III	26926	MS-14
Mental Health Specialist Trainee	26928	MS-08
Mental Health Technician I	27011	MS-04
Mental Health Technician II	27012	MS-05
Mental Health Technician III	27013	MS-06
Mental Health Technician IV	27014	MS-07
Mental Health Technician V	27015	MS-08
Mental Health Technician VI	27016	MS-09
Mental Health Technician Trainee I	27020 27021	MS-03
Meteorologist	27120	MS-19
Methods and Procedures Advisor I	27131	MS-11
Methods and Procedures Advisor II	27132	MS-14
Methods and Procedures Advisor III	27133	MS-23
Methods and Procedures Career Associate I	27135	MS-08
Methods and Procedures Career Associate II	27136	MS-09
Methods and Procedures Career Associate Trainee	27137	MS-06
Metrologist Associate	27146	MS-12
Microbiologist I	27151	MS-14
Microbiologist II	27152	MS-21
Microfilm Laboratory Technician I	27175	MS-04
Microfilm Laboratory Technician II	27176	MS-06
Microfilm Operator I	27181	MS-03
Microfilm Operator II	27182	MS-04
Microfilm Operator III	27183	MS-05
Mine Rescue Station Assistant	28150	MS-07
Motorist Assistance Specialist	28490	MS-05
Musician	28805	MS-05
Natural Resource Technician I	28851	MS-07
Natural Resource Technician II	28852	MS-10
Natural Resources Advanced Specialist	28833	MS-23
Natural Resources Coordinator	28831	MS-12
Natural Resources Education Program Coordinator	28834	MS-23
Natural Resources Grant Coordinator	28835	MS-20

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Natural Resources Manager I	28836	MS-23
Natural Resources Manager II	28837	MS-26
Natural Resources Manager III	28838	MS-30
Natural Resources Site Manager I	28841	MS-23
Natural Resources Site Manager II	28842	MS-26
Natural Resources Specialist	28832	MS-19
Nursing Act Assistant Coordinator	29731	MS-25
Nutritionist	29820	MS-19
Occupational Therapist	29900	MS-16
Occupational Therapist Program Coordinator	29908	MS-21
Occupational Therapist Supervisor	29910	MS-25
Office Administrative Specialist	29990	MS-09
Office Administrator I	29991	MS-04
Office Administrator II	29992	MS-06
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-11
Office Administrator V	29995	MS-12
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Optometrist	30300	MS-11
Oral Health Consultant	30317	MS-19
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-09
Pension and Death Benefits Technician II	30962	MS-21
Pest Control Operator	31810	MS-07
Pharmacist Lead Technician	32007	MS-06
Pharmacist Technician	32008	MS-04
Pharmacy Services Coordinator	32010	MS-32
Photographer I	32085	MS-08
Photographer II	32086	MS-11
Photographer III	32087	MS-12
Photographic Technician I	32091	MS-08

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Photographic Technician II	32092	MS-11
Photographic Technician III	32093	MS-12
Physical Therapist	32145	MS-16
Physical Therapist Program Coordinator	32153	MS-21
Physical Therapy Aide I	32191	MS-03
Physical Therapy Aide II	32192	MS-05
Physical Therapy Aide III	32193	MS-08
Physician	32200	MS-36
Physician Assistant	32210	MS-27
Physician Specialist – Option A	32221	MS-37
Physician Specialist – Option B	32222	MS-38
Physician Specialist – Option C	32223	MS-61
Physician Specialist – Option D	32224	MS-63
Physician Specialist – Option E	32225	MS-64
Plant and Pesticide Specialist I	32501	MS-15
Plant and Pesticide Specialist II	32502	MS-20
Plant and Pesticide Specialist Supervisor	32506 32505	MS-20
Plumbing Consultant	32910	MS-27
Plumbing Inspector	32915	MS-22
Podiatrist	32960	MS-11
Police Lieutenant	32977	MS-31
Police Officer I	32981	MS-18
Police Officer II	32982	MS-22
Police Officer III	32983	MS-26
Police Officer Trainee	32985	MS-06
Police Training Specialist	32990	MS-16
Polygraph Examiner I	33001	MS-20
Polygraph Examiner II	33002	MS-24
Polygraph Examiner III	33003	MS-28
Polygraph Examiner Trainee	33005	MS-12
Power Shovel Operator	33360	MS-16
Private Secretary I	34201	MS-13
Private Secretary II	34202	MS-18
Procurement Representative	34540	MS-06
Products and Standards Inspector	34603	MS-11
Products and Standards Inspector Trainee	34605	MS-09
Program Integrity Auditor I	34631	MS-14

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Program Integrity Auditor II	34632	MS-21
Program Integrity Auditor Trainee	34635	MS-09
Project Designer	34725	MS-21
Property and Supply Clerk I	34791	MS-03
Property and Supply Clerk II	34792	MS-04
Property and Supply Clerk III	34793	MS-05
Property Consultant	34900	MS-12
Psychologist Associate	35626	MS-12
Psychologist I	35611	MS-16
Psychologist II	35612	MS-23
Psychologist III	35613	MS-27
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16
Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16
Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-21
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09
Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Safety Inspector	37007	MS-14
Public Safety Inspector Trainee	37010	MS-07
Public Service Trainee	37025	MS-01

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Race Track Maintainer I	37551	MS-10
Race Track Maintainer II	37552	MS-12
Radiologic Technologist	37500	MS-08
Radiologic Technologist Chief	37505	MS-17
Radiologic Technologist Program Coordinator	37507	MS-09
Railroad Safety Specialist I	37601	MS-21
Railroad Safety Specialist II	37602	MS-25
Railroad Safety Specialist III	37603	MS-29
Railroad Safety Specialist IV	37604	MS-32
Ranger	37725	MS-10
Real Estate Investigator	37730	MS-21
Real Estate Professions Examiner	37760	MS-27
Recreation Worker I	38001	MS-09
Recreation Worker II	38002	MS-11
Refrigeration and Air Conditioning Repairer	38119	MS-12
Registered Nurse – Advanced Practice	38135	MS-27
Registered Nurse I	38131	MS-18
Registered Nurse II	38132	MS-22
Rehabilitation Case Coordinator I	38141	MS-05
Rehabilitation Case Coordinator II	38142	MS-07
Rehabilitation Counselor	38145	MS-16
Rehabilitation Counselor Aide I	38155	MS-06
Rehabilitation Counselor Aide II	38156	MS-08
Rehabilitation Counselor Senior	38158	MS-21
Rehabilitation Counselor Trainee	38159	MS-12
Rehabilitation Services Advisor I	38176	MS-23
Rehabilitation Workshop Instructor I	38192	MS-05
Rehabilitation Workshop Instructor II	38193	MS-09
Rehabilitation Workshop Supervisor I	38194	MS-09
Rehabilitation Workshop Supervisor II	38195	MS-11
Rehabilitation Workshop Supervisor III	38196	MS-20
Rehabilitation/Mobility Instructor	38163	MS-21
Rehabilitation/Mobility Instructor Trainee	38167	MS-12
Reimbursement Officer I	38199	MS-11
Reimbursement Officer II	38200	MS-14
Reproduction Service Supervisor I	38201	MS-10
Reproduction Service Supervisor II	38202	MS-18

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Reproduction Service Technician I	38203	MS-03
Reproduction Service Technician II	38204	MS-06
Reproduction Service Technician III	38205	MS-08
Research Economist I	38207	MS-19
Research Fellow, Option B	38211	MS-19
Research Scientist I	38231	MS-10
Research Scientist II	38232	MS-14
Research Scientist III	38233	MS-23
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Residential Care Worker	38277	MS-09
Residential Care Worker Trainee	38279	MS-05
Resource Planner I	38281	MS-16
Resource Planner II	38282	MS-21
Resource Planner III	38283	MS-27
Retirement System Disability Specialist	38310	MS-21
Revenue Audit Supervisor	38369	MS-32
Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-27
Revenue Auditor Trainee	38375	MS-09
Revenue Collection Officer I	38401	MS-12
Revenue Collection Officer II	38402	MS-16
Revenue Collection Officer III	38403	MS-21
Revenue Collection Officer Trainee	38405	MS-09
Revenue Computer Audit Specialist	38425	MS-29
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Special Agent Trainee	38565	MS-11
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-11
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Safety Responsibility Analyst	38910	MS-09
Safety Responsibility Analyst Supervisor	38915	MS-11
School Psychologist	39200	MS-21
Security Guard I	39851	MS-13

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Security Guard II	39852	MS-14
Security Officer	39870	MS-10
<u>Security Officer Chief</u>	<u>39875</u>	<u>MS-15</u>
<u>Security Officer Lieutenant</u>	<u>39876</u>	<u>MS-11</u>
Security Officer Sergeant	39877	MS-10 <u>MS-11</u>
Security Therapy Aide I	39901	MS-10
Security Therapy Aide II	39902	MS-11
Security Therapy Aide III	39903	MS-13
Security Therapy Aide IV	39904	MS-18
Security Therapy Aide Trainee	39905	MS-06
Seed Analyst I	39951	MS-09
Seed Analyst II	39952	MS-10
Seed Analyst Trainee	39953	MS-07
Senior Ranger	40090	MS-11
Shift Supervisor	40800	MS-31
Sign Shop Foreman	41000	MS-22
Silk Screen Operator	41020	MS-16
Site Assistant Superintendent I	41071	MS-12
Site Assistant Superintendent II	41072	MS-16
Site Interpreter	41090	MS-07
Site Interpretive Coordinator	41093	MS-10
Site Security Officer	41115	MS-06
Site Services Specialist I	41117	MS-12
Site Services Specialist II	41118	MS-16
Site Superintendent I	41211	MS-20
Site Superintendent II	41212	MS-25
Site Superintendent III	41213	MS-29
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Small Engine Mechanic	41150	MS-10
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-08
Social Service Aide Trainee	41285	MS-03
Social Service Community Planner	41295	MS-08
Social Service Consultant I	41301	MS-19
Social Service Consultant II	41302	MS-21
Social Service Program Planner I	41311	MS-12

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Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-27
Social Services Career Trainee	41320	MS-09
Social Worker I	41411	MS-14
Social Worker II	41412	MS-19
Social Worker III	41413	MS-21
Social Worker IV	41414	MS-25
Social Worker Intern	41430	MS-15
Staff Development Specialist I	41771	MS-19
Staff Development Technician I	41781	MS-09
Staff Development Technician II	41782	MS-12
Staff Pharmacist	41787	MS-31
State Mine Inspector	42230	MS-21
State Mine Inspector-At-Large	42240	MS-31
State Police Crime Information Evaluator	41801	MS-08
State Police Evidence Technician I	41901	MS-09
State Police Evidence Technician II	41902	MS-10
State Police Field Specialist I	42001	MS-19
State Police Field Specialist II	42002	MS-23
Statistical Research Specialist I	42741	MS-09
Statistical Research Specialist II	42742	MS-11
Statistical Research Specialist III	42743	MS-16
Statistical Research Supervisor	42745	MS-23
Statistical Research Technician	42748	MS-08
Storage Tank Safety Specialist	43005	MS-19
Storekeeper I	43051	MS-11
Storekeeper II	43052	MS-12
Storekeeper III	43053	MS-13
Stores Clerk	43060	MS-03
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Coordinator I	44221	MS-07
Support Service Coordinator II	44222	MS-09
Support Service Lead	44225	MS-04
Support Service Worker	44238	MS-03

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Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Switchboard Operator II	44412	MS-04
Switchboard Operator III	44413	MS-06
Technical Advisor Advanced Program Specialist	45256	MS-31
Technical Advisor I	45251	MS-19
Technical Advisor II	45252	MS-23
Technical Advisor III	45253	MS-29
Technical Manager I	45261	MS-18
Telecommunications Specialist	45295	MS-12
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Analyst	45308	MS-16
Telecommunications Systems Technician I	45312	MS-07
Telecommunications Systems Technician II	45313	MS-10
Telecommunications Systems Technician Trainee	45314	MS-05
Telecommunicator	45321	MS-09
Telecommunicator – Command Center	45316	MS-10
Telecommunicator Call Taker	45322	MS-11
Telecommunicator Lead Call Taker	45323	MS-14
Telecommunicator Lead Specialist	45327	MS-16
Telecommunicator Lead Worker	45324	MS-11
Telecommunicator Lead Worker – Command Center	45318	MS-12
Telecommunicator Specialist	45326	MS-12
Telecommunicator Trainee	45325	MS-07
Terrorism Research Specialist I	45371	MS-19
Terrorism Research Specialist II	45372	MS-23
Terrorism Research Specialist III	45373	MS-27
Terrorism Research Specialist Trainee	45375	MS-11
Transportation Officer	45830	MS-11
Truck Weighing Inspector	46100	MS-10
Unemployment Insurance Adjudicator I	47001	MS-08
Unemployment Insurance Adjudicator II	47002	MS-10
Unemployment Insurance Adjudicator III	47003	MS-12
Unemployment Insurance Revenue Analyst I	47081	MS-12
Unemployment Insurance Revenue Analyst II	47082	MS-16
Unemployment Insurance Revenue Specialist	47087	MS-10
Unemployment Insurance Special Agent	47096	MS-19

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Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Compliance Inspector	47570	MS-15
Vehicle Emission Compliance Inspector	47580	MS-10
Vehicle Emission Compliance Supervisor	47583	MS-20
Vehicle Emission Quality Assurance Auditor	47584	MS-10
Vehicle Permit Evaluator	47585	MS-08
Veterans Educational Specialist I	47681	MS-12
Veterans Educational Specialist II	47682	MS-16
Veterans Educational Specialist III	47683	MS-25
Veterans Employment Representative I	47701	MS-11
Veterans Employment Representative II	47702	MS-14
Veterans Nursing Assistant – Certified	47750	MS-05
Veterans Service Officer	47800	MS-11
Veterans Service Officer Associate	47804	MS-10
Veterinarian I	47901	MS-19
Veterinarian II	47902	MS-23
Veterinarian III	47903	MS-25
Veterinary Consumer Safety Officer	47911	MS-20
Veterinary Pathologist	47916 47915	MS-29
Veterinary Supervisor I	47917	MS-25
Veterinary Supervisor II	47918	MS-26
Vision/Hearing Consultant I	47941	MS-14
Vision/Hearing Consultant II	47942	MS-23
Vision/Hearing Consultant III	47943	MS-25
Vital Records Quality Control Inspector	48000	MS-10
Vocational Instructor	48200	MS-09
Volunteer Services Coordinator I	48481	MS-10
Volunteer Services Coordinator II	48482	MS-14
Volunteer Services Coordinator III	48483	MS-19
Wage Claims Specialist	48770	MS-06
Warehouse Claims Specialist	48780	MS-22
Warehouse Examiner	48881	MS-13
Warehouse Examiner Specialist	48882	MS-18
Warehouse Examiner Supervisor	48786 48785	MS-20
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-24

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Weatherization Specialist I	49101	MS-11
Weatherization Specialist II	49102	MS-16
Weatherization Specialist III	49103	MS-23
Weatherization Specialist Trainee	49105	MS-09
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18
Workers Compensation Insurance Compliance Investigator	49640	MS-23

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 310.500 Definitions

The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" – A change in salary occasioned by previously committed error or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Base Salary" – The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last in-range or promotional salary increase. Reevaluations (Sections 310.460(c) and 310.480(d)), reallocations (Sections 310.460(b) and 310.480(b)), adjustments (Sections 310.470, 310.480(e) and 310.495(c)) and interim assignments (Section

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310.490(p)) shall not change the creditable service date.

"Comparable Classes" – Two or more classes that are in the same salary range.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed during the normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Maximum Rate of Pay" – The highest rate of pay for a given salary range.

"Minimum Rate of Pay" – The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/ Telecommunications
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance

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6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
7	=	Law Enforcement/Correctional
8A	=	Special License – Architect License
8B	=	Special License – Boiler Inspector License
8C	=	Special License – Certified Public Accountant/Certified Internal Auditor
8D	=	Special License – Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License – Engineer (Professional)
8F	=	Special License – Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License – Clinical Professional Counselor
8H	=	Special License – Environmental Health Practitioner
8I	=	Special License – Professional Land Surveyor License
8J	=	Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K	=	Special License – Licensed Psychologist
8L	=	Special License – Law License
8N	=	Special License – Registered Nurse License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Religious Ordination by Recognized Commission
8R	=	Special License – Dental Hygienist
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Administrative Certificate issued by the Illinois State Board of Education Type 75 Administrative Certificate—General Administrative Endorsement or Superintendent Endorsement
8U	=	Special License – Physical Therapist License
8V	=	Special License – Audiologist License

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8W	=	Special License – Speech-Language Pathologist License
8X	=	Special License – Blaster Certificate
8Y	=	Special License – Plumbing License
8Z	=	Special License – Special Metrologist Training
9G	=	Special License – Registered Professional Geologist License

The following ~~option isoptions are~~ for the Senior Public Service Administrator classification and ~~hashave~~ a negotiated pay grade assigned:

8E	=	Engineer (Professional)
8P	=	Pharmacist License

"Performance Review" – The required review of an employee's on-the-job performance as measured by a specific set of criteria.

"Performance Review Date" – The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate. Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" – The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

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"Transfer" – The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Agricultural Executive	00800	RC-056	20
Agricultural Land and Water Resources Supervisor	00811	RC-056	21
Natural Resources Education Program Coordinator	28834	RC-056	20
Natural Resources Grant Coordinator	28835	RC-056	19
Natural Resources Manager I	28836	RC-056	20
Natural Resources Manager II	28837	RC-056	22
Natural Resources Manager III	28838	RC-056	24
Natural Resources Site Manager I	28841	RC-056	20
Natural Resources Site Manager II	28842	RC-056	22
Plant and Pesticide Specialist Supervisor	3250632505	RC-056	19
Security Officer Chief	39875	RC-056	16
Security Officer Lieutenant	39876	RC-056	14
Site Superintendent I	41211	RC-056	19
Site Superintendent II	41212	RC-056	21
Site Superintendent III	41213	RC-056	23
Veterinary Consumer Safety Officer	47911	RC-056	19
Veterinary Pathologist	4791647915	RC-056	23
Veterinary Supervisor I	47917	RC-056	21
Veterinary Supervisor II	47918	RC-056	22
Warehouse Examiner Supervisor	4878648785	RC-056	19

Effective July 1, 2008

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
19	B	4273	4475	4683	4880	5083	5392	5497	5717
20	B	4513	4723	4948	5163	5377	5703	5816	6049
21	B	4770	5000	5233	5472	5700	6055	6176	6423
22	B	5046	5292	5542	5799	6040	6416	6544	6806

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23	B	5356	5631	5899	6171	6439	6843	6979	7258
24	B	5529	5816	6094	6375	6658	7057	7217	7505

Effective January 1, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
19	B	4337	4542	4753	4953	5159	5473	5579	5803
20	B	4581	4794	5022	5240	5458	5789	5903	6140
21	B	4842	5075	5311	5554	5786	6146	6269	6519
22	B	5122	5371	5625	5886	6131	6512	6642	6908
23	B	5436	5715	5987	6264	6536	6946	7084	7367
24	B	5612	5903	6185	6471	6758	7163	7325	7618

Effective May 19, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3387	3519	3672	3807	3951	4182	4266	4437
14	Q	3531	3674	3835	3979	4131	4371	4458	4637
16	B	3710	3874	4036	4205	4372	4630	4725	4914
16	Q	3874	4049	4218	4392	4569	4841	5037	5239

Effective July 1, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3472	3607	3764	3902	4050	4287	4373	4548
14	Q	3619	3766	3931	4078	4234	4480	4569	4753
16	B	3803	3971	4137	4310	4481	4746	4843	5037
16	Q	3971	4150	4323	4502	4683	4962	5163	5370
19	B	4445	4656	4872	5077	5288	5610	5718	5948
20	B	4696	4914	5148	5371	5594	5934	6051	6294
21	B	4963	5202	5444	5693	5931	6300	6426	6682

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22	B	5250	5505	5766	6033	6284	6675	6808	7081
23	B	5572	5858	6137	6421	6699	7120	7261	7551
24	B	5752	6051	6340	6633	6927	7342	7508	7808

Effective January 1, 2010

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3541	3679	3839	3980	4131	4373	4460	4639
14	Q	3691	3841	4010	4160	4319	4570	4660	4848
16	B	3879	4050	4220	4396	4571	4841	4940	5138
16	Q	4050	4233	4409	4592	4777	5061	5266	5477
19	B	4534	4749	4969	5179	5394	5722	5832	6067
20	B	4790	5012	5251	5478	5706	6053	6172	6420
21	B	5062	5306	5553	5807	6050	6426	6555	6816
22	B	5355	5615	5881	6154	6410	6809	6944	7223
23	B	5683	5975	6260	6549	6833	7262	7406	7702
24	B	5867	6172	6467	6766	7066	7489	7658	7964

Effective July 1, 2010

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3612	3753	3916	4060	4214	4460	4549	4732
14	Q	3765	3918	4090	4243	4405	4661	4753	4945
16	B	3957	4131	4304	4484	4662	4938	5039	5241
16	Q	4131	4318	4497	4684	4873	5162	5371	5587
19	B	4625	4844	5068	5283	5502	5836	5949	6188
20	B	4886	5112	5356	5588	5820	6174	6295	6548
21	B	5163	5412	5664	5923	6171	6555	6686	6952
22	B	5462	5727	5999	6277	6538	6945	7083	7367
23	B	5797	6095	6385	6680	6970	7407	7554	7856
24	B	5984	6295	6596	6901	7207	7639	7811	8123

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Effective January 1, 2011

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3684	3828	3994	4141	4298	4549	4640	4827
14	Q	3840	3996	4172	4328	4493	4754	4848	5044
16	B	4036	4214	4390	4574	4755	5037	5140	5346
16	Q	4214	4404	4587	4778	4970	5265	5478	5699
19	B	4718	4941	5169	5389	5612	5953	6068	6312
20	B	4984	5214	5463	5700	5936	6297	6421	6679
21	B	5266	5520	5777	6041	6294	6686	6820	7091
22	B	5571	5842	6119	6403	6669	7084	7225	7514
23	B	5913	6217	6513	6814	7109	7555	7705	8013
24	B	6104	6421	6728	7039	7351	7792	7967	8285

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010 Mo.</u>
Highway Maintainer (Snowbirds)	18639	RC-020	Q	3664.00

NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2010</u>		<u>January 1, 2011</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-020	Q	5563	31.97	5674	32.61
Bridge Tender	05320	RC-020	B	5259	30.22	5364	30.83
Heavy Construction Equipment Operator	18465	RC-020	Q	5640	32.41	5753	33.06
Heavy Construction Equipment Operator (Bridge Crew)	18465	RC-020	Q	5722	32.89	5836	33.54
Highway Maintainer	18639	RC-020	Q	5524	31.75	5634	32.38
Highway Maintainer (Bridge Crew)	18639	RC-020	Q	5608	32.23	5720	32.87
Highway Maintainer (Drill Rig)	18639	RC-020	Q	5640	32.41	5753	33.06
Highway Maintenance Lead Worker	18659	RC-020	Q	5676	32.62	5790	33.28
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-020	Q	5757	33.09	5872	33.75
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-020	Q	5734	32.95	5849	33.61
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-020	Q	5815	33.42	5931	34.09
Labor Maintenance Lead Worker	22809	RC-020	B	5412	31.10	5520	31.72
Laborer (Maintenance)	23080	RC-020	B	5347	30.73	5454	31.34

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Maintenance Equipment Operator	25020	RC-020	B	5454	31.34	5563	31.97
Maintenance Equipment Operator	25020	RC-020	Q	5640	32.41	5753	33.06
Maintenance Worker (DHS)	25500	RC-020	B	5460	31.38	5569	32.01
Maintenance Worker (DOT, not Emergency Patrol)	25500	RC-020	B	5390	30.98	5498	31.60
Power Shovel Operator (Maintenance)	33360	RC-020	Q	5640	32.41	5753	33.06
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-020	Q	5722	32.89	5836	33.54
Silk Screen Operator	41020	RC-020	B	5572	32.02	5683	32.66

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-020	Q

Highway Maintainer

<u>New Hire Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5045	28.99	Full Scale					
(1/1/06-6/30/06)	5045	28.99			5145	29.57	Full Scale	
(7/1/06-12/31/06)	4779	27.47	5045	28.99	5145	29.57		
(1/1/07-6/30/07)	4779	27.47			4874	28.01	5145	29.57
(7/1/07-12/31/07)	4514	25.94	4779	27.47	4874	28.01		
(1/1/08-6/30/08)	4514	25.94			4604	26.46	4874	28.01
(7/1/08-12/31/08)	4248	24.41	4514	25.94	4604	26.46		
(1/1/09-6/30/09)	4248	24.41			4333	24.90	4604	26.46
(7/1/09-10/31/09)	4248	24.41			4333	24.90		
(11/1/09-12/31/09)	3983	22.89			4062	23.34		

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(1/1/10-6/30/10) 4062 23.34

Highway Maintainer (Bridge Crew)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5121	29.43	Full Scale					
(1/1/06-6/30/06)	5121	29.43			5223	30.02	Full Scale	
(7/1/06-12/31/06)	4851	27.88	5121	29.43	5223	30.02		
(1/1/07-6/30/07)	4851	27.88			4948	28.44	5223	30.02
(7/1/07-12/31/07)	4582	26.33	4851	27.88	4948	28.44		
(1/1/08-6/30/08)	4582	26.33			4673	26.86	4948	28.44
(7/1/08-12/31/08)	4312	24.78	4582	26.33	4673	26.86		
(1/1/09-6/30/09)	4312	24.78			4398	25.28	4673	26.86
(7/1/09-10/31/09)	4312	24.78			4398	25.28		
(11/1/09-12/31/09)	4043	23.24			4124	23.70		
(1/1/10-6/30/10)					4124	23.70		

Highway Maintainer (Drill Rig)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5150	29.60	Full Scale					
(1/1/06-6/30/06)	5150	29.60			5253	30.19	Full Scale	
(7/1/06-12/31/06)	4879	28.04	5150	29.60	5253	30.19		
(1/1/07-6/30/07)	4879	28.04			4976	28.60	5253	30.19
(7/1/07-12/31/07)	4608	26.48	4879	28.04	4976	28.60		
(1/1/08-6/30/08)	4608	26.48			4700	27.01	4976	28.60
(7/1/08-12/31/08)	4337	24.93	4608	26.48	4700	27.01		

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(1/1/09-6/30/09)	4337	24.93		4423	25.42	4700	27.01
(7/1/09-12/31/09)	4337	24.93		4423	25.42		
(1/1/10-6/30/10)				4423	25.42		
(7/1/09-10/31/09)	4337	24.93		4423	25.42		
(11/1/09-12/31/09)	4066	23.37		4147	23.83		
(1/1/10-6/30/10)				4147	23.83		

Highway Maintainer

<u>New Hire Between the Dates</u>	<u>July 1, 2010</u>		<u>On employee's "new hire" anniversary July-December 2010</u>		<u>January 1, 2011</u>		<u>On employee's "new hire" anniversary January-June 2011</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/06-12/31/06)	5248	30.16	Full Scale					
(1/1/07-6/30/07)	5248	30.16			5352	30.76	Full Scale	
(7/1/07-12/31/07)	4972	28.57	5248	30.16	5352	30.76		
(1/1/08-6/30/08)	4972	28.57			5071	29.14	5352	30.76
(7/1/08-12/31/08)	4695	26.98	4972	28.57	5071	29.14		
(1/1/09-6/30/09)	4695	26.98			4789	27.52	5071	29.14
(7/1/09-10/31/09)	4419	25.40	4695	26.98	4789	27.52		
(11/1/09-12/31/09)	4143	23.81	4419	25.40	4507	25.90		
(1/1/10-6/30/10)	4143	23.81			4226	24.29	4507	25.90
(7/1/10-12/31/10)	4143	23.81			4226	24.29		
(1/1/11-6/30/11)					4226	24.29		

Highway Maintainer (Bridge Crew)

<u>New Hire Between the Dates</u>	<u>July 1, 2010</u>		<u>On employee's "new hire" anniversary July-December 2010</u>		<u>January 1, 2011</u>		<u>On employee's "new hire" anniversary January-June 2011</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/06-12/31/06)	5328	30.62	Full Scale					
(1/1/07-6/30/07)	5328	30.62			5434	31.23	Full Scale	
(7/1/07-12/31/07)	5047	29.01	5328	30.62	5434	31.23		
(1/1/08-6/30/08)	5047	29.01			5148	29.59	5434	31.23

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

(7/1/08-12/31/08)	4767	27.40	5047	29.01	5148	29.59		
(1/1/09-6/30/09)	4767	27.40			4862	27.94	5148	29.59
(7/1/09-10/31/09)	4486	25.78	4767	27.40	4862	27.94		
(11/1/09-12/31/09)	4206	24.17	4486	25.78	4576	26.30		
(1/1/10-6/30/10)	4206	24.17			4290	24.66	4576	26.30
(7/1/10-12/31/10)	4206	24.17			4290	24.66		
(1/1/11-6/30/11)					4290	24.66		

Highway Maintainer (Drill Rig)

<u>New Hire Between the Dates</u>	<u>July 1, 2010</u>		<u>On employee's "new hire" anniversary July-December 2010</u>		<u>January 1, 2011</u>		<u>On employee's "new hire" anniversary January-June 2011</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/06-12/31/06)	5358	30.79	Full Scale					
(1/1/07-6/30/07)	5358	30.79			5465	31.41	Full Scale	
(7/1/07-12/31/07)	5076	29.17	5358	30.79	5465	31.41		
(1/1/08-6/30/08)	5076	29.17			5178	29.76	5465	31.41
(7/1/08-12/31/08)	4794	27.55	5076	29.17	5178	29.76		
(1/1/09-6/30/09)	4794	27.55			4890	28.10	5178	29.76
(7/1/09-10/31/09)	4512	25.93	4794	27.55	4890	28.10		
(11/1/09-12/31/09)	4230	24.31	4512	25.93	4602	26.45		
(1/1/10-6/30/10)	4230	24.31			4315	24.80	4602	26.45
(7/1/10-12/31/10)	4230	24.31			4315	24.80		
(1/1/11-6/30/11)					4315	24.80		

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE I RC-009 (Institutional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Activity Program Aide I	00151	RC-009	03
Activity Program Aide II	00152	RC-009	05
Apparel/Dry Goods Specialist I	01231	RC-009	05
Apparel/Dry Goods Specialist II	01232	RC-009	09
Apparel/Dry Goods Specialist III	01233	RC-009	23
Clinical Laboratory Associate	08200	RC-009	09
Clinical Laboratory Phlebotomist	08213	RC-009	06
Clinical Laboratory Technician I	08215	RC-009	16
Clinical Laboratory Technician II	08216	RC-009	22
Cook I	09601	RC-009	07
Cook II	09602	RC-009	14
Educator Aide	13130	RC-009	19
Facility Assistant Fire Chief	14430	RC-009	21
Facility Fire Safety Coordinator	14435	RC-009	21
Facility Firefighter	14439	RC-009	16
Florist II	15652	RC-009	19
Institutional Maintenance Worker	21465	RC-009	10
Laboratory Assistant	22995	RC-009	02
Laboratory Associate I	22997	RC-009	16
Laboratory Associate II	22998	RC-009	22
Laundry Manager I	23191	RC-009	23
Licensed Practical Nurse I	23551	RC-009	16
Licensed Practical Nurse II	23552	RC-009	21
Locksmith	24300	RC-009	27
Mental Health Technician I	27011	RC-009	05
Mental Health Technician II	27012	RC-009	09
Mental Health Technician III	27013	RC-009	12
Mental Health Technician IV	27014	RC-009	14
Mental Health Technician V	27015	RC-009	17
Mental Health Technician VI	27016	RC-009	18
Mental Health Technician Trainee I	27020 27021	RC-009	01
Musician	28805	RC-009	12
Pest Control Operator	31810	RC-009	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Physical Therapy Aide I	32191	RC-009	04
Physical Therapy Aide II	32192	RC-009	10
Physical Therapy Aide III	32193	RC-009	17
Rehabilitation Workshop Instructor I	38192	RC-009	12
Rehabilitation Workshop Instructor II	38193	RC-009	20
Residential Care Worker	38277	RC-009	20
Residential Care Worker Trainee	38279	RC-009	11
Security Therapy Aide I	39901	RC-009	24
Security Therapy Aide II	39902	RC-009	25
Security Therapy Aide III	39903	RC-009	26
Security Therapy Aide IV	33904	RC-009	27
Security Therapy Aide Trainee	39905	RC-009	13
Social Service Aide I	41281	RC-009	12
Social Service Aide II	41282	RC-009	17
Social Service Aide Trainee	41285	RC-009	02
Support Service Coordinator I	44221	RC-009	15
Support Service Coordinator II	44222	RC-009	22
Support Service Lead	44225	RC-009	07
Support Service Worker	44238	RC-009	04
Transportation Officer	45830	RC-009	25
Veterans Nursing Assistant – Certified	47750	RC-009	12

Effective July 1, 2010
Bargaining Unit: RC-009

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
01	B	2448	2507	2563	2633	2695	2759	2826	2942	3059
01	Q	2543	2606	2663	2735	2802	2868	2936	3059	3183
02	B	2505	2563	2633	2702	2763	2841	2904	3028	3150
02	Q	2604	2663	2735	2806	2872	2952	3019	3148	3274
03	B	2523	2584	2663	2749	2836	2926	3019	3141	3267
03	Q	2620	2684	2768	2857	2947	3044	3138	3266	3397

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04	B	2567	2628	2695	2762	2836	2909	2976	3101	3226
04	Q	2668	2731	2802	2871	2947	3024	3094	3227	3355
05	B	2586	2647	2729	2816	2904	2997	3093	3217	3347
05	Q	2686	2752	2838	2930	3019	3119	3216	3346	3480
06	B	2642	2707	2778	2851	2932	3006	3090	3221	3349
06	Q	2744	2810	2887	2966	3049	3129	3212	3349	3483
07	B	2696	2763	2848	2920	3005	3087	3168	3304	3436
07	Q	2803	2872	2959	3038	3128	3210	3297	3443	3580
08	B	2715	2778	2855	2940	3023	3103	3192	3337	3469
08	Q	2819	2887	2969	3057	3142	3229	3319	3473	3614
09	B	2722	2789	2875	2968	3060	3160	3264	3406	3541
09	Q	2829	2899	2991	3085	3185	3288	3399	3546	3688
10	B	2782	2848	2932	3014	3102	3188	3280	3433	3570
10	Q	2890	2959	3049	3133	3228	3314	3415	3574	3718
11	B	2789	2855	2946	3033	3129	3214	3305	3461	3600
11	Q	2899	2969	3066	3153	3255	3342	3444	3605	3750
12	B	2801	2871	2963	3057	3155	3255	3364	3512	3652
12	Q	2914	2987	3081	3180	3283	3389	3507	3658	3805
13	B	2874	2946	3038	3135	3232	3336	3434	3596	3740
13	Q	2990	3066	3159	3262	3362	3471	3575	3747	3898
14	B	2880	2953	3046	3149	3245	3354	3469	3623	3767
14	Q	2996	3071	3169	3274	3378	3494	3614	3776	3928

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

15	B	2944	3019	3112	3216	3317	3429	3529	3700	3847
15	Q	3063	3138	3236	3345	3454	3572	3674	3857	4012
16	B	2968	3041	3152	3245	3352	3458	3565	3748	3899
16	Q	3085	3163	3278	3378	3493	3602	3715	3913	4069
17	B	2970	3044	3141	3245	3351	3466	3583	3762	3913
17	Q	3087	3166	3266	3378	3492	3612	3736	3928	4084
18	B	2997	3072	3170	3280	3388	3503	3621	3793	3943
18	Q	3119	3197	3300	3415	3529	3650	3774	3958	4116
19	B	3039	3115	3232	3337	3446	3558	3668	3862	4017
19	Q	3161	3239	3362	3473	3590	3707	3825	4031	4193
20	B	3063	3141	3255	3362	3479	3593	3710	3934	4092
20	Q	3188	3266	3389	3504	3623	3745	3869	4110	4273
21	B	3151	3230	3341	3446	3563	3684	3810	4018	4180
21	Q	3277	3360	3479	3590	3712	3841	3978	4195	4363
22	B	3197	3280	3401	3512	3643	3762	3902	4111	4274
22	Q	3327	3415	3541	3658	3799	3928	4070	4293	4464
23	B	3275	3358	3482	3603	3741	3868	3996	4215	4382
23	Q	3408	3498	3628	3757	3902	4040	4170	4405	4579
24	B	3281	3364	3489	3615	3752	3887	4026	4242	4415
24	Q	3416	3507	3635	3768	3916	4057	4209	4439	4617
25	B	3559	3655	3802	3950	4121	4275	4444	4703	4890
25	Q	3708	3811	3970	4126	4305	4470	4645	4916	5113

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

26	B	3702	3803	3972	4137	4312	4484	4653	4926	5121
26	Q	3861	3971	4145	4322	4506	4687	4861	5149	5356
27	B	3878	3987	4158	4339	4519	4697	4872	5151	5358
27	Q	4051	4166	4345	4536	4723	4907	5092	5379	5595

Effective January 1, 2011
Bargaining Unit: RC-009

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
01	B	2472	2532	2589	2659	2722	2787	2854	2971	3090
01	Q	2568	2632	2690	2762	2830	2897	2965	3090	3215
02	B	2530	2589	2659	2729	2791	2869	2933	3058	3182
02	Q	2630	2690	2762	2834	2901	2982	3049	3179	3307
03	B	2548	2610	2690	2776	2864	2955	3049	3172	3300
03	Q	2646	2711	2796	2886	2976	3074	3169	3299	3431
04	B	2593	2654	2722	2790	2864	2938	3006	3132	3258
04	Q	2695	2758	2830	2900	2976	3054	3125	3259	3389
05	B	2612	2673	2756	2844	2933	3027	3124	3249	3380
05	Q	2713	2780	2866	2959	3049	3150	3248	3379	3515
06	B	2668	2734	2806	2880	2961	3036	3121	3253	3382
06	Q	2771	2838	2916	2996	3079	3160	3244	3382	3518
07	B	2723	2791	2876	2949	3035	3118	3200	3337	3470
07	Q	2831	2901	2989	3068	3159	3242	3330	3477	3616

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

08	B	2742	2806	2884	2969	3053	3134	3224	3370	3504
08	Q	2847	2916	2999	3088	3173	3261	3352	3508	3650
09	B	2749	2817	2904	2998	3091	3192	3297	3440	3576
09	Q	2857	2928	3021	3116	3217	3321	3433	3581	3725
10	B	2810	2876	2961	3044	3133	3220	3313	3467	3606
10	Q	2919	2989	3079	3164	3260	3347	3449	3610	3755
11	B	2817	2884	2975	3063	3160	3246	3338	3496	3636
11	Q	2928	2999	3097	3185	3288	3375	3478	3641	3788
12	B	2829	2900	2993	3088	3187	3288	3398	3547	3689
12	Q	2943	3017	3112	3212	3316	3423	3542	3695	3843
13	B	2903	2975	3068	3166	3264	3369	3468	3632	3777
13	Q	3020	3097	3191	3295	3396	3506	3611	3784	3937
14	B	2909	2983	3076	3180	3277	3388	3504	3659	3805
14	Q	3026	3102	3201	3307	3412	3529	3650	3814	3967
15	B	2973	3049	3143	3248	3350	3463	3564	3737	3885
15	Q	3094	3169	3268	3378	3489	3608	3711	3896	4052
16	B	2998	3071	3184	3277	3386	3493	3601	3785	3938
16	Q	3116	3195	3311	3412	3528	3638	3752	3952	4110
17	B	3000	3074	3172	3277	3385	3501	3619	3800	3952
17	Q	3118	3198	3299	3412	3527	3648	3773	3967	4125
18	B	3027	3103	3202	3313	3422	3538	3657	3831	3982
18	Q	3150	3229	3333	3449	3564	3687	3812	3998	4157

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

19	B	3069	3146	3264	3370	3480	3594	3705	3901	4057
19	Q	3193	3271	3396	3508	3626	3744	3863	4071	4235
20	B	3094	3172	3288	3396	3514	3629	3747	3973	4133
20	Q	3220	3299	3423	3539	3659	3782	3908	4151	4316
21	B	3183	3262	3374	3480	3599	3721	3848	4058	4222
21	Q	3310	3394	3514	3626	3749	3879	4018	4237	4407
22	B	3229	3313	3435	3547	3679	3800	3941	4152	4317
22	Q	3360	3449	3576	3695	3837	3967	4111	4336	4509
23	B	3308	3392	3517	3639	3778	3907	4036	4257	4426
23	Q	3442	3533	3664	3795	3941	4080	4212	4449	4625
24	B	3314	3398	3524	3651	3790	3926	4066	4284	4459
24	Q	3450	3542	3671	3806	3955	4098	4251	4483	4663
25	B	3595	3692	3840	3990	4162	4318	4488	4750	4939
25	Q	3745	3849	4010	4167	4348	4515	4691	4965	5164
26	B	3739	3841	4012	4178	4355	4529	4700	4975	5172
26	Q	3900	4011	4186	4365	4551	4734	4910	5200	5410
27	B	3917	4027	4200	4382	4564	4744	4921	5203	5412
27	Q	4092	4208	4388	4581	4770	4956	5143	5433	5651

Effective June 1, 2011
Bargaining Unit: RC-009

Pay Grade Pay Plan Code

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

		1a	1	2	3	4	5	6	7	8
01	B	2521	2583	2641	2712	2776	2843	2911	3030	3152
01	Q	2619	2685	2744	2817	2887	2955	3024	3152	3279
02	B	2581	2641	2712	2784	2847	2926	2992	3119	3246
02	Q	2683	2744	2817	2891	2959	3042	3110	3243	3373
03	B	2599	2662	2744	2832	2921	3014	3110	3235	3366
03	Q	2699	2765	2852	2944	3036	3135	3232	3365	3500
04	B	2645	2707	2776	2846	2921	2997	3066	3195	3323
04	Q	2749	2813	2887	2958	3036	3115	3188	3324	3457
05	B	2664	2726	2811	2901	2992	3088	3186	3314	3448
05	Q	2767	2836	2923	3018	3110	3213	3313	3447	3585
06	B	2721	2789	2862	2938	3020	3097	3183	3318	3450
06	Q	2826	2895	2974	3056	3141	3223	3309	3450	3588
07	B	2777	2847	2934	3008	3096	3180	3264	3404	3539
07	Q	2888	2959	3049	3129	3222	3307	3397	3547	3688
08	B	2797	2862	2942	3028	3114	3197	3288	3437	3574
08	Q	2904	2974	3059	3150	3236	3326	3419	3578	3723
09	B	2804	2873	2962	3058	3153	3256	3363	3509	3648
09	Q	2914	2987	3081	3178	3281	3387	3502	3653	3800
10	B	2866	2934	3020	3105	3196	3284	3379	3536	3678
10	Q	2977	3049	3141	3227	3325	3414	3518	3682	3830
11	B	2873	2942	3035	3124	3223	3311	3405	3566	3709
11	Q	2987	3059	3159	3249	3354	3443	3548	3714	3864

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12	B	2886	2958	3053	3150	3251	3354	3466	3618	3763
12	Q	3002	3077	3174	3276	3382	3491	3613	3769	3920
13	B	2961	3035	3129	3229	3329	3436	3537	3705	3853
13	Q	3080	3159	3255	3361	3464	3576	3683	3860	4016
14	B	2967	3043	3138	3244	3343	3456	3574	3732	3881
14	Q	3087	3164	3265	3373	3480	3600	3723	3890	4046
15	B	3032	3110	3206	3313	3417	3532	3635	3812	3963
15	Q	3156	3232	3333	3446	3559	3680	3785	3974	4133
16	B	3058	3132	3248	3343	3454	3563	3673	3861	4017
16	Q	3178	3259	3377	3480	3599	3711	3827	4031	4192
17	B	3060	3135	3235	3343	3453	3571	3691	3876	4031
17	Q	3180	3262	3365	3480	3598	3721	3848	4046	4208
18	B	3088	3165	3266	3379	3490	3609	3730	3908	4062
18	Q	3213	3294	3400	3518	3635	3761	3888	4078	4240
19	B	3130	3209	3329	3437	3550	3666	3779	3979	4138
19	Q	3257	3336	3464	3578	3699	3819	3940	4152	4320
20	B	3156	3235	3354	3464	3584	3702	3822	4052	4216
20	Q	3284	3365	3491	3610	3732	3858	3986	4234	4402
21	B	3247	3327	3441	3550	3671	3795	3925	4139	4306
21	Q	3376	3462	3584	3699	3824	3957	4098	4322	4495
22	B	3294	3379	3504	3618	3753	3876	4020	4235	4403
22	Q	3427	3518	3648	3769	3914	4046	4193	4423	4599

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

23	B	3374	3460	3587	3712	3854	3985	4117	4342	4515
23	Q	3511	3604	3737	3871	4020	4162	4296	4538	4718
24	B	3380	3466	3594	3724	3866	4005	4147	4370	4548
24	Q	3519	3613	3744	3882	4034	4180	4336	4573	4756
25	B	3667	3766	3917	4070	4245	4404	4578	4845	5038
25	Q	3820	3926	4090	4250	4435	4605	4785	5064	5267
26	B	3814	3918	4092	4262	4442	4620	4794	5075	5275
26	Q	3978	4091	4270	4452	4642	4829	5008	5304	5518
27	B	3995	4108	4284	4470	4655	4839	5019	5307	5520
27	Q	4174	4292	4476	4673	4865	5055	5246	5542	5764

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE S VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Clinical Services Supervisor	08260	VR-704	24
Forensic Science Administrator I	15881 <u>15911</u>	VR-704	24
Forensic Science Administrator II	15882 <u>15912</u>	VR-704	25
Juvenile Justice Chief of Security	21965	VR-704	24
Police Lieutenant	32977	VR-704	24
Public Service Administrator, Option 7 (criminal intelligence analyst supervisor, strategic management policy administrator, firearms specialist, computer evidence recovery specialist, and narcotics and currency unit supervisor non-sworn functions at State Police, statewide enforcement function at Financial and Professional Regulation, and superintendent, operations center supervisor and training academy supervisor functions at Corrections)	37015	VR-704	25
Public Service Administrator, Option 7 (inspector sworn and sex offender registry supervisor non-sworn functions at State Police)	37015	VR-704	26
Public Service Administrator, Options 7 (women and family services coordinator, district supervisor, staff assistant and deputy commander of intelligence functions at Corrections and investigator function at Human Services in the Office of the Inspector General), 8L (at Corrections) and 8J (dietary manager function at Corrections)	37015	VR-704	24
Shift Supervisor	40800	VR-704	24

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NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the following options: 7; 8L; and 8J. See the definition of option in Section 310.50.

Effective July 1, 2010
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
24	B	5860	6036	6357	6691	7010	7335	7665	8147	8472
24	Q	6126	6310	6646	6991	7328	7663	8011	8515	8855
24	S	6202	6388	6721	7068	7404	7743	8091	8590	8934
25	B	6246	6434	6785	7143	7500	7856	8214	8740	9091
25	Q	6525	6722	7091	7462	7840	8213	8584	9135	9501
25	S	6609	6801	7170	7540	7915	8288	8659	9213	9582
26	B	6605	6866	7241	7626	8012	8385	8762	9328	9700
26	Q	6917	7196	7587	7989	8393	8785	9177	9772	10162

Effective January 1, 2011
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
24	B	5977	6157	6484	6825	7150	7482	7818	8310	8641
24	Q	6249	6436	6779	7131	7475	7816	8171	8685	9032
24	S	6326	6516	6855	7209	7552	7898	8253	8762	9113
25	B	6371	6563	6921	7286	7650	8013	8378	8915	9273
25	Q	6656	6856	7233	7611	7997	8377	8756	9318	9691
25	S	6741	6937	7313	7691	8073	8454	8832	9397	9774

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26	B	6737	7003	7386	7779	8172	8553	8937	9515	9894
26	Q	7055	7340	7739	8149	8561	8961	9361	9967	10365

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Activity Therapist Supervisor	00163	RC-062	20
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22

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Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
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

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Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
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

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Educational Diagnostician	12965	RC-062	12
Educator – Provisional	13105	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
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

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Forensic Scientist Trainee	15897	RC-062	15
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights 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

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Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
International Marketing Representative I, Department of Agriculture	21761	RC-062	14
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
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

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Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
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

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Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2 and 7			
Gaming Board and Department of Revenue	37015	RC-062	24
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19

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Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29)	38369	RC-062	27
Revenue Audit Supervisor (See Note)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21)	38371	RC-062	19
Revenue Auditor I (See Note)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24)	38372	RC-062	22
Revenue Auditor II (See Note)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to	38373	RC-062	24

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RC-062-26)			
Revenue Auditor III (See Note)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062	13
Revenue Auditor Trainee (See Note)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
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

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Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-062 pay grade have the following options: 2; 7; 8B; 8Y; and 8Z. See the definition of option in Section 310.50.

For the Revenue Tax Specialist II position classification title only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist position classification titles only – Effective July 1, 2010, State employees appointed to positions allocated to the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist classifications shall be assigned to the pay grades:

Revenue Audit Supervisor, RC-062-29
Revenue Auditor I, RC-062-21
Revenue Auditor II, RC-062-24
Revenue Auditor III, RC-062-26
Revenue Auditor Trainee, RC-062-25
Revenue Computer Audit Specialist, RC-062-27

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia.

Effective January 1, 2010
Bargaining Unit: RC-062

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
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

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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
16H	B	22.27	22.88	23.53	24.58	25.68	26.74	27.86	28.97	30.68	31.91
16H	Q	23.22	23.88	24.56	25.68	26.84	27.96	29.11	30.28	32.08	33.37
16H	S	23.67	24.34	25.03	26.14	27.31	28.44	29.58	30.76	32.52	33.82
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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
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

Effective July 1, 2010
Bargaining Unit: RC-062

Pay Pay
Grade Plan

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
09	B	2874	2946	3038	3135	3232	3336	3434	3596	3740
09	Q	2990	3066	3159	3262	3362	3471	3575	3747	3898
09	S	3055	3130	3226	3329	3432	3542	3645	3818	3971
10	B	2968	3041	3152	3245	3352	3458	3565	3748	3899
10	Q	3085	3163	3278	3378	3493	3602	3715	3913	4069
10	S	3151	3229	3344	3447	3560	3670	3790	3985	4145
11	B	3077	3153	3260	3365	3488	3602	3714	3911	4067
11	Q	3199	3280	3397	3508	3634	3755	3873	4083	4246
11	S	3264	3345	3463	3574	3703	3826	3947	4155	4321
12	B	3197	3280	3401	3512	3643	3762	3902	4111	4274
12	Q	3327	3415	3541	3658	3799	3928	4070	4293	4464
12	S	3395	3481	3609	3727	3871	4003	4147	4369	4544
12H	B	19.67	20.18	20.93	21.61	22.42	23.15	24.01	25.30	26.30
12H	Q	20.47	21.02	21.79	22.51	23.38	24.17	25.05	26.42	27.47
12H	S	20.89	21.42	22.21	22.94	23.82	24.63	25.52	26.89	27.96
13	B	3314	3404	3529	3663	3800	3938	4086	4313	4485
13	Q	3452	3545	3674	3819	3969	4114	4265	4508	4687
13	S	3521	3613	3746	3893	4045	4186	4343	4585	4769
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
14H	B	21.27	21.84	22.67	23.56	24.59	25.48	26.45	27.99	29.11
14H	Q	22.16	22.77	23.64	24.60	25.66	26.63	27.64	29.26	30.42
14H	S	22.58	23.19	24.10	25.04	26.13	27.10	28.12	29.72	30.90
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
16H	B	23.11	23.77	24.83	25.94	27.00	28.14	29.26	30.99	32.23
16H	Q	24.12	24.81	25.94	27.11	28.23	29.40	30.58	32.40	33.70
16H	S	24.58	25.28	26.40	27.58	28.73	29.87	31.06	32.85	34.16
<u>17</u>	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
<u>17</u>	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
<u>17</u>	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
<u>18</u>	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	J	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922
21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	U	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265
21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208

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23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	J	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	J	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	U	6540	6798	7170	7551	7934	8303	8676	9236	9605
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	J	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	U	6910	7257	7652	8056	8464	8861	9259	9857	10252
28	B	7251	7615	8028	8453	8882	9298	9715	10344	10759
29	U	7610	7991	8425	8870	9322	9757	10195	10854	11288

**Effective January 1, 2011
Bargaining Unit: RC-062**

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
09	B	2903	2975	3068	3166	3264	3369	3468	3632	3777
09	Q	3020	3097	3191	3295	3396	3506	3611	3784	3937
09	S	3086	3161	3258	3362	3466	3577	3681	3856	4011
10	B	2998	3071	3184	3277	3386	3493	3601	3785	3938
10	Q	3116	3195	3311	3412	3528	3638	3752	3952	4110
10	S	3183	3261	3377	3481	3596	3707	3828	4025	4186

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11	B	3108	3185	3293	3399	3523	3638	3751	3950	4108
11	Q	3231	3313	3431	3543	3670	3793	3912	4124	4288
11	S	3297	3378	3498	3610	3740	3864	3986	4197	4364
12	B	3229	3313	3435	3547	3679	3800	3941	4152	4317
12	Q	3360	3449	3576	3695	3837	3967	4111	4336	4509
12	S	3429	3516	3645	3764	3910	4043	4188	4413	4589
12H	B	19.87	20.39	21.14	21.83	22.64	23.38	24.25	25.55	26.57
12H	Q	20.68	21.22	22.01	22.74	23.61	24.41	25.30	26.68	27.75
12H	S	21.10	21.64	22.43	23.16	24.06	24.88	25.77	27.16	28.24
13	B	3347	3438	3564	3700	3838	3977	4127	4356	4530
13	Q	3487	3580	3711	3857	4009	4155	4308	4553	4734
13	S	3556	3649	3783	3932	4085	4228	4386	4631	4817
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992
14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071
14H	B	21.49	22.06	22.90	23.79	24.84	25.74	26.71	28.27	29.40
14H	Q	22.38	23.00	23.87	24.85	25.92	26.90	27.92	29.55	30.72
14H	S	22.81	23.42	24.34	25.29	26.39	27.37	28.41	30.01	31.21
15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
16H	B	23.34	24.01	25.08	26.20	27.27	28.42	29.56	31.30	32.55
16H	Q	24.36	25.05	26.20	27.38	28.52	29.69	30.89	32.73	34.04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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16H	S	24.83	25.53	26.66	27.86	29.02	30.17	31.37	33.18	34.50
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	J	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	U	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	J	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856

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24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	J	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	U	6605	6866	7242	7627	8013	8386	8763	9328	9701
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	J	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	U	6979	7330	7729	8137	8549	8950	9352	9956	10355
28	B	7324	7691	8108	8538	8971	9391	9812	10447	10867
29	U	7686	8071	8509	8959	9415	9855	10297	10963	11401

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Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
09	B	2961	3035	3129	3229	3329	3436	3537	3705	3853
09	Q	3080	3159	3255	3361	3464	3576	3683	3860	4016
09	S	3148	3224	3323	3429	3535	3649	3755	3933	4091
10	B	3058	3132	3248	3343	3454	3563	3673	3861	4017
10	Q	3178	3259	3377	3480	3599	3711	3827	4031	4192
10	S	3247	3326	3445	3551	3668	3781	3905	4106	4270
11	B	3170	3249	3359	3467	3593	3711	3826	4029	4190
11	Q	3296	3379	3500	3614	3743	3869	3990	4206	4374
11	S	3363	3446	3568	3682	3815	3941	4066	4281	4451

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12	B	3294	3379	3504	3618	3753	3876	4020	4235	4403
12	Q	3427	3518	3648	3769	3914	4046	4193	4423	4599
12	S	3498	3586	3718	3839	3988	4124	4272	4501	4681
12H	B	20.27	20.79	21.56	22.26	23.10	23.85	24.74	26.06	27.10
12H	Q	21.09	21.65	22.45	23.19	24.09	24.90	25.80	27.22	28.30
12H	S	21.53	22.07	22.88	23.62	24.54	25.38	26.29	27.70	28.81
13	B	3414	3507	3635	3774	3915	4057	4210	4443	4621
13	Q	3557	3652	3785	3934	4089	4238	4394	4644	4829
13	S	3627	3722	3859	4011	4167	4313	4474	4724	4913
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
14H	B	21.92	22.50	23.35	24.26	25.34	26.25	27.25	28.84	29.99
14H	Q	22.83	23.46	24.35	25.35	26.44	27.43	28.48	30.14	31.34
14H	S	23.26	23.89	24.83	25.80	26.92	27.91	28.97	30.62	31.83
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719
16H	B	23.81	24.49	25.58	26.72	27.82	28.99	30.15	31.93	33.20
16H	Q	24.85	25.55	26.72	27.93	29.09	30.29	31.50	33.38	34.72
16H	S	25.33	26.04	27.20	28.42	29.59	30.78	32.00	33.84	35.19
17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674
17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930

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17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	J	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	U	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	J	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	J	6372	6564	6922	7287	7651	8014	8379	8917	9274

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25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775
26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	U	6737	7003	7387	7780	8173	8554	8938	9515	9895
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	J	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	U	7119	7477	7884	8300	8720	9129	9539	10155	10562
28	B	7470	7845	8270	8709	9150	9579	10008	10656	11084
29	U	7840	8232	8679	9138	9603	10052	10503	11182	11629

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED 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
Electrical Engineer, Department of Public Health	13180	RC-063	22
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	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23

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Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
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
Historical Library Chief of Acquisitions	16987	RC-063	19
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
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
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, Option 8D	37015	RC-063	23

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Public Service Administrator, Option 8I Department of Natural Resources	37015	RC-063	22
Public Service Administrator, Option 8P Department of Human Services	37015	RC-063	26
Public Service Administrator, Option 8U Department of Human Services	37015	RC-063	21
Public Service Administrator, Options 1, 3, 4, 6E, 8A (Department of Public Health), 8E, 8N, and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
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 RC-063 pay grade have the following options: 1; 3; 4; 6E; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated pay grade have the ~~option following options: 8E and~~ 8P. See the definition of option in Section 310.50.

Effective July 1, 2010

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264
16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
17	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
17	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
17	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922
21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265

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21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	Q	6849	7126	7512	7910	8310	8699	9087	9676	10063
26	S	6913	7193	7584	7987	8390	8781	9175	9772	10162
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	Q	7224	7586	7998	8420	8850	9263	9679	10305	10717

Effective January 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992
14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071

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15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856
24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	Q	6917	7197	7587	7989	8393	8786	9178	9773	10164
26	S	6982	7265	7660	8067	8474	8869	9267	9870	10264
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	Q	7296	7662	8078	8504	8939	9356	9776	10408	10824

Effective June 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719
17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674

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17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930
17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775

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26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	Q	7055	7341	7739	8149	8561	8962	9362	9968	10367
26	S	7122	7410	7813	8228	8643	9046	9452	10067	10469
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	Q	7442	7815	8240	8674	9118	9543	9972	10616	11040

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX D Merit Compensation System Salary Schedule

The titles or positions within a title assigned to the Merit Compensation System (Subpart C) and to rates within MC salary ranges are the Security Officer Lieutenant title that remains assigned to MC-02 and the Security Officer Chief title that remains assigned to MC-04. The only MC ranges that remain effective are MC-02 and MC-04.

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
MC-02	2324	3517	4901
MC-04	2547	3898	5461

Effective July 1, 2010

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
MS-01	1346	2572
MS-02	1826	2969
MS-03	1911	3258
MS-04	2020	3469
MS-05	2138	3652
MS-06	2207	3740
MS-07	2280	3899
MS-08	2367	4067
MS-09	2464	4274
MS-10	2556	4621
MS-11	2611	4926
MS-12	2666	4971
MS-13	2779	5199
MS-14	2892	5237
MS-15	2900	5355
MS-16	3020	5508
MS-17	3059	5530
MS-18	3136	5793
MS-19	3174	5828
MS-20	3258	6168

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MS-21	3341	6191
MS-22	3435	6471
MS-23	3528	6548
MS-24	3626	6691
MS-25	3724	6952
MS-26	3831	7332
MS-27	3937	7366
MS-28	4058	7735
MS-29	4178	7858
MS-30	4303	8273
MS-31	4432	8808
MS-32	4565	9423
MS-33	4702	10078
MS-34	4843	10844
MS-35	4988	11618
MS-36	5138	12502
MS-37	5292	13499
MS-38	5451	13839
MS-39	5615	14160
MS-60	8414	15124
MS-61	9093	16059
MS-62	9396	16484
MS-63	5783	17795
MS-64	10441	17955
MS-65	10812	18884
MS-66	10987	19103
MS-67	11163	19331

Effective January 1, 2011

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
MS-01	1346	2598

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MS-02	1826	2999
MS-03	1911	3291
MS-04	2020	3504
MS-05	2138	3689
MS-06	2207	3777
MS-07	2280	3938
MS-08	2367	4108
MS-09	2464	4317
MS-10	2556	4667
MS-11	2611	4975
MS-12	2666	5021
MS-13	2779	5251
MS-14	2892	5289
MS-15	2900	5409
MS-16	3020	5563
MS-17	3059	5585
MS-18	3136	5851
MS-19	3174	5886
MS-20	3258	6230
MS-21	3341	6253
MS-22	3435	6536
MS-23	3528	6613
MS-24	3626	6758
MS-25	3724	7022
MS-26	3831	7405
MS-27	3937	7440
MS-28	4058	7812
MS-29	4178	7937
MS-30	4303	8356
MS-31	4432	8896
MS-32	4565	9517
MS-33	4702	10179
MS-34	4843	10952

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MS-35	4988	11734
MS-36	5138	12627
MS-37	5292	13634
MS-38	5451	13977
MS-39	5615	14302
MS-60	8414	15275
MS-61	9093	16220
MS-62	9396	16649
MS-63	5783	17973
MS-64	10441	18135
MS-65	10812	19073
MS-66	10987	19294
MS-67	11163	19524

Effective June 1, 2011

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
MS-01	1346	2650
MS-02	1826	3059
MS-03	1911	3357
MS-04	2020	3574
MS-05	2138	3763
MS-06	2207	3853
MS-07	2280	4017
MS-08	2367	4190
MS-09	2464	4403
MS-10	2556	4760
MS-11	2611	5075
MS-12	2666	5121
MS-13	2779	5356
MS-14	2892	5395
MS-15	2900	5517

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MS-16	3020	5674
MS-17	3059	5697
MS-18	3136	5968
MS-19	3174	6004
MS-20	3258	6355
MS-21	3341	6378
MS-22	3435	6667
MS-23	3528	6745
MS-24	3626	6893
MS-25	3724	7162
MS-26	3831	7553
MS-27	3937	7589
MS-28	4058	7968
MS-29	4178	8096
MS-30	4303	8523
MS-31	4432	9074
MS-32	4565	9707
MS-33	4702	10383
MS-34	4843	11171
MS-35	4988	11969
MS-36	5138	12880
MS-37	5292	13907
MS-38	5451	14257
MS-39	5615	14588
MS-60	8414	15581
MS-61	9093	16544
MS-62	9396	16982
MS-63	5783	18332
MS-64	10441	18498
MS-65	10812	19454
MS-66	10987	19680
MS-67	11163	19914

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NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
30.10	New Section
30.20	New Section
30.30	New Section
30.40	New Section
30.45	New Section
30.50	New Section
30.60	New Section
30.70	New Section
30.80	New Section
- 4) Statutory Authority: 105 ILCS 5/21-7.6
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-903, effective June 25, 2010, adds Section 21-7.6 to the School Code [105 ILCS 5/21-7.6], which sets forth broad parameters for programs established by institutions of higher education and not-for-profit entities approved by the State Board of Education to train and prepare principals who have the ability to "improve teaching and learning and increase the academic achievement and development of all students". The new law also made companion changes in Section 21-7.1 of the School Code to establish a "principal endorsement" that will replace the "general administrative endorsement" beginning July 1, 2014. No new candidates may be admitted to programs offering the general administrative endorsement after September 1, 2012.

Under the law, the State Board of Education is required to establish the "standards and requirements" for these new principal preparation programs, and those standards and requirements are being proposed in new Part 30. In particular, the law directs each principal preparation program to determine the criteria it will use to admit candidates; require that candidates complete an internship and training in the evaluation of staff; and establish partnerships with one or more school districts or certain, recognized nonpublic schools.

The groundwork for revising the principal preparation process began to be laid in August of 2005 when the Commission on School Leader Preparation in Illinois Colleges and Universities was formed to address the need to improve higher education programs that

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prepare educational leaders. Three main challenges emerged from the Commission's work:

1. Recruit, as candidates, the best potential leaders;
2. Focus preparation programs on sustained student achievement in preschool through grade 12; and
3. Ensure the development of high-quality school leader preparation programs.

The General Assembly in 2007, through House Joint Resolution 66, directed the Illinois State Board of Education (ISBE), Illinois Board of Higher Education (IBHE) and the Governor's Office to appoint a task force to recommend steps, based on the Commission's report, to improve school leadership preparation in Illinois.

During 2008, ISBE and IBHE convened a wide range of stakeholders in five design teams to develop a new program for the preparation of school leaders. The groups' recommendations were presented at Statewide meetings in 2009 and were refined in response to the feedback received. The proposed rules presented for initial review result from this five-year statewide effort to reform the principal preparation process, and the standards and requirements that are being proposed have been informed by the work of the five design teams and the public response received as a result of ISBE's and IBHE's presentations.

Principal preparation programs may be established by institutions of higher education or approved not-for-profit entities in partnership with one or more school districts or nonpublic schools recognized under Part 425 of agency rules. Both the institution or not-for-profit entity and their participating school district or nonpublic school must be involved in the design, implementation and administration of the program. Programs must meet national standards, as specified in the proposed rules, and have diverse curricula that address instruction of all students, including those with special needs, at all grade levels.

Key to the program will be the candidate's participation in and completion of an internship program. The internship component is an outcomes-based approach that relies heavily on candidates' completion of certain activities and tasks designed to measure whether certain competencies are achieved. This assessment will be two-fold: first, relying on agency-defined tasks around three specific competencies and second, a candidates' mastery of 36 activities set forth in a report produced by the Southern Regional Education Board (SREB). This second assessment will be used to ascertain a

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candidate's understanding of practices that foster student achievement and to assess the candidates' abilities to be effective leaders.

The proposed rules allow a school to serve as an internship site if it employs a principal who is properly certified and can demonstrate four years of successful experience serving as a principal. The principal will be actively involved in the internship by serving as a mentor to the candidate and working in collaboration with faculty supervisors from the program to assess the candidate's performance during the internship. Mentors will be limited to two candidates at a time, although the State Teacher Certification Board may make an exception to allow three candidates. Programs will be required to train principals, as well as faculty supervisors, relative to the 13 "critical success factors" for school leaders identified in the SREB report mentioned above.

Criteria for the selection of candidates is essential to strong principal preparation programs. These criteria will be in addition to the admission requirements of an individual program. Candidates will be required to prepare a portfolio, whose contents will provide evidence of a wide range of leadership skills, as well as respond in writing to a scenario posed by the program's faculty who will be conducting the in-person interview.

Other requirements address coursework, in particular, setting limitations for online providers; staffing qualifications and assignments; and requirements relative to the application process that are in addition to those for institution recognition and program approval already set forth in Subpart C of rules governing Certification (Part 25). Unique to this approval process will be the use of a review panel, to be appointed by the State Superintendent and consisting of Illinois and out-of-state educators and representatives of the business community, to provide an initial review of a program's application and based on that review, make a recommendation for action to the State Teacher Certification Board, a process that the Board has endorsed.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: "The Principal Internship: How Can We Get It Right?" (Southern Regional Education Board, 2005; http://publications.sreb.org/2005/05V02_Principal_Internship.pdf).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes; see Sections 30.30(b)(3) and (c), and 30.45(a)(2).
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Certain not-for-profit entities may apply for approval to offer principal preparation programs (see Section 30.10).
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agendas on which this rulemaking was summarized: July 2010

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 30

PROGRAMS FOR THE PREPARATION OF PRINCIPALS IN ILLINOIS

Section

30.10	Definitions
30.20	Purpose and Applicability
30.30	General Program Requirements
30.40	Internship Requirements
30.45	Assessment of the Internship
30.50	Coursework Requirements
30.60	Staffing Requirements
30.70	Candidate Selection
30.80	Program Approval and Review

AUTHORITY: Implementing and authorized by Section 21-7.6 of the School Code [105 ILCS 5/21-7.6].

SOURCE: Old Part repealed at 29 Ill. Reg. 18439, effective October 31, 2005; new Part adopted at 35 Ill. Reg. _____, effective _____

Section 30.10 Definitions

As used in this Part:

"Adjunct faculty" means part-time faculty who are not full-time employees of the institution.

"Dispositions" means professional attitudes, values and beliefs demonstrated through both verbal and nonverbal behaviors as educators interact with students, families, colleagues and communities.

"Educational unit" means the college, school, department, or division of an institution or not-for-profit entity that is primarily responsible for the initial and continuing preparation of teachers and other education professionals.

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"Faculty" means either professional education staff employed at an institution or staff members employed by not-for-profit entities in principal preparation programs who provide instruction to candidates.

"Faculty Supervisor" means a faculty member employed on a full-time basis in a principal preparation program who supervises candidates during the internship period.

"Internship" means a candidate's placement in public or nonpublic schools for a sustained, continuous, structured and supervised experience lasting no more than 24 months, during which the candidate engages in experiences and leadership opportunities to demonstrate proficiencies in required competencies expected of a principal.

"Institution" means a regionally accredited institution of higher learning as specified in Section 21-21 of the School Code [105 ILCS 5/21-21]. (Also see 23 Ill. Adm. Code 25.10 (Accredited Institution).)

"Mentor" means the principal of the public or nonpublic school in which a candidate is placed who works directly with the candidate on the day-to-day activities associated with the principal's role as the school leader.

"Nonpublic school" means a school recognized in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) and meeting the staffing requirements set forth in 23 Ill. Adm. Code 25.65(b) (Alternative Certification).

"Not-for-profit entity" means an entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5] and that is recognized to provide an educator preparation program in the State of Illinois pursuant to 23 Ill. Adm. Code 25.Subpart C (Approving Programs that Prepare Professional Educators in the State of Illinois).

"Partner" means one or more institutions, not-for-profit entities, school districts or nonpublic schools that jointly design, implement and administer the principal preparation program. For the purposes of this Part, "partners" do not include

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school districts and their schools or nonpublic schools that serve only as sites for candidates to complete internship requirements or field experiences.

"Program completers" means persons who have met all the requirements of a State-approved principal preparation program established pursuant to Section 21-7.6 of the School Code [105 ILCS 5/21-7.6] and this Part and who have fulfilled the requirements for receipt of a principal endorsement set forth in Section 21-7.1 of the School Code [105 ILCS 5/21-7.1] and 23 Ill. Adm. Code 25.337 (Principal Endorsement (2011)).

Section 30.20 Purpose and Applicability

- a) This Part sets forth the requirements for the approval of programs to prepare individuals *to be highly effective in leadership roles to improve teaching and learning and increase academic achievement and the development of all students* [105 ILCS 5/21-7.6].
- b) Requirements of this Part are in addition to the requirements for the approval of new educator preparation programs set forth in 23 Ill. Adm. Code 25.Subpart C. *Any program offered in whole or in part by a not-for-profit entity also must be approved by the Board of Higher Education* [105 ILCS 5/21-7.1].
- c) *Candidates successfully completing a principal preparation program shall obtain a principal endorsement on an administrative certificate and are eligible to work as a principal, assistant principal, assistant or associate superintendent, and junior college dean* (Section 21-7.1 of the School Code; also see 23 Ill. Adm. Code 25.337).
- d) No later than July 1, 2014, all programs for the preparation of principals shall meet the requirements set forth in this Part.
- e) Beginning September 1, 2012, institutions or not-for-profit entities may admit new candidates only to principal preparation programs that have been approved under this Part.

Section 30.30 General Program Requirements

- a) The program shall be jointly established by one or more institutions or not-for-profit entities and one or more public school districts or nonpublic schools.

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- b) The responsibility and roles of each partner in the design, implementation and administration of the program shall be set forth in a written agreement signed by each partner. The written agreement shall address at least the following:
- 1) the process and responsibilities of each partner for the selection and assessment of candidates;
 - 2) the establishment of the internship and any field experiences, and the specific roles of each partner in providing those experiences, as applicable;
 - 3) the development and implementation of a training program for mentors and faculty supervisors that supports candidates' progress during their internships in observing, participating, and demonstrating leadership to meet the 13 critical success factors and 36 associated competencies outlined in "The Principal Internship: How Can We Get It Right?" (Southern Regional Education Board, 2005; http://publications.sreb.org/2005/05V02_Principal_Internship.pdf). No later amendments to or edition of this document are incorporated by this Part;
 - 4) names and locations of non-partnering school districts and nonpublic schools where the internship and any field experiences may occur; and
 - 5) the process to evaluate the program, including the partnership, and the role of each partner in making improvements based on the results of the evaluation.
- c) Each program shall meet the Educational Leadership Policy Standards: ISLLC 2008, adopted by the National Policy Board for Educational Administration and posted at <http://www.npbea.org/projects.php>. No later amendments to or editions of these standards are incorporated by this Part.
- d) Each program shall offer curricula that address student learning and school improvement and focus on:
- 1) all grade levels (i.e., preschool through grade 12);

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- 2) the role of instruction (with an emphasis on literacy and numeracy), curriculum, assessment and needs of the school or district in improving learning;
- 3) the Illinois Professional Teaching Standards (23 Ill. Adm. Code 24 (Standards for All Illinois Teachers));
- 4) all students, with specific attention on students with special needs (e.g., students with disabilities, English language learners, gifted students, students in early childhood programs); and
- 5) collaborative relationships with all members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).

Section 30.40 Internship Requirements

- a) The internship portion of the program shall be conducted at one or more public or nonpublic schools so as to enable the candidate to be exposed to and to participate in a variety of school leadership situations in settings that represent diverse economic and cultural conditions and involve interaction with various members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).
 - 1) The internship shall consist of the following components:
 - A) A minimum of 20 hours of participation in meetings to develop individualized education programs pursuant to 23 Ill. Adm. Code 226.Subpart C (The Individualized Education Program (IEP)) and plans under Section 504 of the Rehabilitation Act of 1973 (29 USC 794);
 - B) A minimum of 40 hours of activities with special education teachers to address curricular needs of students with disabilities, which shall not include any time spent in meetings held to develop or modify IEPs or Section 504 plans;
 - C) A minimum of 40 hours of activities with teachers assigned to programs established under 23 Ill. Adm. Code 228 (Transitional

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Bilingual Education) to address the curricular needs of English language learners;

- D) Engagement in instructional activities that involve teachers at all grade levels (i.e., preschool through grade 12), including teachers in both general education and special education;
 - E) Observation of the hiring, supervision and evaluation of teachers, other certified staff, and noncertified staff, and development of a professional development plan for teachers; and
 - F) Participating in leadership opportunities to demonstrate that the candidate meets the required competencies described in Section 30.45 of this Part.
- 2) The internship shall not include activities that are not directly related to the provision of instruction at the school (e.g., supervision of students during lunch or recess periods, completion of program coursework).
 - 3) The internship shall require the candidate to work directly with the mentor observing, participating in, and taking the lead in specific tasks related to meeting the critical success factors and essential competencies referenced in Section 30.30(b)(3) of this Part.
- b) A public or nonpublic school may serve as an internship site if the principal of the school:
- 1) holds a current and valid administrative certificate endorsed for general administrative or principal pursuant either to 23 Ill. Adm. Code 25.335 or 25.337; and
 - 2) has four years of successful experience as a building principal as evidenced by relevant data, including data supporting student growth in two of the principal's previous five years, and formal evaluations or letters of recommendation from former supervisors.
- c) Each program shall assign a faculty member to serve as faculty supervisor for the internship portion of the program, provided that the individual assigned meets the requirements of subsection (b) of this Section. Faculty supervisors shall:

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- 1) conduct at least four face-to-face meetings with the mentor at the internship site of each candidate;
 - 2) observe, evaluate and provide feedback at least four times a year to each candidate about the candidate's performance;
 - 3) host three seminars each year for candidates to discuss issues related to student learning and school improvement arising from the internship; and
 - 4) work in collaboration with site mentors to complete the assessment of the candidate's performance during the internship as required pursuant to Section 30.45 of this Part.
- d) Programs shall ensure that each candidate:
- 1) successfully completes the training required under Section 24A-3 of the School Code [105 ILCS 5/24A-3] before beginning his or her internship; and
 - 2) passes the applicable content-area test (see 23. Ill. Adm. Code 25.710 (Definitions)) before completion of the internship.
- e) Programs may charge fees of candidates, in addition to tuition, to be used to reimburse schools for the costs of employing substitute teachers for candidates who are full-time teachers and must be absent from their classrooms in order to complete internship activities.
- f) Programs may provide monetary stipends for candidates while they are participating in their internship.

Section 30.45 Assessment of the Internship

- a) The principal preparation program shall rate each candidate's level of knowledge and abilities gained and dispositions demonstrated as a result of the candidate's participation in the internship required under Section 30.40 of this Part. The candidate shall demonstrate competencies listed in subsections (a)(1) through (3) of this Section by the completion during the course of the internship of the tasks specified.

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- 1) The candidate conveys an understanding of how the school's mission and vision affect the work of the staff in enhancing student achievement. He or she understands and is able to perform activities related to data analysis and can use the results of that analysis to formulate a plan for improving teaching and learning. As evidence of meeting this competency, the candidate shall:
 - A) review school-level data, including, but not limited to, State assessment results, use of interventions, and identification of improvement based on those results;
 - B) participate in a school improvement planning (SIP) process, including a presentation to the school community explaining the SIP and its relationship to the school's goals; and
 - C) present a plan for communicating the results of the SIP process and implementing the school improvement plan.

- 2) The candidate demonstrates a comprehensive understanding of the process used for hiring staff who will meet the learning needs of the students. The candidate presents knowledge and skills associated with clinical supervision and teacher evaluation, including strong communication, interpersonal and ethics skills. The candidate can apply the National Staff Development Council's Standards for Staff Development (2001) posted at <http://www.nsdc.org/standards/index.cfm>. No later amendments to or editions of these standards are incorporated by this Section. As evidence of meeting this competency, the candidate shall:
 - A) create a job description, including development of interview questions and an assessment rubric, participate in interviews of candidates, make recommendations for hiring (i.e., rationale for action and supporting data), and prepare letters for candidates not selected;
 - B) participate in a model evaluation of a teacher, to include at least notes, observations, student achievement data, and examples of interventions and support, as applicable, based on the evaluation results; and

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- C) create a professional development plan for the school to include the data used to develop the plan, the rationale for the activities chosen, options for participants, reasons why the plan will lead to higher student achievement, and a method for evaluating the effect of the professional development on staff.
- 3) The candidate demonstrates the ability to understand and manage personnel, resources and systems on a schoolwide basis to ensure adequacy and equity, including contributions of the learning environment to a culture of collaboration, trust, learning and high expectations; the impact of the budget and other resources on special-needs students, as well as the school as a whole; and management of various systems (e.g., curriculum, assessment, technology, discipline, attendance, transportation) in furthering the school's mission. As evidence of meeting this competency, the candidate shall:
- A) investigate two areas of the school's learning environment (i.e., professional learning community, school improvement process, professional development, teacher leadership, school leadership teams, cultural proficiency, curriculum, and school climate), to include showing connections among areas of the learning environment, identification of factors contributing to the environment's strengths and weaknesses, and recommendations for improvement of areas determined to be ineffective;
- B) analyze the school's budget, to include a discussion of how resources are used and evaluated for adequacy and effectiveness; recommendations for improvement; and the impact of budget choices, particularly on low-income students, students with disabilities, and English language learners; and
- C) review the mission statement for the school, to include an analysis of the relationship among systems that fulfill the school's mission, a description of two of these systems (i.e., curriculum, instruction, assessment, discipline, attendance, maintenance, and transportation) and creation of a rating tool for the systems, and recommendations for system improvement to be discussed with the school's principal.

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- 4) A principal preparation program shall rate a candidate's demonstration of having achieved the competencies listed in this subsection (a) as "meets the standards" or "does not meet the standards" in accordance with a rubric that will be posted no later than January 1, 2011 on the State Board of Education's website. Should the rubric be modified, the State Superintendent shall inform the approved programs of the changes no later than January 1 and modify the website accordingly.
 - A) A candidate must achieve a "meets the standards" on each competency in order to successfully complete the internship.
 - B) A candidate who fails to achieve a "meets the standards" on any of the three areas of competency may repeat the tasks associated with the failed competency at the discretion of the principal preparation program.
- b) Each candidate shall participate in, and demonstrate mastery of, the 36 activities listed in Appendix 3 of the document referenced in Section 30.30(b)(3) of this Part. The principal preparation program shall implement a process to assess both the candidate's understanding of school practices that foster student achievement and his or her ability to provide effective leadership. The assessment process and any rubrics to be used shall be submitted as part of the program's application for approval under Section 30.80 of this Part.
 - 1) Programs shall ensure that each candidate demonstrates the participation level in 100 percent of the activities associated with the critical success factors described and defined in Section 30.30(b)(3) of this Part.
 - 2) The assessment shall at least determine at what point a candidate demonstrates leadership in conducting the activities. Each candidate must demonstrate leadership in at least 80 percent of the activities associated with the critical success factors described and defined in Section 30.30(b)(3) of this Part in order to successfully complete the internship.

Section 30.50 Coursework Requirements

- a) The coursework required by the preparation program of its candidates must cover each of the following areas:

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- 1) State and federal laws, regulations and case law affecting Illinois public schools;
 - 2) State and federal laws, regulations and case law regarding programs for students with disabilities and English language learners;
 - 3) use of technology for effective teaching and learning and administrative needs;
 - 4) use of a process that determines how a child responds to scientific, research-based interventions that are designed to screen students who may be at risk of academic failure; monitor the effectiveness of instruction proposed for students identified as at risk; and modify instruction as needed to meet the needs of each student;
 - 5) understanding literacy skills required for student learning that are developmentally appropriate (early literacy through adolescent literacy), including assessment for literacy, developing strategies to address reading problems, understanding reading in the content areas, and scientific literacy;
 - 6) understanding numeracy skills and working collaboratively across content areas to improve problem-solving and number sense at all grade levels;
 - 7) identification of bullying; understanding the different types of bullying behavior and its harm to individual students and the school; and the importance of teaching, promoting and rewarding a peaceful and productive school climate; and
 - 8) the process to be used to evaluate certified staff in accordance with the provisions of Section 24A-3 of the School Code [105 ILCS 5/24A-3].
- b) A portion of the required coursework shall include "field experiences", i.e., multiple experiences that are embedded in a school setting and relate directly to the core subject matter of the course. The principal preparation program shall determine the courses for which completion of field experiences will be required and the time allotted to field experiences across all courses in the curriculum.

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- c) In addition to meeting the requirements in subsections (a) and (b) of this Section, programs providing 50 percent or more of coursework via distance learning or video-conferencing technology shall be approved only if they meet the following conditions.
- 1) Candidates must be observed by a full-time tenure track faculty member who provides instruction in the principal preparation program. The observations, which must take place in person, shall be for a minimum of two full days each semester, and for a minimum of 20 days throughout the length of the program. The observations must include time spent interacting and working with the candidate in a variety of settings (i.e., observing the candidate's teaching, attending meetings with the candidate, observing the candidate during the internship portion of the program).
 - 2) Each candidate shall be required to spend a minimum of one day per semester, exclusive of internship periods, at the program's Illinois facility in order to meet with the program's full-time faculty, to present and reflect on projects and research for coursework recently completed, and to discuss the candidate's progress in the program.
 - 3) Each candidate shall be required to attend in person the meetings outlined in Section 30.40(c) of this Part.

Section 30.60 Staffing Requirements

- a) At a minimum, each program shall allocate two faculty members on a full-time basis to the program if 100 candidates or fewer are enrolled on a part-time or a full-time basis, and one additional faculty member shall be allocated on a full-time basis for each increment of 50 or fewer candidates enrolled on a part-time or a full-time basis.
- 1) For the purposes of this subsection (a), "enrolled" means enrollment in one or more courses required for completion of the program.
 - 2) A faculty member may include time spent teaching in other educational leadership programs (e.g., superintendent, chief school business official) offered by the institution when determining "full-time basis".

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- b) No candidate shall receive more than one-third of his or her coursework from the same instructor.
- c) No more than one-third of the coursework in a program shall be taught by adjunct faculty. For each adjunct faculty member employed, the program shall maintain evidence that the individual has demonstrated expertise in the area of his or her assignment.
- d) A faculty supervisor shall have no more than 36 candidates assigned to him or her during any one 12-month period of an internship. However, when a university requires faculty to supervise at least 48 candidates in order to have a full course load, these faculty shall have no more than 48 candidates assigned to them.
- e) No mentor shall have more than two candidates assigned to him or her at any period during the internship, except that the State Teacher Certification Board (STCB) may make an exception for a third candidate if the STCB finds the explanation and accompanying documentation submitted by the program supports granting of the exception (i.e., there is only one qualified mentor available in sparsely populated areas of the State).
- f) Each full-time faculty member in the program shall participate in the training required for evaluation of certified personnel under Section 24A-3 of the School Code.

Section 30.70 Candidate Selection

Candidates admitted to a program for principal preparation shall be selected through an in-person interview process. Each candidate must meet the following minimum requirements.

- a) A valid and current Illinois teaching certificate (i.e., early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate).
- b) Four years of teaching experience either on a valid and current Illinois teaching certificate or in another state on a valid and current teaching certificate for that state.
- c) Passage of the test of basic skills if the candidate had not been required to take the test for receipt of his or her Illinois teaching certificate (see 23 Ill. Adm. Code 25.720(b)).

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- d) Submission of a portfolio that presents evidence of a candidate's proficiency in each of the following categories:
- 1) Support of all students achieving high standards of learning;
 - 2) Accomplished classroom instruction, which shall include data providing evidence of two years of student growth and learning within the last five years;
 - 3) Significant leadership roles in past positions;
 - 4) Strong oral and written communication skills;
 - 5) Analytic abilities needed to collect and analyze data for student improvement;
 - 6) Demonstrated respect for family and community;
 - 7) Strong interpersonal skills; and
 - 8) Knowledge of curriculum and instructional practices.
- e) For purposes of subsection (b) of this Section, "evidence" includes, but is not limited to:
- 1) Evaluations of the candidate's teaching abilities from supervisors that attest to students' academic growth;
 - 2) Evidence of leadership roles held and descriptions of the impact the candidate has had on the classroom, school or district, or the constituents served;
 - 3) An analysis of classroom data (student scores) that describes how the data were used to inform instructional planning and implementation, including an explanation of what standards were addressed, the instructional outcomes, and steps taken when expected outcomes did not occur;

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- 4) Information on the candidate's work with families and/or community groups and a description of how this work affected instruction or class activities;
 - 5) Examples of the candidate's analytical abilities as evidenced by a description of how he or she used the results from student assessments to improve student learning; and
 - 6) Evidence of curriculum development, student assessments, or other initiatives that resulted from the candidate's involvement on school committees.
- f) Each applicant shall interview with no fewer than two of the program's full-time faculty members and shall, at a minimum, discuss the contents of his or her portfolio and complete on site a written response to a scenario presented by the interviewers.

Section 30.80 Program Approval and Review

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code 25.145 (Approval of New Programs within Recognized Institutions).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code 25.145, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:
 - 1) The guidance to be developed to ensure that faculty supervisors effectively assist candidates to optimize their experiences during the internship;
 - 2) The roles and responsibilities of candidates and faculty supervisors;
 - 3) The process the institution or not-for-profit entity will use to communicate with the faculty supervisor and candidate;
 - 4) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;

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- 5) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 30.70;
- 6) The competencies, to include those specified in Section 30.45(a) of this Part, expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
- 7) The activities to meet the expectations embedded in the critical success factors specified in Section 30.45(b) of this Part that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;
- 8) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information on how the partnership will continue to operate and how it will be evaluated;
- 9) A copy of any agreements with school districts or nonpublic schools (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
- 10) A description of each course proposed and the internship, to include:
 - A) a course syllabus;
 - B) how progress will be measured and successful completion will be determined;
 - C) a data table that demonstrates each course's, and the internship's, alignment to the ISLLC 2008 standards (see Section 30.30(c) of this Part); and
 - D) for individual courses, a detailed description of any field experiences required for course completion;
- 11) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a

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written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 30.45 of this Part;

- 12) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of certified staff under Article 24A of the School Code [105 ILCS 5/Art. 24A];
 - 13) A letter signed by the chief administrator of the institution and/or the not-for-profit entity, stating its commitment to hiring additional full-time faculty if enrollment in the program increases; and
 - 14) A complete description of how data on the program will be collected, analyzed, and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district or nonpublic school.
- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code 25.145(b)). The State Superintendent shall provide a complete request to the Principal Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:
- 1) two individuals holding current and valid Illinois teaching certificates and currently employed in Illinois public schools;
 - 2) two individuals holding current and valid administrative certificates endorsed for "general administrative" pursuant to 23 Ill. Adm. Code 25.335 or "principal" pursuant to 23 Ill. Adm. Code 25.337, and currently employed as principals in Illinois public schools;
 - 3) two individuals holding current and valid administrative certificates endorsed for "superintendent" pursuant to 23 Ill. Code 25.360 and currently employed as superintendents in Illinois public schools;
 - 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C;

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- 5) one certified staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000;
 - 6) two individuals working in the field of education outside of Illinois and living outside of Illinois; and
 - 7) one individual representing the Illinois business community.
- d) The Principal Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the State Teacher Certification Board (STCB) that the principal preparation program be approved; a copy of that recommendation and notification of the STCB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
 - 2) issue a recommendation to the STCB that the principal preparation program be denied, including the reasons for the recommended denial; a copy of that recommendation and notification of the STCB's meeting to consider the Panel's recommendation shall be provided to the applicant.
- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Principal Preparation Review Panel's recommendation.
- f) Actions following upon the recommendation of the STCB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved principal preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.130	Amendment
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) A Complete Description of the Subjects and Issues Involved: Illinois has received approximately \$415 million under the Education Jobs Fund (Ed Jobs) Program. Districts that have submitted an application under the American Recovery and Reinvestment Act (ARRA) will not be required to prepare a new application for Ed Jobs; however, districts will be held to the same transparency and accountability measures required under the provisions of that program. Districts also must track their expenditures very carefully so that the reporting that is eventually required can be accomplished. This includes accounting for these funds separately from funds from other sources.

The range of revenue accounts found in Table C of Part 100 does not currently offer a means of segregating these federal funds from State funds received for the same purposes. As with ARRA, the agency must ensure that districts will use a uniform system of capturing this information. For this reason, a code previously designated for ARRA but not yet used for a particular program will be assigned for use by districts for Ed Jobs funds, ensuring comparability in the eventual reporting and data collection.

In addition, Section 100.130 is being amended to include the Ed Jobs program. Section 100.130 provides districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No

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- 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 create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001
- 217/782-5270
- Comments may also be submitted electronically, addressed to:
- rules@isbe.net
- 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: At the time that the agenda was submitted for publication, the State Board had not yet received funding under the Ed Jobs program.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments, and can be found in this issue of the Illinois Register on page 15489:

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- 1) Heading of the Part: Providers of Supplemental Educational Services
- 2) Code Citation: 23 Ill. Adm. Code 675
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
675.50	Amendment
675.250	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: Under the No Child Left Behind Act of 2001, students from low-income families attending schools that do not make adequate yearly progress (AYP) for three consecutive years are eligible to receive Supplemental Educational Services (SES). These services may include academic assistance such as tutoring, remediation, and other educational interventions. School districts are responsible for funding these services, which must be provided outside the normal school day, through their federal Title I, Part A, funds. The programmatic requirements, approval criteria and reporting procedures for the providers of SES are set forth in Part 675.

Amendments are proposed for two Sections of Part 675. In Section 675.50, a technical change will enable providers of various sizes to submit financial records that have been affirmed as reliable by a knowledgeable person. Currently, the rules provide for either an audit report or audited financial statements. Staff have learned, however, that the term "audit" in Illinois means a process that can only be undertaken by a Licensed Certified Public Account (CPA). While it is preferred that a CPA conducts the audit, requiring CPA audits from all providers seeking approval in Illinois would constitute an insurmountable obstacle for many community-based or faith-based providers due to the cost of such audits. This new language seeks to balance the State Board's need for reliable documentation against the unintended consequence of pricing smaller providers out of the market and thus limiting parental choice.

Section 675.250(a) sets forth the process that entities must use if they want to appeal their removal by the agency from the list of approved SES providers with which school districts may work. In this situation, the provider would be required to go through a lengthy and costly process, including an unnecessary evidentiary hearing to be conducted in accordance with the provisions of Part 475. The evidentiary hearing alone is a multi-step process that requires written motions, written answers, written notices of appearances, prehearing conferences, depositions, discovery, written briefs, and a hearing

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recorded by a certified court reporter, among other things, which increases the costs of the appeal both for the agency and the entity involved.

The remainder of Section 675.250 provides for appeals either by a provider or a school district of other decisions directly related to supplemental educational services programs that are made by the State Board of Education. This process provides specific timelines for action, with a final decision being issued by the State Superintendent of Education. Staff added this second appeal process in 2006 to provide an avenue for providers and school districts to challenge any other decisions of the agency's that affect their programs.

State law does not require that entities be afforded an opportunity for an evidentiary hearing when the agency determines that they are no longer approved providers, nor do federal requirements mandate that a state education agency (SEA) implement any type of hearing for providers, or even school districts, to appeal an SEA decision. For this reason and the costs associated with such hearings, staff believe that maintaining two separate appeal processes is impractical and has the potential to cause confusion. Additionally, conducting hearings under Part 475 may increase associated costs, for both the agency and the provider challenging the decision, related to staff time, reproduction of evidence and hiring of a hearing officer for each hearing held, and the process might take upwards of a year before a final decision is rendered. The more streamlined process specified in Section 675.250 provides an adequate opportunity for an entity to challenge its removal from the list of approved providers and to present sufficient reasons to the State Superintendent as to why that decision should be reversed or modified.

- 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 create or enlarge a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Some SES providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: At the time that the 2 most recent agendas were submitted for publication, State Board staff had not identified a need for the changes proposed.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 675

PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 675.10 Purpose and Scope
- 675.20 Definitions
- 675.30 Code of Ethics
- 675.40 Programmatic Requirements
- 675.50 Application Requirements
- 675.60 Application Process
- 675.65 Mid-Year Changes
- 675.70 Reporting Requirement
- 675.80 Retention of Records; Access to Premises
- 675.90 Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal
- 675.100 Public Information
- 675.110 Removal When No Services Offered
- 675.150 Provider's Relationship with District
- 675.175 Timetable for Implementation of the Program

SUBPART B: FINANCIAL REQUIREMENTS

Section

- 675.200 Financial Framework for SES
- 675.210 District Program Cost
- 675.220 Non-Reimbursable Expenses and Revenue Offsets
- 675.230 Reports of Actual Costs
- 675.240 Establishment of Contract Amount and Payment Provisions
- 675.245 Basis for Invoices and Payments
- 675.250 Appeals

675.APPENDIX A Calculation of Effect Size

675.APPENDIX B Evaluation Rubric

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675.APPENDIX C Decision Matrix

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Emergency rules adopted at 29 Ill. Reg. 9516, effective June 17, 2005, for a maximum of 150 days; emergency expired November 13, 2005; adopted at 29 Ill. Reg. 19942, effective November 23, 2005; amended at 30 Ill. Reg. 14325, effective August 18, 2006; amended at 32 Ill. Reg. 4046, effective February 26, 2008; amended at 33 Ill. Reg. 8497, effective June 1, 2009; amended at 33 Ill. Reg. 15290, effective October 20, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 675.50 Application Requirements

Each application for approval to provide SES in Illinois shall consist of the components described in this Section and shall be submitted as specified by the State Superintendent.

- a) A summary of services that indicates:
 - 1) the subject areas available;
 - 2) the grade levels served;
 - 3) the total program hours per student, provided that, for any program proposing fewer than 30 instructional hours per subject, the applicant must supply specific evidence that the program has resulted in increased student achievement in that subject, including verification from school district administrators in which the program has been previously provided;
 - 4) the proposed locations of service delivery;
 - 5) the minimum number of students required by the eligible applicant in order to offer SES to a district and an indication of any districts in which that minimum will apply to each site served rather than to the district in the aggregate;

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- 6) whether the eligible applicant can provide services to students of limited English proficiency (LEP) and, if so, the languages in which the eligible applicant provides instruction and the maximum number of LEP students the eligible applicant can serve in each district;
 - 7) whether the eligible applicant can provide services to students with disabilities and, if so, the accommodations or modifications the eligible applicant can offer and the maximum number of students with disabilities the eligible applicant can serve in each district;
 - 8) the time of day and months during which SES will be offered;
 - 9) the ratio of instructors to children, as determined by the provider; and
 - 10) the districts the eligible applicant seeks to serve.
- b) A rationale for the eligible applicant's SES program, including:
- 1) Evidence that the program complies with Section 675.40 of this Part; and
 - 2) Evidence of effectiveness that complies with either subsection (b)(2)(A) or subsection (b)(2)(B) of this Section.
 - A) General Method
 - i) Evidence that the curriculum and pedagogy proposed for each subject encompassed in the application have a positive impact on students' achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment; and
 - ii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the program proposed in the application and including contact information, starting and ending dates of service provided, and school and district names for each reference.

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- B) Alternate Method
- i) Evidence that the eligible applicant has a minimum of three years' experience serving youth through activities such as tutoring, mentoring or other extracurricular programs;
 - ii) Evidence that the curriculum and pedagogy to be used by the eligible applicant in a given subject have been demonstrated to have a positive impact on students' achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment;
 - iii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the youth services provided by the eligible applicant and including contact information, starting and ending dates of service provided, and school and district names for each reference; and
 - iv) An agreement to limit services to no more than 200 children during the first two years of SES.
- c) The specific procedures to be used and frequency of reports of student progress to teachers, district staff, and parents/families (including a description of how information will be provided to parents and families in a format and language they can understand).
- d) A description of the qualifications of instructional staff, including such resumes and other information on qualifications as ISBE may require. If the applicant intends to assign tutors who reside outside the United States, the application shall identify their countries of residence and, for each of those countries, the national and either regional or local law enforcement authorities from which fingerprint-based checks of criminal history records will be obtained that will be comparable to those required under Section 10-21.9 of the School Code [105 ILCS 5/10-21.9]. Individuals residing in countries where checks of these types are not available shall not be assigned as tutors.

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- e) Proof of liability insurance in amounts deemed sufficient by ISBE to protect the district and ISBE in light of the number of students to be served by the provider.
- f) Evidence that the eligible applicant possesses a sound management structure.
- g) Evidence that the provider has adequate financial, organizational and technical resources to administer the proposed program. This evidence shall include, but need not be limited to:
 - 1) completed federal tax returns (or the equivalent for non-profit entities) for the two most recent years; ~~and either an audit report or audited financial statements completed within two years prior to submission of the application.~~
 - 2) verified financial documents identified either in subsection (g)(2)(A) or (g)(2)(B) of this Section, as applicable to the provider.
 - A) If the provider has a total gross income or revenue as reported to the Internal Revenue Service on its most recently submitted income tax return (or the equivalent for non-profit entities) in excess of \$500,000, then the provider shall supply an audit of financial statements or an organization-wide A-133 audit completed within the past two years from an independent Licensed Certified Public Accountant (CPA) who is a member of the American Institute of Certified Public Accountants. This must be an audit and not a compilation, review or other type of CPA report.
 - B) If the provider has a total gross income or revenue as reported to the Internal Revenue Service on its most recently submitted income tax return (or the equivalent for non-profit entities) equal to or less than \$500,000, then the provider shall supply verified financial documents covering the two most recently completed fiscal years. This requirement may be satisfied in one of the following three ways:
 - i) Profit and loss statements, cash flow statements, and net assets statements. These statements must be signed and dated by a person attesting to the accuracy of the numbers contained in the statements. The relationship of the

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signatory to the provider must also be stated or described;
or

ii) a compilation report from an independent CPA who is a member of the American Institute of Certified Public Accountants; or

iii) a review report from an independent CPA who is a member of the American Institute of Certified Public Accountants.

- h) Proof of legal authority to conduct business in Illinois.
- i) Information on the eligible applicant's estimated per-pupil program cost, calculated as set forth in Section 675.210 of this Part for a sample or hypothetical district for which the provider assumes cost factors to be representative. If the provider's costs will vary based on the number of students enrolled, costs must be provided for various enrollment ranges. Providers must specify the assumptions upon which occupancy costs are shown for services in district facilities.
- j) Such certifications, assurances, and/or additional information as ISBE may require in order to verify any information reported by the eligible applicant or otherwise to fulfill its duties with respect to the administration of SES.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: FINANCIAL REQUIREMENTS

Section 675.250 Appeals

- a) ~~A provider may appeal its removal from the State-approved list by submitting an appeal to ISBE specifying the basis upon which it believes its removal is not in accordance with this Part or other applicable law. The provider will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.~~b) In addition to the appeal authorized under subsection (a) of this Section, a provider may file a written appeal of any decision of a school district or the State ~~Superintendent~~Board of Education under this Part directly related to the provider's program, including removal from the State-approved list. A school district may file a written appeal of any decision of

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the State ~~Superintendent~~~~Board~~ of Education under this Part directly related to the district's administration of SES. The entity submitting the appeal shall:

- 1) Indicate the specific decision being appealed;
- 2) Indicate why this decision is, in the opinion of the entity, not in accordance with the provisions of this Part or other applicable law;
- 3) Identify the specific provisions of this Part or other applicable law allegedly violated; and
- 4) Specify the facts demonstrating the alleged violations.

~~b)e)~~ Each appeal shall be submitted in writing, within 30 days after the final action being appealed, to the following address:

Illinois State Board of Education
Attn: Office of General Counsel
100 North First Street
Springfield, Illinois 62777-0001

The appeal must be signed by the executive director or chief administrator of the entity filing the appeal. No electronic or facsimile transmissions will be accepted. Within 14 days after receipt of the written appeal, the State Superintendent of Education shall review the submission and determine whether an independent on-site investigation is necessary. Upon request, the entity submitting the appeal shall promptly provide to the State Superintendent such additional information as the Superintendent determines is necessary to resolve the appeal.

~~c)d)~~ Within 60 days after receipt of the appeal, the completion of any on-site investigation, or the receipt of any additional information requested by the State Superintendent of Education, whichever occurs last, the State Superintendent shall make a final written determination and shall send a copy of the determination to the appealing entity and, if applicable, to the district involved in the appeal.

~~d)e)~~ The appeal rights set forth in this Section shall apply solely to approved providers and to school districts and shall not be available to applicants seeking approval from the State ~~Superintendent~~~~Board~~ of Education.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Use of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 335
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
335.30	Amendment
335.2030	Amendment
335.2110	Amendment
335.3010	Amendment
335.4010	Amendment
335.4020	Amendment
335.5010	Amendment
335.5020	Amendment
335.8040	Amendment
335.8160	Amendment
335.9010	Amendment
335.9030	Amendment
335.9040	Amendment
335.9050	Amendment
335.9060	Amendment
335.9070	Amendment
335.9080	Amendment
335.9100	Amendment
335.9120	Amendment
335.9140	Amendment
335.9150	Amendment
335.9160	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments will ensure compatibility with the U.S. Nuclear Regulatory Commission's (NRC) 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations. This rulemaking clarifies physician qualifications for human use of radioactive materials and makes reference to NRC guidance for assessment

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of radiation dose. It also revises certain quality control tests and clarifies requirements for medical use of accelerator-produced radioactive material.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 35. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

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Maureen Cunningham
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/524-0770 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This proposed regulation may affect small businesses. The rulemaking makes technical changes to conform with newer technologies (Section 335.4020), broadens pathways for obtaining approval to use radioactive material for medical purposes (Section 335.9160). The remainder of the rulemaking clarifies established regulatory practice.
 - B) Reporting, bookkeeping or other procedures required for compliance: Medical licensees will now be required to document tests for contaminants in eluant from Rubidium-82 generators (new technology).
 - C) Types of professional skills necessary for compliance: As required for any medical office.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 335

MEDICAL USE OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL INFORMATION

Section

- 335.10 Purpose and Scope
- 335.15 Incorporations by Reference
- 335.20 Definitions
- 335.30 License Required
- 335.40 License Amendments
- 335.50 Written Directives (Repealed)
- 335.60 Provisions for the Protection of Human Research Subjects

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section

- 335.1010 ALARA Program (Repealed)
- 335.1020 Radiation Safety Officer (Repealed)
- 335.1030 Radiation Safety Committee (Repealed)
- 335.1040 Authorities and Responsibilities for the Radiation Protection Program
- 335.1050 Supervision
- 335.1060 Authorized User and Visiting Authorized User
- 335.1070 Mobile Nuclear Medicine Service Administrative Requirements (Repealed)
- 335.1080 Report and Notification of a Medical Event
- 335.1090 Materials Authorized for Medical Use (Repealed)
- 335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child
- 335.1110 Written Directives
- 335.1120 Procedures for Administrations Requiring a Written Directive

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section

- 335.2010 Possession, Use and Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material

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- 335.2020 Possession, Calibration and Check of Survey Instruments (Repealed)
335.2030 Assay of Radiopharmaceutical Dosages
335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources
335.2050 Requirements for Possession of Sealed Sources (Repealed)
335.2060 Labeling and Use of Vials and Syringes
335.2070 Vial Shields and Vial Shield Labels (Repealed)
335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate
335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants (Repealed)
335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants (Repealed)
335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material
335.2120 Mobile Medical Service Requirements
335.2130 Storage of Volatiles and Gases (Repealed)
335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

Section

- 335.3010 Use of Unsealed Radioactive Material for Uptake, Dilution and Excretion Studies for Which a Written Directive is Not Required

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section

- 335.4010 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required
335.4020 Permissible [Concentrations of Molybdenum-99, Strontium-82 and Strontium-85 Concentration](#)
335.4030 Control of Aerosols and Gases (Repealed)

SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED

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Section

- 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required
- 335.5020 Safety Instruction
- 335.5030 Safety Precautions

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

Section

- 335.6010 Use of Sealed Sources for Diagnosis

SUBPART H: MANUAL BRACHYTHERAPY

Section

- 335.7010 Use of Sealed Sources for Manual Brachytherapy
- 335.7020 Safety Instruction
- 335.7030 Safety Precautions
- 335.7040 Accountability and Security of Brachytherapy Sources
- 335.7050 Discharge of Patients Treated With Temporary Implants (Repealed)
- 335.7060 Surveys After Source Implant and Removal
- 335.7070 Calibration Measurements of Brachytherapy Sources
- 335.7080 Decay of Brachytherapy Sources
- 335.7090 Therapy-related Computer Systems for Manual Brachytherapy

SUBPART I: REMOTE AFTERLOADER UNITS, INTRAVASCULAR
BRACHYTHERAPY UNITS, TELETHERAPY UNITS AND
GAMMA STEREOTACTIC RADIOSURGERY UNITS

Section

- 335.8010 Use of a Sealed Source in Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units or Gamma Stereotactic Radiosurgery Units
- 335.8020 Installation, Maintenance, Adjustment and Repair
- 335.8030 Amendments to Teletherapy Licenses (Repealed)
- 335.8040 Safety Procedures and Instructions for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
- 335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
- 335.8060 Radiation Monitoring Device for Teletherapy Units and Gamma Stereotactic Radiosurgery Units

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- 335.8070 Viewing System for Teletherapy (Repealed)
- 335.8080 Dosimetry Equipment
- 335.8090 Full Calibration Measurements for Teletherapy
- 335.8100 Periodic Spot-Checks for Teletherapy
- 335.8110 Radiation Monitoring
- 335.8120 Safety Checks for Teletherapy Facilities (Repealed)
- 335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program (Repealed)
- 335.8140 Reports of Teletherapy Monitoring, Checks, Tests and Measurements (Repealed)
- 335.8150 5-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units
- 335.8160 Full Calibration Measurements on Remote Afterloader Units
- 335.8170 Periodic Spot-Checks for Remote Afterloader Units
- 335.8180 Monitoring of Patients and Human Research Subjects Treated with a Remote Afterloader Unit or Intravascular Brachytherapy Unit
- 335.8190 Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units
- 335.8200 Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units
- 335.8210 Additional Technical Requirements for Mobile Remote Afterloader Units
- 335.8220 Additional Technical Requirements for Intravascular Brachytherapy Units
- 335.8230 Therapy-related Computer Systems for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Units

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section

- 335.9010 Radiation Safety Officer
- 335.9020 Training for Experienced Radiation Safety Officer (Repealed)
- 335.9030 Training for Uptake, Dilution or Excretion Studies
- 335.9040 Training for Imaging and Localization Studies
- 335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required
- 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)
- 335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)
- 335.9080 Training for the Parenteral Administration of Unsealed [Radioactive Byproduct](#) Material Requiring a Written Directive
- 335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled Phosphate Compound or Gold-198 (Repealed)
- 335.9100 Training for Use of Manual Brachytherapy Sources

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- 335.9120 Training for Ophthalmic Use of Strontium-90
 335.9130 Training for Use of Sealed Sources for Diagnosis
 335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
 335.9150 Training for Authorized Medical Physicist
 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User
 335.9170 Physician Training in a 3-Month Program (Repealed)
 335.9180 Recentness of Training
 335.9190 Resolution of Conflicting Requirements During Transition Period

335.APPENDIX A List of Specialty Board Certifications Accepted by the Agency Until October 24, 2007 (Repealed)

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 15 Ill. Reg. 10763, effective July 15, 1991; emergency amendment at 17 Ill. Reg. 9099, effective June 8, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 7308, effective May 2, 1994; emergency amendment at 26 Ill. Reg. 4434, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10517, effective July 1, 2002; amended at 27 Ill. Reg. 10057, effective June 30, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 9029, effective April 28, 2006; amended at 32 Ill. Reg. 9247, effective June 13, 2008; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL INFORMATION

Section 335.30 License Required

- a) A person ~~shall manufacture, produce, acquire, receive, possess, prepare, may only use or transfer~~ radioactive material ~~or a radioactive sealed source~~ for medical use ~~only that is: 1) manufactured, produced, acquired, received, possessed, prepared or transferred~~ in accordance with a specific license issued by ~~the Agency in accordance with 32 Ill. Adm. Code 330.260(e), 330.280(i) (k) or 330.280(n) or the equivalent regulations of~~ the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State ~~or a Licensing State~~, or as allowed ~~by~~ in subsection (b)(1) or ~~(b)(2)~~ of this Section. ~~;~~ ~~or~~

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- 2) ~~noncommercially transferred as sealed sources or devices from a facility licensed in accordance with this Part.~~
- b) A specific license is not needed for an individual who:
- 1) Receives, possesses, uses or transfers radioactive material in accordance with this Part under the supervision of an authorized user as provided in Section 335.1050 ~~of this Part~~, unless prohibited by license condition; or
 - 2) Prepares unsealed radioactive material for medical use in accordance with this Part under the supervision of an authorized nuclear pharmacist or authorized user as provided in Section 335.1050 ~~of this Part~~, unless prohibited by license condition.
- e) ~~Notwithstanding the distribution requirements in this Section, the licensee may receive, possess, and use naturally occurring or accelerator produced radioactive material (NARM) specifically authorized by the license and distributed by a supplier located in a non-Licensing State.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section 335.2030 Assay of Radiopharmaceutical Dosages

- a) A licensee shall determine and record the activity of each dosage before medical use.
- b) For a unit dosage, this determination shall be made by:
- 1) Direct measurement of radioactivity by the licensee; or
 - 2) For radiopharmaceuticals with a photon emitting radionuclide not requiring a written directive, a decay correction, based on the activity or activity concentration determined by:
 - A) A manufacturer or preparer authorized under Section 335.30 ~~of this Part~~ or equivalent U.S. Nuclear Regulatory Commission, or Agreement State ~~or Licensing State~~ requirements; or

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- B) An Agency, U.S. Nuclear Regulatory Commission; or Agreement State ~~or Licensing State~~ licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA; or;
- c) For other than unit dosages, this determination shall be made by:
- 1) Direct measurement of radioactivity by the licensee;
 - 2) A combination~~Combination~~ of measurement of radioactivity and mathematical calculations; or
 - 3) A combination~~Combination~~ of volumetric measurements and mathematical calculations; based on the measurement made by a manufacturer or preparer licensed under Section 335.30 ~~of this Part~~ or equivalent U.S. Nuclear Regulatory Commission or; Agreement State ~~or Licensing State~~ requirements.
- d) Unless otherwise directed by the authorized user, a licensee may not use a dosage if the dosage does not fall within the prescribed dosage range or if the dosage differs from the prescribed dosage by more than 20 percent.
- e) A licensee shall maintain a record of dosage determinations required by subsection (a) of this Section for 5 years.
- f) The record shall contain:
- 1) The radiopharmaceutical;
 - 2) The patient's or human research subject's name, or identification number if one has been assigned;
 - 3) The prescribed dosage, the determined dosage, or a notation that the total activity is less than 1.1 MBq (30 μ Ci);
 - 4) The date and time of the dosage determination;

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- 5) If more than 15 minutes have elapsed between the time of dosage determination and dosage administration, the date and time of dosage administration; and
- 6) The name of the individual who determined the dosage.

AGENCY NOTE: If a unit dose has been manipulated in any way, it is no longer considered a unit dose and shall be measured by the licensee before administration.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material

- a) A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem) following assessment of the patient's medical, living and working conditions.

[AGENCY NOTE: NUREG-1556, Vol. 9, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Licenses," published October 2002, exclusive of subsequent amendments or editions, describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv \(0.5 rem\).](#)

- b) If the total effective dose equivalent to any other individual is likely to exceed 1 mSv (0.1 rem), the licensee shall provide the released individual and, as determined appropriate by the authorized physician user, the individual's spouse, parent, guardian or other primary caregiver, with verbal and written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable. If the total effective dose equivalent to a minor, pregnant individual, or nursing infant or child could exceed 1 mSv (0.1 rem), assuming there were no interruptions of breast-feeding, the instructions shall also include:
 - 1) Guidance on the interruption or discontinuation of breast-feeding;
 - 2) Guidance on minimizing close ~~and~~ or extended contact; and

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- 3) Information on the potential consequences, if any, of failure to follow the guidance.
- c) Release of the patient pursuant to this Section shall be approved by an authorized physician user who is approved for the applicable use of radioactive material (~~i.e., under Subpart F or Subpart H of this Part~~). The authorized user physician shall state in writing that he or she is ~~professionally~~ satisfied that patient compliance with necessary instructions is likely and ~~that~~ the patient is suitable for release.
- d) A licensee shall retain a record for 5 years after the release of the individual for the following:
 - 1) The basis for authorizing the release of an individual in accordance with subsections (a) and (b) of this Section to include the assessment and evaluation criteria for the patient's medical, living and working conditions, activities of radioactive material used (i.e., retained or administered activity), occupancy factors, biological or effective half-life of radioactive material, shielding by tissue, and means of estimating doses to any other individual and the physicians.
 - 2) The instructions for each patient required by subsection (b) of this Section.
 - 3) The physician's certification for patient release required by subsection (c) of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

Section 335.3010 Use of Unsealed Radioactive Material for Uptake, Dilution and Excretion Studies for Which a Written Directive is Not Required

Except for quantities that require a written directive under ~~subsection~~Section 335.1110(a)~~-of this Part~~, a licensee may use any unsealed radioactive material prepared for medical use for uptake, dilution or excretion studies that is:

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- a) Obtained from a person specified in Section 335.30 ~~of this Part~~, or equivalent U.S. Nuclear Regulatory Commission or; Agreement State ~~or Licensing State~~ requirements; or
- b) Excluding production of PET radionuclides, prepared Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements in Section 335.9040, or a combination of Section Sections 335.9050 and subsection 335.9040(c)(1)(B)(vii) ~~of this Part~~, or an individual under the supervision of either ~~;~~ as specified in Section 335.1050 ~~of this Part~~; or
- c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission or; Agreement State ~~or Licensing State~~ licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or
- d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

AGENCY NOTE: Participation in FDA research trials involving human subjects does not relieve the licensee from following all Agency regulations, whether or not they are included in the trial protocols. This includes participation in trials using "blind" research protocols.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section 335.4010 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required

Except for quantities that require a written directive under subsection Section 335.1110(a) ~~of this Part~~, a licensee may use any unsealed radioactive material prepared for medical use for imaging and localization studies that is:

- a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission or; Agreement State ~~or Licensing State~~ requirements; or

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- b) ~~Excluding production of PET radionuclides, prepared~~ Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040; or ~~a combination of Section Sections~~ 335.9050 and ~~subsection~~ 335.9040(c)(1)(B)(vii) ~~of this Part~~; or an individual under the supervision of either; as specified in Section 335.1050 ~~of this Part~~; or
- c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission ~~or~~; Agreement State ~~or Licensing State~~ licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or
- d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.4020 Permissible Concentrations of Molybdenum-99, Strontium-82 and Strontium-85 Concentration

- a) A licensee ~~shall~~ may not administer to humans a radiopharmaceutical that contains more than: ~~0.15 kBq of molybdenum-99 per MBq of technetium-99m (0.15 μCi of molybdenum-99 per mCi of technetium-99m).~~
- 1) 0.15 kBq of molybdenum-99 per MBq of technetium-99m (0.15 μCi of molybdenum-99 per mCi of technetium-99m);
 - 2) 0.02 kBq of strontium-82 per MBq of rubidium-82 chloride injection (0.02 μCi of strontium-82 per mCi of rubidium-82); or
 - 3) 0.2 kBq of strontium-85 per MBq of rubidium-82 chloride injection (0.2 μCi of strontium-85 per mCi of rubidium-82.
- b) ~~A licensee that uses molybdenum-99/technetium-99m generators for preparing technetium-99m radiopharmaceuticals shall measure the molybdenum-99 concentration of the first eluate after receipt of a generator To~~ demonstrate compliance with subsection (a) of this Section, a licensee shall measure:-

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- 1) The concentration of molybdenum-99 in the first eluate after receipt of a molybdenum-99/technetium-99m generator; and
 - 2) The concentration of strontium-82 and strontium-85 for the first patient use of the day on each day that a strontium-82/rubidium-82 generator is used.
- c) A licensee shall maintain a record of the ~~molybdenum-99~~ concentration tests required by subsection (b) of this Section for 5 years. The record ~~shall~~must include for each measurement, for each measured elution of technetium-99m, the ratio of the measures expressed as kBq of molybdenum per MBq of technetium-99m (or μ Ci of molybdenum per mCi of technetium), the time and date of the measurement, ~~and~~ the name of the individual who made the measurement and, for the corresponding measurement in subsection (b) of this Section:-
- 1) The ratio of the measure expressed as kBq of molybdenum per MBq of technetium-99m (or μ Ci of molybdenum per mCi of technetium); or
 - 2) The ratios of the measures expressed as kBq of strontium-82 per MBq of rubidium-82 and kBq of strontium-85 per MBq of rubidium-82 (or μ Ci of strontium per mCi of rubidium).
- d) A licensee shall report immediately to the Agency each occurrence of ~~molybdenum-99-a~~ concentration exceeding the limits specified in subsection (a) of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE
REQUIRED

Section 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required

A licensee may use any unsealed radioactive material prepared for medical use and for which a written directive is required that is:

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- a) Obtained from a person specified in Section 335.30 ~~of this Part~~, or equivalent U.S. Nuclear Regulatory Commission or, Agreement State ~~or Licensing State~~ requirements;
- b) ~~Excluding production of PET radionuclides, prepared~~ Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040 or a combination of Section 335.9050 and subsection 335.9040(c)(1)(B)(vii) of this Part, or an individual under the supervision of either as specified in Section 335.1050 ~~of this Part~~; or
- c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission or, Agreement State ~~or Licensing State~~ licensee for use in research in accordance with a protocol accepted by FDA; or
- d) Prepared by the licensee for use in research in accordance with an application or a protocol accepted by FDA.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.5020 Safety Instruction

In addition to the requirements of 32 Ill. Adm. Code 400.120:

- a) A licensee shall provide ~~in~~ radiation safety instruction, prior to beginning work and at least annually, to personnel caring for patients or human research subjects who have been administered radioactive materials requiring a written directive. To satisfy this requirement, the instructions ~~shall~~ must be commensurate with the duties of the personnel and shall include:
 - 1) Patient or human research subject control;
 - 2) Visitor control, including:
 - A) Routine visitation to hospitalized individuals in accordance with 32 Ill. Adm. Code 340.310(a)(1); and
 - B) Visitation authorized in accordance with 32 Ill. Adm. Code 340.310(c);

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- 3) Contamination control;
 - 4) Waste control; and
 - 5) Notification of the Radiation Safety Officer, or his or her designee, and the authorized user if the patient or the human research subject has a medical emergency or dies.
- b) A licensee shall maintain a record of safety instructions required by this Section for 5 years. The record ~~shall~~must include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided the instruction.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: REMOTE AFTERLOADER UNITS, INTRAVASCULAR
BRACHYTHERAPY UNITS, TELETHERAPY UNITS AND
GAMMA STEREOTACTIC RADIOSURGERY UNITS

**Section 335.8040 Safety Procedures and Instructions for Remote Afterloader Units,
Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic
Radiosurgery Units**

- a) A licensee using sealed sources in remote afterloader units, intravascular brachytherapy units, teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses shall:
- 1) Secure the unit, the console, the console keys and the treatment room when not in use or unattended, if applicable;
 - 2) Permit only individuals approved by the authorized user, Radiation Safety Officer or authorized medical physicist to be present in the treatment room during treatment or emergencies with the sources;
 - 3) Prevent dual operation of more than one radiation producing device in a treatment room, if applicable; and
 - 4) Develop, implement and maintain written procedures for responding to an abnormal situation when the operator is unable to place the sources in the

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shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures ~~shall~~must include:

- A) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;
 - B) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and
 - C) The names and telephone numbers of the authorized users, the authorized medical physicist and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.
- b) A copy of the procedures required by subsection (a)(4) of this Section and the manufacturer's instruction manual ~~shall~~must be physically located at the unit console.
- c) A licensee shall post instructions at the unit console to inform the operator of:
- 1) The ~~location of the~~ procedures located there as required by subsection ~~(b)(a)(4)~~ of this Section; and
 - 2) The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.
- d) A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:
- 1) The procedures identified in subsection (a)(4) of this Section; and
 - 2) The operating procedures for the unit.
- e) A licensee shall ensure that operators, authorized medical physicists and authorized users participate in drills of the emergency procedures, initially and at least annually.

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- f) A licensee shall retain a record of ~~the individuals receiving~~ instruction required by subsection (d) of this Section. The record shall be retained for five years and include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided instruction.
- ~~g) A licensee shall maintain a record of safety instructions required by this Section for 5 years. The record must include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided the instruction.~~
- gh) A licensee shall retain a copy of the procedures required by subsections (a)(4) and (d)(2) of this Section until the licensee no longer possesses the remote afterloader, intravascular brachytherapy unit, teletherapy unit or gamma stereotactic radiosurgery unit.
- hi) A licensee shall maintain a copy of the record documenting results of the drills of emergency procedures required by subsection (e) of this Section for 5 years.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section ~~335355~~.8160 Full Calibration Measurements on Remote Afterloader Units

- a) A licensee authorized to use a remote afterloader unit for medical use shall perform full calibration measurements on each unit:
- 1) Before the first medical use of the unit;
 - 2) Before medical use under the following conditions:
 - A) Following replacement of the source or following reinstallation of the unit in a new location outside the facility;
 - B) Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly;
 - 3) At intervals not exceeding 1 quarter for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and

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- 4) At intervals not exceeding 1 year for low dose-rate remote afterloader units.
- b) To satisfy the requirement of subsection (a) of this Section, full calibration measurements ~~shall~~must include, as applicable, determination of:
- 1) The output within ± 5 percent;
 - 2) Source positioning accuracy to within ± 1 millimeter;
 - 3) Source retraction with backup battery upon power failure;
 - 4) Length of the source transfer tubes;
 - 5) Timer accuracy and linearity over the typical range of use;
 - 6) Length of the applicators; and
 - 7) Function of the source transfer tubes, applicators and transfer tube-applicator interfaces.
- c) A licensee shall use the dosimetry system described in ~~subsection~~Section 335.8080(a)-~~of this Part~~ to measure the output.
- d) A licensee shall make full calibration measurements required by subsection (a) of this Section in accordance with published protocols accepted by nationally recognized bodies.
- e) In addition to the requirements for full calibrations for low dose-rate remote afterloader units in subsection (b) of this Section, a licensee shall perform an autoradiograph of the sources to verify inventory and sources arrangement at intervals not exceeding 1 quarter.
- f) For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with subsections (a) through (e) of this Section.

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- g) A licensee shall mathematically correct the outputs determined in subsection (b)(1) of this Section for physical decay at intervals consistent with 1 percent physical decay.
- h) Full calibration measurements required by subsection (a) of this Section and physical decay corrections required by subsection (g) of this Section ~~shall~~must be performed by the authorized medical physicist.
- i) A licensee shall maintain a record of the remote afterloader unit full calibrations required by this Section for 5 years.
- j) The ~~records shall record~~must include for each full calibration required by subsection (a) of this Section:
- 1) The date of the calibration;
 - 2) The manufacturer's name, model and serial number of the remote afterloader ~~units~~units, together with the sources and the instruments used to calibrate ~~it~~the units;
 - 3) The results and an assessment of the full calibrations;
 - 4) The results of the autoradiograph required for low dose-rate remote afterloader units; and
 - 5) The signature of the authorized medical physicist who performed the full calibration.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section 335.9010 Radiation Safety Officer

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer under the requirements provided in subsection~~Section~~ 335.1040(b) ~~of this Part~~ to be an individual who:

- a) Is certified by a specialty board whose certification process has been recognized

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by the Agency, the U.S. Nuclear Regulatory Commission ~~or~~; an Agreement State ~~or a Licensing State~~ and who has obtained the attestation and training described~~meets the requirements~~ in subsections (e) and (f) of this ~~Section~~section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:

- 1) The candidate ~~shall~~must:
 - A) Hold a bachelor's or graduate degree from an accredited college or university in physical science~~;~~ or engineering or biological science with a minimum of 20 college credits in physical science;
 - B) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience)~~;~~ including at least 3 years in applied health physics; and
 - C) Pass an examination administered by diplomate of the specialty board that evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or
- 2) The candidate ~~shall~~must:
 - A) Hold a master's or ~~doctorate~~doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
 - B) Have 2 years of full-time practical training ~~and~~/or supervised experience in medical physics:
 - i) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or
 - ii) In clinical nuclear medicine facilities providing diagnostic ~~and~~/or therapeutic services under the direction of physicians who meet the requirements for authorized users

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in ~~Sections~~Section 335.9040, ~~or~~ 335.9050 or 335.9160;
and

iii) Pass an examination, administered by diplomate of the specialty board, that evaluates~~assess~~ knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or

b) Has obtained the attestation and training described in subsections (e) and (f) of this Section and has completed a structured educational program consisting of:

1) 200 hours of classroom and laboratory training in the following areas:

- A) Radiation physics and instrumentation;
- B) Radiation protection;
- C) Mathematics pertaining to the use and measurement of radioactivity;
- D) Radiation biology;
- E) Radiation dosimetry; and

2) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission or, Agreement State ~~or Licensing State~~ license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving the following:

- A) Shipping, receiving and performing related radiation monitoring;
- B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;
- C) Securing and controlling radioactive material;

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- D) Using administrative controls to avoid mistakes in the administration of radioactive material;
 - E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
 - F) Using emergency procedures to control radioactive material;
 - G) Disposing of radioactive material; or
- c) Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Agency; under subsection 335.9150(a) or the U.S. Nuclear Regulatory Commission or an Agreement State under Section 335.9150(a) and has experience in radiation safety for similar types of use of radioactive byproduct material for which the licensee is seeking the approval of the individual as Radiation Safety Officer is sought and who has obtained the attestation and training described ~~meets the requirements~~ in subsections (e) and (f) ~~(e) and (d)~~ of this Section ~~section~~; or
- d) Is an authorized user or; authorized medical physicist ~~or authorized nuclear pharmacist~~ identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities; and
- e) Has obtained written attestation; signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsection (f) and (a)(1)(A) and (a)(1)(B) or (a)(2)(A) and (a)(2)(B) or meets subsections (e) or (d) ~~and~~ has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; and
- 1) Has satisfactorily completed the requirements described in:
 - A) Subsection (f) of this Section and subsections (a)(1)(A) and (B) of this Section; or
 - B) Subsection (f) of this Section and subsections (a)(2)(A) and (B) of this Section; or
 - C) Subsections (b) and (f) of this Section; or

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- 2) Meets the criteria of subsection (c) or (d) of this Section and has received the training required by subsection (f) of this Section.
- f) Has received training in radiation safety, regulatory issues and emergency procedures for the types of use for which ~~a licensee seeks~~ approval is sought. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer~~radiation safety officer~~, authorized medical physicist, authorized nuclear pharmacist or authorized user, as appropriate, who is authorized for the type~~type(s)~~ of use for which ~~the licensee is seeking~~ approval is sought.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission ~~or~~; an Agreement State ~~or a Licensing State~~ will be posted on the NRC's website~~Web page~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Except as provided in Section 335.9160 ~~of this Part~~, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.3010 ~~of this Part~~ not requiring a written directive to be a physician who:

- a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission ~~or~~; an Agreement State ~~or a Licensing State~~ and who has obtained the attestation required by~~meets the requirements in~~ subsection (d)~~(e)(3)~~ of this Section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:
- 1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed ~~radioactive byproduct~~ material for uptake, dilution and excretion studies as described in subsections (c)(1) and (2) of this Section~~that includes the topics listed in subsections (e)(1) and (e)(2)~~; and

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- 2) Pass an examination, administered by diplomate of the specialty board, that ~~evaluates~~assesses knowledge and competence in radiation safety, radionuclide handling and quality control; or
- b) Is an authorized user who meets the requirements of~~under~~ Section 335.9040, or ~~Sections~~ 335.9050 and 335.9040(c)(1)(B)(vii), or equivalent U.S. Nuclear Regulatory Commission or, Agreement State ~~or Licensing State~~ requirements; or
- c) Has obtained the attestation described in subsection (d) of this Section and has completed a structured educational program consisting of:
 - 1) 60 hours of training and experience, including a minimum of 8 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The classroom and laboratory training shall include, at a minimum:
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;
 - D) Chemistry of radioactive material for medical use;
 - E) Radiation biology; and
 - 2) Work experience, under the supervision of an authorized user who meets the requirements in this Section, ~~or~~ Section 335.9040, ~~or~~ 335.9050 or 335.9160 of this Part, or equivalent U.S. Nuclear Regulatory Commission or, Agreement State ~~or Licensing State~~ requirements; involving :
 - A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation monitoring;
 - B) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

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- C) Calculating, measuring and safely preparing patient or human research subject dosages;
- D) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
- E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
- F) Administering dosages of radioactive drugs to patients or human research subjects; and

d3) Has obtained written attestation, ~~signed by a preceptor authorized user who meets the requirements in this Section, or Section 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements,~~ that the individual has satisfactorily completed the requirements in ~~this~~ subsection ~~(a)(1) or (c) of this Section or in subsection (a)(1)~~ and has achieved a level of competency sufficient to function independently as an authorized user for the ~~medical~~ uses authorized ~~by~~ under Section 335.3010 ~~of this Part for those procedures not requiring a written directive. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9040, 335.9050 or 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission ~~or,~~ an Agreement State ~~or a Licensing State~~ will be posted on the NRC's ~~website~~ Web page.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9040 Training for Imaging and Localization Studies

Except as provided in Section 335.9160 ~~of this Part~~, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.4010 ~~of this Part~~ not requiring a written directive to be a physician who:

- a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or, an

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Agreement State ~~or a Licensing State~~ and who has obtained the attestation described~~meets the requirements~~ in subsection (d) of this Section~~(e)(2)~~. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:

- 1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed ~~radioactive byproduct~~ material for imaging and localization studies as described in subsection that includes the topics listed in subsections (c)(1)(A) and (e)(1)(B) of this ~~Section~~section; and
 - 2) Pass an examination, administered by diplomate of the specialty board, that ~~evaluates~~assesses knowledge and competence in radiation safety, radionuclide handling and quality control; or
- b) Is an authorized user ~~who under Section 335.9050 and~~ meets the requirements of Section 335.9050 and subsection (c)(2)(G) of this Section~~335.9040(e)(1)(B)(vii)~~ or equivalent U.S. Nuclear Regulatory Commission ~~or~~; Agreement State ~~or~~ Licensing State requirements; or
- c) Has obtained the attestation described in subsection (d) of this Section and has completed a structured educational program consisting of: ~~4) 700~~ 700 hours of training and experience, including 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience shall include, at a minimum:
- 1A) Classroom and laboratory training in the following areas:
 - Ai) Radiation physics and instrumentation;
 - Bi) Radiation protection;
 - Ciii) Mathematics pertaining to the use and measurement of radioactivity;
 - Div) Chemistry of radioactive material for medical use;
 - Ev) Radiation biology; and

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- 2B) Work experience, under the supervision of an authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050 together with subsection (c)(2)(G) and 335.9040 (e)(1)(B)(vii) of this Section, or equivalent U.S. Nuclear Regulatory Commission or Agreement State or Licensing State requirements, involving:
- Ai) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;
 - Bii) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;
 - Ciii) Calculating, measuring and safely preparing patient or human research subject dosages;
 - Div) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
 - E v) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
 - Fvi) Administering dosages of radioactive drugs to patients or human research subjects;
 - Gvii) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring, and testing the eluate for radionuclidic purity and processing the eluate with reagent kits to prepare labeled radioactive drugs; and
- d2) Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9050 and 335.9040 (e)(1)(B)(vii) of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements described in subsection (a)(1), (b) or (c)(1) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under SectionsSection 335.3010 and 335.4010 of this Part for those procedures not requiring a written directive.

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The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050 together with subsection (c)(2)(G) of this Section or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission ~~or~~, an Agreement State ~~or a Licensing State~~ will be posted on the NRC's ~~website~~ Web page.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required

Except as provided in Sections 335.9060, 335.9070, 335.9080 and 335.9160 ~~of this Part~~, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section ~~335.3010, 335.4010, or 335.5010 of this Part requiring a written directive~~ to be a physician who:

- a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission ~~or~~, an Agreement State ~~or a Licensing State~~ and who has the work experience required by subsection meets the requirements in subsections (b)(2)(F) of this Section and has obtained the attestation described in subsection (c)(b)(3) of this Section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:
 - 1A) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty that includes 700 hours of training and experience as described in ~~subsection subsections~~ (b)(1) through (b)(2)(E) of this Section. Eligible training programs ~~shall~~ must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;
 - 2B) Pass an examination, administered by diplomate of the specialty board, that ~~evaluate tests~~ evaluates knowledge and competence in radiation safety,

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radionuclide handling, quality assurance and clinical use of unsealed radioactive materials; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State or a Licensing State will be posted on the NRC's website Web page.

- b) Has obtained the attestation described in subsection (c) of this Section and has completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience shall include:
- 1) Classroom and laboratory training in the following areas:
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;
 - D) Chemistry of radioactive material for medical use;
 - E) Radiation biology; and
 - 2) Work experience; under the supervision of an authorized user who meets the requirements in this Section, Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or, Agreement State or Licensing State requirements. A supervising authorized user, who meets the requirements in subsection Section 335.9050(b) of this SectionPart, shall have experience in administering dosages in the same dosage category or categories (i.e., subsection Section 335.9050(b)(2)(F) of this SectionPart) as the individual requesting authorized user status. The work experience shall involve:
 - A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

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- B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;
- C) Calculating, measuring and safely preparing patient or human research subject dosages;
- D) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
- E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- F) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:
- i) Oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131, for which a written directive is required;
 - ii) Oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131;

AGENCY NOTE: Experience with at least 3 cases described in subsection (b)(2)(F)(ii) of this Section ~~also~~ satisfies the requirement in subsection (b)(2)(F)(i) of this Section.
 - iii) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV for which a written directive is required; ~~and/or~~
 - iv) Parenteral administration of any other radionuclide for which a written directive is required. ~~;~~ and

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- ~~c3~~) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (b) of this Section or subsection (a)(1) and of this Section together with subsection (b)(2)(F) or (b) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 ~~of this Part~~. The ~~written~~ attestation shall be signed by a preceptor authorized user who meets the requirements in this Section; ~~or~~ Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission; ~~or~~ Agreement State or Licensing State requirements. The preceptor authorized user who meets the requirements in subsection Section 335.9050(b) of this SectionPart shall ~~must~~ have experience in administering dosages in the same dosage category or categories (i.e., subsection (b)(2)(F) of this Section) as the individual requesting authorized user status.

~~AGENCY NOTE: Specially Boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's web page.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized user for oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 GBq (33 mCi) to be a physician who:

- a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) ~~(1) and (2)~~ of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission; ~~or~~ an Agreement State or a Licensing State and who has obtained the attestation described ~~meets the requirements~~ in subsection ~~(d)(e)(3)~~ of this Section; or
- b) Is an authorized user who meets the requirements of Section 335.9070 or under Section 335.9050 of this Part for the uses identified ~~listed~~ in subsection ~~Section~~ 335.9050(b)(2)(F)(i) or (ii), ~~or Section 335.9070 of this Part~~, or equivalent U.S.

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Nuclear Regulatory Commission; ~~or Agreement State~~ ~~or Licensing State~~ requirements; or

- c) Has obtained the attestation described in subsection (d) of this Section and has:
- 1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;
 - D) Chemistry of radioactive material for medical use;
 - E) Radiation biology; and
 - 2) Work experience under the supervision of an authorized user who meets the requirements of this Section, Section 335.9050, ~~or Section 335.9070,~~ ~~or 335.9160~~ or equivalent U.S. Nuclear Regulatory Commission; ~~or Agreement State~~ ~~or Licensing State~~ requirements. A supervising authorized user who meets the requirements of ~~subsection~~ Section 335.9050(b) ~~of this Part~~ shall have experience in administering the dosages ~~identified as specified~~ in ~~subsection~~ Section 335.9050(b)(2)(F)(i) or (ii) ~~of this Part~~. The work experience shall involve:
 - A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;
 - B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;
 - C) Calculating, measuring and safely preparing patient or human research subject dosages;

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- D) Using administrative controls to prevent a medical event involving the use of radioactive material;
- E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131;
~~and~~

- ~~d3)~~ Has obtained~~Obtained~~ written attestation that the individual has satisfactorily completed the requirements in subsections~~subsections (a) or (c)(1) and (2)~~ of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 ~~of this Part~~. The ~~written~~ attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, ~~or~~ Section 335.9050, ~~335.9060 or 335.9070, 335.9160 of this Part,~~ or equivalent U.S. Nuclear Regulatory Commission, ~~or~~ Agreement State ~~or Licensing State~~ requirements. ~~The~~A preceptor authorized user who meets the requirements in Section 335.9050(b) ~~of this Part shall~~must have experience in administering the dosages ~~identified as specified~~ in subsection~~Section~~ 335.9050(b)(2)(F)(i) or (ii) ~~of this Part~~.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or~~ an Agreement State ~~or a Licensing State~~ will be posted on the NRC's ~~website~~Web page.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 GBq (33 mCi) to be a physician who:

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- a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) ~~(1) and (2)~~ of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission; or an Agreement State ~~or a Licensing State~~ and who has obtained the attestation described ~~meets the requirements~~ in subsection ~~(d)(e)(3)~~ of this Section; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission; or an Agreement State ~~or a Licensing State~~ will be posted on the NRC's website ~~Web page~~.

- b) Is an authorized user who meets the requirements of ~~under~~ Section 335.9050 ~~of this Part~~ for the uses identified ~~listed~~ in subsection ~~Section~~ 335.9050(b)(2)(F)(ii) ~~of this Part~~, or equivalent U.S. Nuclear Regulatory Commission; or Agreement State ~~or Licensing State~~ requirements; or
- c) Has obtained the attestation described in subsection (d) of this Section and has:
- 1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;
 - D) Chemistry of radioactive material for medical use;
 - E) Radiation biology; and
 - 2) Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9050, 335.9160 ~~of this Part~~, or equivalent U.S. Nuclear Regulatory Commission; or Agreement State ~~or Licensing State~~ requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) ~~of this Part~~ shall have

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experience in administering the dosages ~~identified as specified~~ in ~~subsection~~ Section 335.9050(b)(2)(F)(ii) ~~of this Part~~. The work experience shall involve:

- A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;
- B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;
- C) Calculating, measuring and safely preparing patient or human research subject dosages;
- D) Using administrative controls to prevent a medical event involving the use of radioactive material;
- E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131 ~~;~~ ~~and~~

- d3) ~~Has obtained~~ Obtained written attestation that the individual has satisfactorily completed the requirements in ~~subsections~~ subsections (a) or (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 ~~of this Part~~. The ~~written~~ attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9050, ~~335.9160 of this Part~~, or equivalent U.S. Nuclear Regulatory Commission ~~;~~ or Agreement State or Licensing State requirements. ~~The~~ A preceptor authorized user who meets the requirements in Section 335.9050(b) ~~shall of this Part must~~ have experience in administering the dosages ~~identified as specified~~ in ~~subsection~~ Section 335.9050(b)(2)(F)(ii) ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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**Section 335.9080 Training for the Parenteral Administration of Unsealed
~~Radioactive Byproduct~~ Material Requiring a Written Directive**

Except as provided in Section 335.9160, the licensee shall require an authorized user for the parenteral administration requiring a written directive to be a physician who:

- a) Is an authorized user who meets the requirements of~~under~~ Section 335.9050 for a use identified~~uses listed~~ in subsections~~subsections~~ 335.9050(b)(2)(F)(iii) or (iv)~~335.9050(b)(2)(F)(iv)~~; or equivalent U.S. Nuclear Regulatory Commission; or Agreement State; ~~or Licensing State~~ requirements; or
- b) Is an authorized user under Section 335.9100 or 335.9140; or 335.9160 or equivalent U.S. Nuclear Regulatory Commission; or Agreement State; ~~or Licensing State~~ requirements and who meets the requirements in subsection (d) of this Section and has obtained the attestation described in subsection (e) of this Section~~section~~; or
- c) Is certified by a medical specialty board whose certification process has been recognized by the Agency; under Section 335.9100 or 335.9140 or by the U.S. Nuclear Regulatory Commission; or an Agreement State ~~or a Licensing State under Section 335.9100 or 335.9140~~; The individual shall meets the requirements in subsection (d) of this Section and have obtained the attestation described in subsection (e) of this Section; or
- d) Has obtained the attestation described in subsection (e) of this Section and has:
 - 1) Successfully completed 80 hours of classroom and laboratory training applicable to parenteral administrations; of radioactive material for which a written directive is required; The training shall apply to ~~of~~ any beta emitter; or any photon-emitting radionuclide with a photon energy less than 150 keV; ~~and/~~ or parenteral administration of any other radionuclide for which a written directive is required. The training shall~~must~~ include:
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;

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- D) Chemistry of ~~radioactive byproduct~~ material for medical use; and
 - E) Radiation biology; and
- 2) Work experience, under the supervision of an authorized user who meets the requirements in this Section, Section 335.9050, ~~335.9160~~ or equivalent U.S. Nuclear Regulatory Commission, ~~or~~ Agreement State, ~~or~~ ~~Licensing State~~ requirements, in the parenteral administration, ~~of radioactive material~~ for which a written directive is required, ~~;~~ ~~The experience shall include administration~~ of any beta emitter, ~~or~~ any photon-emitting radionuclide with a photon energy less than 150 keV, ~~and/~~ or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in Section 335.9050 ~~shall~~ ~~must~~ have experience in administering dosages as ~~identified~~ ~~specified~~ in Section 335.9050(b)(2)(F)(iii) or ~~335.9050(b)(2)(F)(iv)~~. The work experience ~~shall~~ ~~must~~ involve:
- A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation surveys;
 - B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;
 - C) Calculating, measuring and safely preparing patient or human research subject dosages;
 - D) Using administrative controls to prevent a medical event involving the use of unsealed ~~radioactive byproduct~~ material;
 - E) Using procedures to contain spilled ~~radioactive byproduct~~ material safely, and using proper decontamination procedures; and
 - F) Administering dosages to patients or human research subjects that include at least 3 cases involving the parenteral administration, ~~of radioactive material~~ for which a written directive is required, ~~;~~ ~~This experience shall include administration~~ of any beta emitter, ~~or~~ any photon-emitting radionuclide with a photon energy less than 150

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keV, ~~and~~ or at least 3 cases involving the parenteral administration of any other radionuclide for which a written directive is required. ~~;~~
and

- e3) ~~Has obtained~~ **Obtained** written attestation that the individual has satisfactorily completed the requirements in subsection (b), ~~or~~ (c) ~~or~~ (d) of this ~~Section~~ **section**, and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed ~~radioactive byproduct~~ material requiring a written directive. The ~~written~~ attestation ~~shall~~ **must** be signed by a preceptor authorized user who meets the requirements in this ~~Section, section and~~ Section 335.9050, ~~335.9160~~ or equivalent U.S. Nuclear Regulatory Commission, ~~or Agreement State, or Licensing State~~ requirements. ~~The~~ **A** preceptor authorized user who meets the requirements in Section 335.9050 ~~shall~~ **must** have experience in administering dosages ~~identified as specified in subsections~~ **Section** 335.9050(b)(2)(F)(iii) ~~or 335.9050(b)(2)(F)~~ (iv).

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9100 Training for Use of Manual Brachytherapy Sources

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized user of a manual brachytherapy source under the provisions and requirements of Subpart H in accordance with Section 335.7010 of this Part to be a physician who:

- a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or~~ an Agreement State ~~or a Licensing State~~ and who has obtained the attestation described ~~meets the requirements~~ in subsection ~~(c) of this Section~~ **(b)(3) below**. To be recognized, a specialty board shall require all candidates for certification to:
- 1) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education

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or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;

- 2) Pass an examination, administered by ~~the~~ diplomate of the specialty board that ~~evaluate tests~~ knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of manual brachytherapy sources; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State or a Licensing State~~ will be posted on the NRC's ~~website~~ ~~Web page~~.

- b) Has obtained the attestation described in subsection (c) of this Section and has:
 - 1) Completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:
 - A) 200 hours of classroom and laboratory training in the following areas:
 - i) Radiation physics and instrumentation;
 - ii) Radiation protection;
 - iii) Mathematics pertaining to the use and measurement of radioactivity;
 - iv) Radiation biology; and
 - B) 500 hours of work experience at a medical institution under the supervision of an authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission, ~~or~~ Agreement State ~~or Licensing State~~ requirements. The work experience shall include at a medical institution involving:
 - i) Ordering, receiving and unpacking radioactive materials

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- safely and performing the related radiation monitoring;
- ii) Checking survey instruments for proper operation;
 - iii) Preparing, implanting and removing brachytherapy sources;
 - iv) Maintaining running inventories of material on hand;
 - v) Using administrative controls to prevent medical events involving radioactive material;
 - vi) Using emergency procedures to control radioactive material; and
- 2) Completed 3 years of supervised clinical experience in radiation oncology under an authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission, or Agreement State or Licensing State requirements. The experience shall be obtained as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B) of this Section. ~~;~~ ~~and~~
- c3) ~~Has obtained~~ Obtained written attestation, ~~signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements,~~ that the individual has satisfactorily completed the requirements in subsection (a)(1); or ~~(b) subsections (b)(1) and (2),~~ of this Section and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources ~~for the medical uses authorized under Subpart H. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements~~ Section 335.7010 of this Part.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9120 Training for Ophthalmic Use of Strontium-90

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiation therapy to be a physician who:

- a) Is an authorized user ~~who meets the requirements of~~ under Section 335.9100 ~~of this Part~~ or equivalent U.S. Nuclear Regulatory Commission; or Agreement State ~~or Licensing State~~ requirements; or
- b) Has obtained the attestation described in subsection (c) of this Section and has:
 - 1) Completed 24 hours of classroom and laboratory training applicable to the use of strontium-90 for ophthalmic radiation therapy. The training shall include:
 - A) Radiation physics and instrumentation;
 - B) Radiation protection;
 - C) Mathematics pertaining to the use and measurement of radioactivity;
 - D) Radiation biology; and
 - 2) Completed clinical training in ophthalmic radiation therapy under the supervision of an authorized user at a medical institution that includes the use of strontium-90 for the ophthalmic treatment of 5 patients. The supervised clinical training ~~shall~~ must include:
 - A) Examination of each patient to be treated;
 - B) Calculation of the dose to be administered;
 - C) Administration of the dose;
 - D) Follow-up and review of each patient's case history. ~~and~~

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- ~~c3)~~ ~~Has obtained~~**Obtained** written attestation, ~~signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements,~~ that the individual has satisfactorily completed the requirements in subsections ~~(a) and~~ (b) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized user of a sealed source ~~for a use authorized under~~ the provisions and requirements of Subpart I Section 335.8010 of this Part to be a physician who:

- a) Is certified by a medical specialty board whose certification process ~~includes all of the requirements in subsection (b)(3) and (b)(4) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State or a Licensing State~~ and who has obtained the attestation described ~~meets the requirements~~ in subsections ~~(c)(b)(3) and (b)(4)~~ of this Section and the training required by subsection (d) of this Section. To be recognized, a specialty board shall require all candidates for certification to:
- 1) Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;
 - 2) Pass an examination, administered by diplomate of the specialty board, that ~~evaluates~~ ~~tests~~ knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or

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AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State or a Licensing State~~ will be posted on the NRC's ~~website~~ Web page.

- b) Has obtained the attestation described in subsection (c) of this Section, the training required by subsection (d) of this Section and has:
- 1) Completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:
 - A) 200 hours of classroom and laboratory training in the following areas:
 - i) Radiation physics and instrumentation;
 - ii) Radiation protection;
 - iii) Mathematics pertaining to the use and measurement of radioactivity;
 - iv) Radiation biology; and
 - B) 500 hours of work experience at a medical institution under the supervision of an authorized user who meets the requirements in this ~~Section Part~~ or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission, ~~or Agreement State or Licensing State~~ requirements. The work experience shall include at a medical institution that involves:
 - i) Reviewing full calibration measurements and periodic spot-checks;
 - ii) Preparing treatment plans and calculating treatment doses and times;
 - iii) Using administrative controls to prevent a medical event

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involving the use of radioactive material;

- iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
 - v) Checking and using survey instruments;
 - vi) Selecting the proper dose and how it is to be administered; and
- 2) Completed 3 years of supervised clinical experience in radiation therapy under an authorized user who meets the requirements of this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission, or Agreement State or ~~Licensing State~~ requirements. The experience shall be obtained as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B) of this Section. ~~;~~ and
- c3) ~~Has obtained~~ Obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a)(1), ~~or (b)(1-2) and (d) or (b) and (d)(b)(4),~~ of this Section and has achieved a level of competency sufficient to function independently as an authorized user for ~~the each~~ type of therapeutic medical unit for which the individual is requesting authorized user status. The ~~written~~ attestation shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission, or Agreement State ~~or Licensing State~~ requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status. ~~;~~ and
- d4) Has received training in device operation, safety procedures and clinical use for the types of therapeutic medical unit ~~use~~ for which authorization is sought. This training requirement may be met by satisfactory completion of a training program provided ~~by the vendor~~ for new users by the

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equipment supplier or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the types of use for which the individual is seeking authorization.

AGENCY NOTE: The term "type of therapeutic medical unit" refers to a type of use identified in this Section. It applies to this Section only. Training for therapeutic medical units is not manufacturer-specific. Training for one brand of therapeutic medical unit is acceptable for another brand of the same type of unit.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9150 Training for Authorized Medical Physicist

Except as provided in Section 335.9160 ~~of this Part~~, the licensee shall require the authorized medical physicist to be an individual who:

- a) Is certified by a specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State or a Licensing~~ and who has obtained the attestation described ~~meets the requirements~~ in subsections ~~(b)(2) and~~ (c) of this ~~S~~section and the training required by subsection (d) of this Section. To be recognized, a specialty board shall require all candidates for certification to:
 - 1) Hold a master's degree or doctorate in physics, medical physics, other physical science, engineering or applied mathematics from an accredited college or university;
 - 2) Have 2 years of full-time practical training ~~and/or~~ supervised experience in medical physics:
 - A) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State or a Licensing State~~; or
 - B) In clinical radiation facilities providing high energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the

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direction of physicians who meet the requirements for authorized users in Section 335.9100, ~~or 335.9140~~ or 335.9160 of this Part;

- 3) Pass an examination, administered by diplomate of the specialty board, that ~~evaluates~~ assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy and stereotactic radiosurgery; ~~or~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, ~~or an Agreement State~~ or a Licensing State will be posted on the NRC's ~~website~~ Web page.

- b) Holds a master's degree or doctorate in physics, medical physics or other physical science, engineering or applied mathematics from an accredited college or university and:
- 1) Has completed 1 year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the ~~type~~ type(s) of use for which the individual is seeking authorization. This training and work experience ~~shall~~ must be conducted in clinical radiation facilities that provide high energy, external beam therapy and brachytherapy services and ~~shall~~ must include:
 - 1A) Performing sealed source leak tests and inventories;
 - 2B) Performing decay corrections;
 - 3C) Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units and remote afterloading units as applicable;
 - 4D) Conducting radiation monitoring around external beam treatment units, stereotactic radiosurgery units and remote afterloading units, as applicable; and
 - c2) Has obtained written attestation that the individual has satisfactorily completed

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the requirements in subsections (a)(1), ~~and (a)(2) or (b)~~ and ~~(e)(d) or subsections (b) and (d)~~ of this Section and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of ~~use therapeutic medical unit~~ for which the individual is requesting authorized medical physicist status. The ~~written~~ attestation ~~shall~~ **must** be signed by a preceptor authorized medical physicist who meets the requirements of this Section ~~or Section 335.9160~~ or equivalent U.S. Nuclear Regulatory Commission, ~~or Agreement State or Licensing State~~ requirements for an authorized medical physicist for each type of ~~use therapeutic medical unit~~ for which the individual is requesting authorized medical physicist status.

- de)** Has training ~~infor~~ the ~~typetype(s)~~ of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by ~~an equipment supplierthe vendor~~ or by training supervised by an authorized medical physicist authorized for the ~~typetype(s)~~ of use for which the individual is seeking authorization.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User

- a) An individual identified as a Radiation Safety Officer, ~~or an authorized medical physicist on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State or a Licensing State~~ license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission, ~~or Agreement State or Licensing State~~ broad scope licensee or master material license permit or by a master material license permittee of broad scope on or before October 24, 2007 need not comply with the training requirements of Sections 335.9010 and 335.9150 ~~of this Part~~.
- ~~b) b)~~ Physicians, dentists or podiatrists, identified as authorized users for the medical use of radioactive material on a license issued by the Agency, U.S. Nuclear Regulatory Commission, ~~or Agreement State or Licensing State~~, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by an Agency, U.S. Nuclear Regulatory Commission, ~~or Agreement State or Licensing State~~ broad scope licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee on or before October 24,

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2007 who perform only those medical uses for which they were authorized on that date need not comply with the training requirements of Sections 335.9030 through 335.9140 ~~of this Part.~~

- c) Individuals who are not subject to the training requirements in this Section may serve as preceptors for and supervisors of applicants seeking authorization on Agency licenses for the same uses for which these individuals are authorized.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for Protection Against Radiation

2) Code Citation: 32 Ill. Adm. Code 340

<u>Section Numbers:</u>	<u>Proposed Action:</u>
340.30	Amendment
340.210	Amendment
340.230	Amendment
340.240	Amendment
340.320	Amendment
340.520	Amendment
340.830	Amendment
340.950	Amendment
340.1010	Amendment
340.1030	Amendment
340.1045	Amendment
340.1060	Amendment
340.1180	Amendment
340.1195	Repealed
340.1220	Amendment
340.1250	Amendment
340.APPENDIX A	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will ensure compatibility with the U.S. Nuclear Regulator Commission's 10 CFR 20 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by November 30, 2010. NRC has assigned this rulemaking a compatibility category of A, which means that the Illinois rule must have language essentially identical to NRC's. This rulemaking will update dose measurement procedures and limits, clarify waste management procedures and provide for disposal of certain radioactive materials.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from

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the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 20. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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? Yes. References to U.S. Nuclear Regulatory Commission regulations are included for determining doses to individuals, effluent concentrations and disposal limits.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Maureen Cunningham
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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217/524-0770 (voice)

217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or 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: July 2010

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 340

STANDARDS FOR PROTECTION AGAINST RADIATION

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340.10	Purpose
340.20	Scope
340.25	Incorporations by Reference
340.30	Definitions
340.40	Implementation

SUBPART B: RADIATION PROTECTION PROGRAMS

Section	
340.110	Radiation Protection Programs

SUBPART C: OCCUPATIONAL DOSE LIMITS

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340.210	Occupational Dose Limits for Adults
340.220	Compliance with Requirements for Summation of External and Internal Doses
340.230	Determination of External Dose from Airborne Radioactive Material
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SUBPART D: RADIATION DOSE LIMITS FOR
INDIVIDUAL MEMBERS OF THE PUBLIC

Section	
340.310	Dose Limits for Individual Members of the Public
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SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section
340.410 Testing for Leakage or Contamination of Sealed Sources

SUBPART F: SURVEYS AND MONITORING

Section
340.510 General
340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
340.530 Location of Individual Monitoring Devices
340.540 Calibration of Survey Instruments

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section
340.610 Control of Access to High Radiation Areas
340.620 Control of Access to Very High Radiation Areas
340.630 Control of Access to Very High Radiation Areas – Irradiators

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section
340.710 Use of Process or Other Engineering Controls
340.720 Use of Other Controls
340.730 Use of Individual Respiratory Protection Equipment

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section
340.810 Security and Control of Licensed or Registered Sources of Radiation
340.820 Storage of Volatiles and Gases
340.830 Control of Volatiles and Gases

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340.960	Procedures for Receiving and Opening Packages

SUBPART K: WASTE DISPOSAL

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340.1052	Classification of Radioactive Waste for Land Disposal
340.1055	Radioactive Waste Characteristics
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SUBPART L: RECORDS

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340.1110	General Provisions
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340.1170	Records of Dose to Members of the Public
340.1180	Records of Waste Disposal
340.1190	Records of Testing Entry Control Devices for Very High Radiation Areas
340.1195	Form of Records <u>(Repealed)</u>

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- 340.1205 Notification of Credible Threats
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- 340.1230 Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Constraints or Limits
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- 340.1260 Reports of Leaking or Contaminated Sealed Sources
- 340.1270 Reports of Missing Waste Shipments

SUBPART N: ADDITIONAL REQUIREMENTS

Section

- 340.1310 Vacating Premises
- 340.1320 Removal of Radioactive Contamination

- 340.APPENDIX A Decontamination Guidelines
- 340.ILLUSTRATION A Radiation Symbol

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 19 Ill. Reg. 8264, effective June 12, 1995; emergency amendment at 27, Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5445, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20841, effective December 16, 2005; amended at 31 Ill. Reg. 11593, effective July 26, 2007; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 340.30 Definitions

"Air-purifying respirator" or "APR" means a respirator with an air-purifying filter, cartridge or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

"Annual limit on intake" or "ALI" means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in table 1, columns 1 and 2 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions.

"Assigned protection factor" or "APF" means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly trained and fitted users.

"Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

"Class" (lung class or inhalation class) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W or Y, which applies to a range of clearance half-times: for Class D (Days) of less than 10 days, for Class W (Weeks) from 10 to 100 days, and for Class Y (Years) of greater than 100 days.

"Collector" means a licensee whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or

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repackaging the collected waste, to another licensed waste collector, licensed waste processor or licensed land disposal facility.

"Consignee" means the designated receiver of a shipment of low-level radioactive waste.

"Constraint" (dose constraint) means a value above which specified licensee actions are required.

"Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the face piece only when a negative pressure is created inside the face piece by inhalation.

"Derived air concentration" or "DAC" means the concentration of a given radionuclide in air, which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work would result in an intake of one ALI. For purposes of this definition, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in table 1, column 3 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions.

"Derived air concentration-hour" or "DAC-hour" means the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each radionuclide) and the time of exposure to that radionuclide (expressed in hours). A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

"Disposal container" means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that, for some shipments, the disposal container may be the transport package.

"Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

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"EPA identification number" means the number received by a transporter following application to the Administrator of USEPA as required by 40 CFR 263.

"Filtering face piece" or "dust mask" means a negative pressure particulate respirator with a filter as an integral part of the face piece or with the entire face piece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

"Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

"Fit Test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

"Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

"Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

"Inhalation class" (see "class").

"Land disposal facility" means the land, buildings, structures and equipment which are intended to be used for the disposal of radioactive wastes.

"Lens dose equivalent" or "LDE" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

"Loose-fitting face piece" means a respiratory inlet covering designed to form a partial seal with the face.

"Lung class" (see "class").

"Negative pressure respirator (tight fitting)" means a respirator in which the air pressure inside the face piece is negative during inhalation with respect to the ambient air pressure outside the respirator.

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"Nonstochastic effect" (deterministic effect) means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or another person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under 32 Ill. Adm. Code 335, from voluntary participation in medical research programs or as a member of the public.

"Physical description" means the items called for on NRC Form 541 to describe a low-level radioactive waste.

"Planned special exposure" means an infrequent exposure to radiation, the dose from which is separate from and in addition to the annual occupational dose limits.

"Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

"Powered air-purifying respirator" or "PAPR" means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

"Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the face piece when the positive pressure is reduced inside the face piece by inhalation.

"Public dose" means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under 32 Ill. Adm. Code 335, or

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from voluntary participation in medical research programs.

"Qualitative fit test" or "QLFT" means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quantitative fit test" or "QNFT" means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Reference Man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

AGENCY NOTE: A description of the Reference Man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man."

"Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

"Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

"Self-contained breathing apparatus" or "SCBA" means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

"Shipping paper" means NRC Form 540 and, if required, NRC Form 540A, which includes the information required by DOT in 49 CFR 172, [revised October 1, 2008, exclusive of subsequent amendments or editions](#).

"Stochastic effect" (probabilistic effect) means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

"Supplied-air respirator" or "SAR" or "airline respirator" means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

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"Tight-fitting face piece" means a respiratory inlet covering that forms a complete seal with the face.

"Uniform Low-Level Radioactive Waste Manifest" or "uniform manifest" means the combination of NRC Forms 540, 541 and, if necessary, 542, and their respective continuation sheets as needed, or equivalent.

"User seal check" or "fit check" means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

"Waste description" means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541.

"Waste processor" means an entity, operating under an Agency, Nuclear Regulatory Commission or Agreement State license, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

"Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description or a waste sorbed on or solidified in a specifically defined media).

"Weighting factor" (w_T), means the proportion of the risk of stochastic effects resulting from irradiation of an organ or tissue (T) to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of (w_T) are:

Organ or Tissue	(w_T)
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03

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Remainder	0.30 ^a
Whole Body	1.00 ^b

^a0.30 results from 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^bFor the purpose of weighting the external whole-body dose, for adding it to the internal dose, a single weighting factor, (w_T) = 1.0, has been specified.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section 340.210 Occupational Dose Limits for Adults

- a) The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to Section 340.260 ~~of this Part~~, to the following dose limits:
- 1) An annual limit, which is the more limiting of:
 - A) The total effective dose equivalent being equal to 0.05 Sv (5 rem); or
 - B) The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 0.5 Sv (50 rem).
 - 2) The annual limits to the lens of the eye, to the skin and to the extremities which are:
 - A) A lens dose equivalent of 0.15 Sv (15 rem); and
 - B) A shallow dose equivalent of 0.5 Sv (50 rem) to the skin or to any extremity.
- b) Doses received in excess of the annual limits, including doses received during

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accidents, emergencies and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime (see Section 340.260(e)-~~of this Part~~).

- c) When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent shall be used in place of the effective dose equivalent unless the effective dose equivalent is determined by a dosimetry method approved by the Agency. The assigned deep dose equivalent shall be for the portion of the body receiving the highest exposure. The assigned shallow dose equivalent shall be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest dose.

AGENCY NOTE: The deep dose equivalent, lens dose equivalent or shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

- d) The deep dose equivalent, lens dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.
- e) Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in table 1 of appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March 27, 2006~~, exclusive of subsequent amendments or editions, and may be used to determine the individual's dose (see Section 340.1160-~~of this Part~~) and to demonstrate compliance with the occupational dose limits.
- f) Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see footnote 3 of appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March 27, 2006~~, exclusive of subsequent amendments or editions.)
- g) The licensee or registrant shall reduce the dose that an individual may be allowed

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to receive in the current year by the amount of occupational dose received while employed by any other person during the current year (see Section 340.250(a) and (d) ~~of this Part~~).

AGENCY NOTE: The purpose of this requirement is to ensure that no individual receives an annual occupational dose in excess of the occupational dose limits set forth in this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.230 Determination of External Dose from Airborne Radioactive Material

- a) Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent and shallow dose equivalent from external exposure to the radioactive cloud (see footnotes 1 and 2 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#), ~~effective March 27, 2006~~, exclusive of subsequent amendments or editions).
- b) Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.240 Determination of Internal Exposure

- a) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to Section 340.520 ~~of this Part~~, take measurements of:
 - 1) Concentrations of radioactive materials in air in work areas during conditions of operations; or
 - 2) Quantities of radionuclides in the body after exposure to materials that could result in an intake; or

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- 3) Quantities of radionuclides excreted from the body after exposure to materials that could result in an intake; or
 - 4) Combinations of these measurements.
- b) Unless respiratory protective equipment is used, as provided in Section 340.730 ~~of this Part~~, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.
- c) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:
- 1) Use that information to calculate the committed effective dose equivalent, and if used, the licensee shall document that information in the individual's record; and
 - 2) Upon prior approval of the Agency, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (e.g., aerosol size distribution or density); and
 - 3) Separately assess the contribution of fractional intakes of Class D, W or Y compounds of a given radionuclide (see appendix B to 10 CFR 20, ~~published at 72 Fed. Reg. 55922, October 1, 2007 effective March 27, 2006~~, exclusive of subsequent amendments or editions); to the committed effective dose equivalent).
- d) If the licensee chooses to assess intakes of Class Y material using the measurements specified in subsections (a)(2) or (3) ~~of this Section~~, the licensee may delay the recording and reporting of the assessments for periods up to 7 months, unless otherwise required by Sections 340.1220 or 340.1230 ~~of this Part~~.
- AGENCY NOTE: This delay permits the licensee to make additional measurements basic to the assessments.
- e) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours

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shall be either:

- 1) The sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W or Y) from appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March 27, 2006~~, exclusive of subsequent amendments or editions, for each radionuclide in the mixture; or
 - 2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.
- f) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.
- g) When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:
- 1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in Section 340.210 ~~of this Part~~ and in complying with the monitoring requirements in Section 340.520(b) ~~of this Part~~;
 - 2) The concentration of any radionuclide disregarded is less than 10~~ten~~ percent of its DAC; and
 - 3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.
- h) When determining the committed effective dose equivalent, the following information may be considered:
- 1) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 0.05 Sv (5 rem) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.
 - 2) For an ALI (and the associated DAC) determined by the nonstochastic

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organ dose limit of 0.5 Sv (50 rem), the intake of radionuclides that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) (the stochastic ALI) is listed in parentheses in table 1 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions. The licensee may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALI, the licensee shall also demonstrate that the limit in Section 340.210(a)(1)(B)~~of this Part~~ is met.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: RADIATION DOSE LIMITS FOR
INDIVIDUAL MEMBERS OF THE PUBLIC**Section 340.320 Compliance with Dose Limits for Individual Members of the Public**

- a) The licensee or registrant shall make or cause to be made surveys of radiation levels in unrestricted areas. In addition, licensees shall survey radioactive materials in effluents released to unrestricted areas. These surveys are to demonstrate compliance with the dose limits for individual members of the public in Section 340.310~~of this Part~~.
- b) A licensee or registrant shall show compliance with the annual dose limit in Section 340.310~~of this Part~~ by:
 - 1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or
 - 2) Demonstrating that:
 - A) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table 2 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions; and

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- B) If an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.02 mSv (0.002 rem) in an hour and 0.5 mSv (0.05 rem) in a year.
- c) Upon approval from the Agency, the licensee may adjust the effluent concentration values in table 2 of appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March 27, 2006~~, exclusive of subsequent amendments or editions, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosol size distribution, solubility, density, radioactive decay equilibrium and chemical form).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: SURVEYS AND MONITORING

Section 340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose

Each licensee or registrant shall monitor doses from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this Part. As a minimum:

- a) Each licensee or registrant shall monitor occupational dose from sources of radiation and shall supply and require the use of individual monitoring devices by:
- 1) Adults likely to receive, in 1 year from sources external to the body, a dose in excess of ~~10~~^{ten} percent of the limits in Section 340.210(a) ~~of this Part~~;
 - 2) Minors likely to receive, in 1 year from sources external to the body, a dose in excess of ~~10~~^{ten} percent of any of the applicable limits in Section 340.270 ~~of this Part~~;
 - 3) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 1 mSv (0.1 rem); and
 - 4) Individuals entering a high or very high radiation area.

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- b) Each licensee shall monitor, to determine compliance with Section 340.240 ~~of this Part~~, the occupational intake of radioactive material by and assess the committed effective dose equivalent to:
- 1) Adults likely to receive, in 1 year, an intake in excess of ~~10~~^{ten} percent of the applicable ALIs in table 1, columns 1 and 2 of appendix B to 10 CFR 20, ~~published at 72 Fed. Reg. 55922, October 1, 2007 effective March 27, 2006~~, exclusive of subsequent amendments or editions; and
 - 2) Minors and declared pregnant women likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.5 mSv (0.05 rem).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: STORAGE AND CONTROL OF LICENSED
OR REGISTERED SOURCES OF RADIATION

Section 340.830 Control of Volatiles and Gases

- a) A licensee who uses or stores radioactive volatile materials or gases shall do so with a system that will keep airborne concentrations within the limits prescribed in this Part.
- b) The system shall either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the volatile material or gas in a shielded container.
- c) A licensee shall use or store radioactive gases only in rooms that are at negative pressure compared to surrounding rooms or hallways.
- d) A licensee shall post, at the area of use or storage, emergency procedures to be followed in the event of a gas spill.
- e) In the event of evacuation because of a spill or leak, the licensee shall use a radiation detection survey instrument upon room re-entry to ensure radiation levels have returned to background levels.
- f) A licensee shall check the operation of reusable collection systems monthly and measure the ventilation rates available in areas of use at intervals not to exceed 6

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months. The licensee shall maintain a record of these checks and measurements for 5 years. The record shall include the model and serial number of the collection system, results of all checks recommended by the manufacturer of the collection system, the ventilation rates measured, the date of the checks and measurements, and the identity of the individual who performed the checks and measurements.

- g) Contaminated charcoal trap filters, air handling systems and respiratory equipment shall be disposed of in accordance with this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J: PRECAUTIONARY PROCEDURES

Section 340.950 Exemptions to Labeling Requirements

A licensee is not required to label:

- a) Containers holding licensed material in quantities less than the quantities listed in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995 effective January 1, 2004, exclusive of subsequent amendments or editions; or
- b) Containers holding licensed material in concentrations less than those specified in Table 3 of appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007 effective March 27, 2006, exclusive of subsequent amendments or editions; or
- c) Containers attended by an individual who takes the precautions (e.g., controlling access) necessary to prevent the exposure of individuals in excess of the limits established by this Part; or
- d) Containers when they are in transport, provided the containers are packaged and labeled in accordance with the regulations of the U.S. Department of Transportation; or

AGENCY NOTE: Labeling of packages containing radioactive materials is required by the U.S. Department of Transportation if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as

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defined and limited by 49 CFR 173.403 and 173.421 through 173.424, revised October 1, 2008~~current as October 1, 2004~~, exclusive of subsequent amendments or editions.

- e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (examples of containers of this type are containers in locations such as water-filled canals, storage vaults or hot cells). The record shall be retained as long as the containers are in use for the purpose indicated on the record; or
- f) Installed manufacturing or process equipment, such as piping and tanks.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART K: WASTE DISPOSAL

Section 340.1010 General Requirements

- a) A licensee shall dispose of licensed material only:
 - 1) By transfer to an authorized recipient as provided in Section 340.1060 ~~of this Part~~ or in 32 Ill. Adm. Code 330, 332 or 601, or to the U.S. Department of Energy; or
 - 2) By release in effluents within the limits in Section 340.310 ~~of this Part~~; or
 - 3) As authorized pursuant to Sections 340.1020, 340.1030, 340.1040 or 340.1050 ~~of this Part~~.
- b) A person shall be specifically licensed by the Agency prior to receiving waste containing licensed material from any other point of generation for:
 - 1) Storage for decay; or
 - 2) Treatment prior to disposal; or
 - 3) Treatment or disposal by incineration; or

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- 4) Disposal at a land disposal facility licensed pursuant to 32 Ill. Adm. Code 601; or
- 5) Storage until transferred to a disposal facility authorized to receive the waste.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.1030 Disposal by Release into Sanitary Sewerage

- a) A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:
 - 1) The material is readily soluble, or is readily dispersible biological material, in water;
 - 2) The quantity of licensed radioactive material that the licensee releases into the sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in table 3 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions;
 - 3) If more than one radionuclide is released, the following conditions must also be satisfied:
 - A) The licensee shall determine the fraction of the limit in table 3 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions, represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in table 3 of appendix B to 10 CFR 20, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, exclusive of subsequent amendments or editions; and
 - B) The sum of the fractions for each radionuclide required by subsection (a)(3)(A) of this Section does not exceed unity;

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- 4) The total quantity of licensed radioactive material that the licensee releases into sanitary sewerage in a year does not exceed 185 GBq (5 Ci) of hydrogen-3, 37 GBq (1 Ci) of carbon-14, and 37 GBq (1 Ci) of all other radioactive materials combined; and
- 5) In determining compliance with subsections (a)(1) ~~through, (a)(2), (a)(3) and (a)(4) of this Section~~, the licensee shall not include the activity from radioactive material excluded by subsection (b) ~~of this Section~~.
- b) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in subsection (a) ~~of this Section~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.1045 Decay-In-Storage

A licensee may store waste containing; or ~~composedeomprised~~ of; radioactive material with a physical half-life of less than 120 days for "decay-in-storage" before disposal as normal waste without regard to its radioactivity if it under the following provisions:

- a) Holds the radioactive material for~~Radioactive waste to be disposed of shall be held for decay~~ a minimum of 10 half-lives; and-
- b) Pursuant to Section 340.510(a) and (b) ~~of this Part~~, performs radiation surveys ~~shall be performed~~ prior to disposal of the radioactive material~~waste~~ to ensure that the material'swaste's radioactivity cannot be distinguished from background radiation levels. The package/container surface shall be surveyed with an appropriate radiation detection survey instrument set on its most sensitive scale, with no interposed shielding between the detector and the material~~waste~~, in a low background radiation environment; and-
- c) Maintains records~~Records~~ of monitoring ~~shall be maintained~~ to include: date of disposal; date placed in storage; manufacturer, model and serial number of the survey instrument used; background radiation levels; and measured radiation levels; and-

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- d) ~~Records the~~The identity of the individual performing the monitoring ~~shall be recorded; and~~.
- e) ~~Removes or obliterates all~~AIH radiation labels ~~shall be removed or obliterated~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.1060 Transfer for Disposal and Manifests

- a) Each licensee who transports or offers for transportation low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste disposal facility shall prepare a manifest reflecting information requested on the applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)).

AGENCY NOTE: For guidance in completing these forms, refer to the instructions that accompany the forms. NRC Forms 540, 540A, 541, 541A, 542 and 542A and the accompanying written instructions may be obtained from the Information and Records Management Branch, Office of Information Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

- b) NRC Forms 540 and 540A shall be completed and shall physically accompany each low-level radioactive waste shipment. Each licensee shipping low-level radioactive waste shall transfer manifest information to the consignee.
- c) Upon agreement between the shipper and the consignee, NRC Forms 541, 541A, 542 or 542A may be completed, transmitted and stored in electronic media with the capability of producing legible, accurate and complete records on the respective forms. Copies of manifests required by this Section may be legible carbon copies, photocopies or computer printouts that reproduce the data in the format of the uniform manifest.
- d) Licensees are exempt from the manifesting requirements of this Section when shipping:

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- 1) Low-level radioactive waste for processing and when they expect its return (i.e., for storage under their license) prior to disposal at a licensed disposal facility;
 - 2) Low-level radioactive waste that is being returned to the licensee who is the waste generator; or
 - 3) Radioactively contaminated material to a waste processor that becomes the processor's residual waste.
- e) Each licensee shipping low-level radioactive waste shall also comply with the reporting requirements specified in 32 Ill. Adm. Code 609.
- f) Each shipper of radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:
- 1) The name, facility address and telephone number of the licensee shipping the waste;
 - 2) An explicit declaration indicating whether the shipper is acting as a waste generator, collector or processor, or a combination of these identifiers, for purposes of the manifested shipment;
 - 3) The name, address and telephone number, or the name and USEPA identification number, for the carrier transporting the waste;
 - 4) The date of the waste shipment;
 - 5) The total number of packages/disposal containers;
 - 6) The total disposal volume and disposal weight in the shipment;
 - 7) The total radionuclide activity in the shipment;
 - 8) The activity of each of the radionuclides H-3, C-14, Tc-99 and I-129 contained in the shipment; and
 - 9) The total masses of U-233, U-235 and plutonium in special nuclear material, and the total mass of uranium and thorium in source material.

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AGENCY NOTE: The reporting requirements of the uniform manifest meet the reporting requirements of USDOT for the shipments of waste. Therefore, no additional DOT forms are required for shipments of low-level radioactive waste. However, the uniform manifest does not meet the reporting requirements of USEPA for the shipment of hazardous, medical or other waste. Any additional USEPA requirements shall be met by using an additional USEPA manifest. In addition, the uniform manifest reporting requirements do not meet the tracking requirements of 32 Ill. Adm. Code 609.

- g) For waste shipments in disposal containers, each shipper shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:
- 1) An alphabetic or numeric identification that identifies each disposal container in the shipment;
 - 2) A physical description of the disposal container, including the manufacturer and model of any high integrity container;
 - 3) The volume displaced by the disposal container;
 - 4) The gross weight of the disposal container, including the waste;
 - 5) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;
 - 6) A physical and chemical description of the waste;
 - 7) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - 8) The approximate volume of waste within a container;
 - 9) The sorbing or solidification media, if any, and the identity of the manufacturer of the solidification media and brand name;

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- 10) The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with or contained on these waste types within a disposal container shall be reported;
 - 11) The total radioactivity within each container; and
 - 12) For wastes consigned to a disposal facility, the classification of the waste shall be identified on the manifest pursuant to Section 340.1052 ~~of this Part~~. Waste not meeting the structural stability requirements of Section 340.1055(b) ~~of this Part~~ shall also be identified on the manifest.
- h) For waste shipments delivered without a disposal container, the shipper of the radioactive waste shall provide the following information on the uniform manifest:
- 1) The approximate volume and weight of the waste;
 - 2) A physical and chemical description of the waste;
 - 3) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - 4) For wastes consigned to a disposal facility, the classification of the waste shall be identified on the manifest pursuant to Section 340.1052 ~~of this Part~~. Waste not meeting the structural stability requirements of Section 340.1055(b) ~~of this Part~~ shall also be identified on the manifest;
 - 5) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material; and
 - 6) For waste consigned to a disposal facility, the maximum radiation levels at the surface of the waste.

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- i) For waste comprised of mixtures of waste originating from different waste generators, the shipper shall provide the following information on the uniform manifest:

AGENCY NOTE: The origin of the low-level radioactive waste resulting from a processor's activities may be attributable to one or more "waste generators" as defined in this Part.

- 1) For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each waste generator.
- 2) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each waste generator, provide the following:
 - A) The volume of waste;
 - B) A physical and chemical description of the waste, including the solidification agent, if any;
 - C) The total weight percentage of chelating agents for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - D) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements in Section 340.1055(b) ~~of this Part~~; and
 - E) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material if contained in the waste.

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- j) An authorized representative of the licensee shall certify, by signing and dating the shipment manifest, that the transported materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the requirements of USDOT regulations and this Part. A collector, in signing the certification, is certifying that nothing has been done to the collected waste that would invalidate the waste generator's certification.
- k) Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in subsections (k)(1) through ~~(k)(9) of this Section~~. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of subsections (k)(4) through ~~(k)(9) of this Section~~. The licensee shall:
- 1) Prepare all wastes so that the waste is classified according to Section 340.1052 ~~of this Part~~ and meets the waste characteristics requirements in Section 340.1055 ~~of this Part~~;
 - 2) Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste or greater than Class C waste, in accordance with Section 340.1052 ~~of this Part~~;
 - 3) Conduct a quality assurance program to assure compliance with Sections 340.1052 and 340.1055 ~~of this Part~~ (the program shall include management evaluation of audits);
 - 4) Prepare the appropriate NRC Uniform Low-Level Radioactive Waste Manifest form as required by this Part;
 - 5) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that receipt of the manifest precedes the low-level radioactive waste shipment, or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using either or both of these methods is acceptable;

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- 6) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in subsection (k)(5) ~~of this Section~~;
 - 7) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;
 - 8) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by the Agency; and
 - 9) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this Part, conduct an investigation in accordance with Section 340.1270 ~~of this Part~~.
- l) Any waste collector licensee who handles only prepackaged waste shall comply with subsections (l)(1) ~~and~~ (l)(2) and (l)(7) through (l)(12) ~~of this Section~~. Any licensed waste processor who treats or repackages waste shall comply with subsections (l)(1) and (l)(3) through (l)(12) ~~of this Section~~.
- 1) Acknowledge receipt of the waste from the shipper within one week after receipt by returning a signed copy of NRC Form 540 to the shipper;
 - 2) Prepare a new manifest to reflect consolidated shipments that meet the requirements of this Part. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;
 - 3) Prepare a new manifest that meets the requirements of this Part. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume and the other information required in subsection (i) ~~of this Section~~;
 - 4) Prepare all wastes so that the waste is classified according to Section 340.1052 ~~of this Part~~ and meets the waste characteristics requirements in Section 340.1055 ~~of this Part~~;

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- 5) Label each package of waste to identify whether it is Class A waste, Class B waste or Class C waste, in accordance with Sections 340.1052 and 340.1055 ~~of this Part~~;
 - 6) Conduct a quality assurance program to assure compliance with Sections 340.1052 and 340.1055 ~~of this Part~~ (the program shall include management evaluation of audits);
 - 7) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that receipt of the manifest precedes the low-level radioactive waste shipment, or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using either or both of these methods is acceptable;
 - 8) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in subsection (l)(7) ~~of this Section~~;
 - 9) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;
 - 10) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by the Agency;
 - 11) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this Part, conduct an investigation in accordance with Section 340.1270 ~~of this Part~~; and
 - 12) Notify the shipper and the Agency when any shipment or part of a shipment has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.
- m) Any licensed land disposal facility operator shall:

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- 1) Acknowledge receipt of low-level radioactive waste within 1 week after receipt by returning, at a minimum, a signed copy of NRC Form 540 to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low-Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms shall be returned indicating the discrepancy;
- 2) Maintain copies of all completed manifests and electronically store the information required by 32 Ill. Adm. Code 606.40 until the Agency terminates the license; and
- 3) Notify the shipper and the Agency when any shipment or part of a shipment has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART L: RECORDS

Section 340.1180 Records of Waste Disposal

- a) Each licensee shall maintain records of the disposal of licensed materials made pursuant to Sections 340.1020 ~~through, 340.1030, 340.1040, 340.1045, 340.1050, 340.1052 and 340.1060~~ ~~of this Part~~ and 32 Ill. Adm. Code 601. Each licensee shall also maintain records of disposal by burial in soil, including burials authorized before January 28, 1981, pursuant to 10 CFR 20.304.

AGENCY NOTE: Prior to January 28, 1981, the U.S. Nuclear Regulatory Commission permitted licensees to dispose of small quantities of licensed materials by burial in soil without specific Nuclear Regulatory Commission authorization. This was authorized pursuant to 10 CFR 20.304, which has been rescinded.

- b) The licensee shall retain the records required by subsection (a) ~~of this Part~~ until the Agency terminates each license for which the record is required.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.1195 Form of Records (Repealed)

~~Each record required by this Part shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel. The microform shall be capable of producing a clear copy throughout the required retention period. Records may be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records, such as letters, drawings and specifications, shall include all pertinent information, such as stamps, initials and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART M: REPORTS AND NOTIFICATIONS

Section 340.1220 Notification of Incidents

- a) Immediate Notification. Notwithstanding any other requirements for notification, each licensee or registrant shall immediately report to the Agency discovery of an event that prevents immediate protective actions necessary to avoid releases of radioactive material or doses in excess of the regulatory limits, or each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:
 - 1) An individual to receive:
 - A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or
 - B) A lens dose equivalent of 0.75 Sv (75 rem) or more; or
 - C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Gy (250 rad) or more; or
 - 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the ALI, except the provisions of this subsection (a) do not apply to locations where personnel are not normally

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stationed during routine operations, such as hot cells or process enclosures.

- b) 24 Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Agency each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:
- 1) An individual to receive, in a period of 24 hours:
 - A) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or
 - B) A lens dose equivalent exceeding 0.15 Sv (15 rem); or
 - C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or
 - 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI, except the provisions of this subsection (b) do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.
- c) Additional 24 Hour Notifications for Licensees. Each licensee shall notify the Agency within 24 hours after the discovery of any of the following events involving radioactive material:
- 1) An unplanned contamination event that:
 - A) Requires access to the contaminated area by workers or the public to be restricted for more than 24 hours by imposing radiological controls in addition to those established by the licensee prior to the event or by prohibiting entry into the area;
 - B) Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR 20, appendix B, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March~~

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~~27, 2006~~, for the material; and

- C) Results in access to the area being restricted for a reason other than to either comply with operating procedures established by the licensee, or to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination.
- 2) An event in which equipment is disabled or fails to function as designated when:
- A) The equipment is required by regulation or license condition to prevent releases or doses exceeding regulatory limits, or to mitigate the consequences of an accident;
 - B) The equipment is required to be available and operable when it is disabled or fails to function; and
 - C) No redundant equipment is available and operable to perform the required safety function.
- 3) An event that requires unplanned medical treatment at a medical facility of an individual with radioactive contamination on the individual's clothing or body.
- 4) An unplanned fire or explosion damaging any licensed material or any device, container or equipment containing licensed material when:
- A) The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR 20, appendix B, published at 72 Fed. Reg. 55922, October 1, 2007~~effective March 27, 2006~~, for the material; and
 - B) The damage affects the integrity of the licensed material or its container.
- d) Licensees or registrants shall make the reports required by subsections (a) ~~through, (b) and (c) of this Section~~ by initial contact by telephone to the Agency and shall confirm the initial contact within 24 hours by overnight letter or telefacsimile to the Agency.

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- e) The licensee or registrant shall prepare each written report filed with the Agency pursuant to this Section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.
- f) The provisions of this Section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to Section 340.1240 ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 340.1250 Notifications and Reports to Individuals

- a) Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in 32 Ill. Adm. Code 400.130.
- b) When a licensee or registrant is required ~~by pursuant to~~ Section 340.1230 ~~or 340.1240 of this Part~~ to report to the Agency ~~an any~~ exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. ~~The Such~~ notice shall be transmitted at a time not later than the transmittal to the Agency, and shall comply with the provisions of 32 Ill. Adm. Code 400.130(a).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 340.APPENDIX A Decontamination Guidelines

a) Surface Contamination Guide

Alpha Emitters:

Removable	555 mBq (15 pCi) per 100 cm ² 3322 dpm per 100 cm ²	average over any one surface
	1.67 Bq (45 pCi) per 100 cm ² 100 dpm per 100 cm ²	maximum
Total Fixed	16.7 Bq (450 pCi) per 100 cm ² 1,000 dpm per 100 cm ²	average over any one surface
	83.3 Bq (2,250 pCi) per 100 cm ² 5,000 dpm per 100 cm ²	maximum

Beta-Gamma Emitters:

Removable (all beta-gamma emitters except hydrogen-3)	3.7 Bq (100 pCi) per 100 cm ² 222 dpm per 100 cm ²	average over any one surface
	18.5 Bq (500 pCi) per 100 cm ² 1,110 dpm per 100 cm ²	maximum
Removable (hydrogen-3)	37 Bq (1,000 pCi) per 100 cm ² 2,220 dpm per 100 cm ²	average over any one surface
	185 Bq (5,000 pCi) per 100 cm ²	maximum
Total Fixed	2.5 microSv (250 microrem) per hour at 1 cm from surface	

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- b) Concentration in air and water: ~~appendix B~~, tables I and II of appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007.
- c) Concentrations in soil and other materials except water:
- 1) Radioactive material except source material and radium: Column II of 32 Ill. Adm. Code 330. Appendix A.
 - 2) Source material and radium: Concentration of radionuclides above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 185 mBq (5 pCi) per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 185 mBq (5 pCi) per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
- d) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.

AGENCY NOTE: This ~~appendix A~~ shall be used only as a guide. The Agency may require lower values in specific instances, depending upon radionuclides, type of surface, intended present and future use, etc.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licenses and Radiation Safety Requirements for Irradiators
- 2) Code Citation: 32 Ill. Adm. Code 346
- 3) Section Number: 346.590 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates a reference to a Federal Appendix for the latest acceptable contamination levels. This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of A. This means that the Illinois rule must have language essentially identical to NRC.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 20. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes, it updates a reference already included to a U.S. Nuclear Regulatory Commission appendix.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Maureen Cunningham
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
- 217/524-0770 (voice)
217/782-6133 (TDD)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This proposed rulemaking has no effective change. It only updates a reference to federal standards
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 346

LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

SUBPART A: GENERAL PROVISIONS

Section

346.10	Purpose
346.20	Scope
346.30	Incorporations by Reference
346.40	Definitions

SUBPART B: SPECIFIC LICENSING REQUIREMENTS

346.110	Application for Specific License
346.130	Specific License for Irradiators
346.150	Start of Construction

SUBPART C: DESIGN AND PERFORMANCE REQUIREMENTS OF IRRADIATORS

346.210	Performance Criteria for Sealed Sources
346.230	Access Control
346.250	Shielding
346.270	Fire Protection
346.290	Radiation Monitors
346.310	Control of Source Movement
346.330	Irradiator Pools
346.350	Source Rack Protection
346.370	Power Failures
346.390	Design Requirements
346.410	Construction Monitoring and Acceptance Testing

SUBPART D: OPERATION OF IRRADIATORS

346.510	Training
346.530	Operating and Emergency Procedures

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346.550	Personnel Monitoring
346.570	Radiation Surveys
346.590	Detection of Leaking Sources
346.610	Inspection and Maintenance
346.630	Pool Water Purity
346.650	Attendance During Operation
346.670	Entering and Leaving the Radiation Room
346.690	Irradiation of Explosive or Flammable Materials

SUBPART E: RECORDS

346.810	Records and Retention Periods
346.830	Reports

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 29 Ill. Reg. 20933, effective December 16, 2005; amended at 35 Ill. Reg. _____, effective _____.

SUBPART D: OPERATION OF IRRADIATORS

Section 346.590 Detection of Leaking Sources

- a) Each dry-source-storage sealed source shall be tested for leakage in accordance with the requirements of 32 Ill. Adm. Code 340.410.
- b) For pool irradiators, sources may not be put into the pool unless the licensee tests the sources for leaks or has a certificate from a transferor that a leak test has been done within the 6 months before the transfer. Water from the pool shall be checked for contamination each day the irradiator operates. The check may be done either by using a radiation monitor on a pool water circulating system or by analysis of a sample of pool water. If a check for contamination is done by analysis of a sample of pool water, the results of the analysis shall be available within 24 hours. If the licensee uses a radiation monitor on a pool water circulating system, the detection of above normal radiation levels shall activate an alarm. The alarm set-point shall be set as low as practical, but high enough to avoid false alarms. The licensee may reset the alarm set-point to a higher level if

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necessary to operate the pool water purification system to clean up contamination in the pool if specifically provided for in written emergency procedures.

- c) If a leaking source is detected, the licensee shall arrange to remove the leaking source from service and have it decontaminated, repaired or disposed of by an NRC or Agreement State licensee that is authorized to perform these functions. The licensee shall promptly check its personnel, equipment, facilities and irradiated product for radioactive contamination. No product may be shipped until the product has been checked and found free of contamination. If a product has been shipped that may have been inadvertently contaminated, the licensee shall arrange to locate and survey that product for contamination. If any personnel are found to be contaminated, decontamination shall be performed promptly. If contaminated equipment, facilities or products are found, the licensee shall have them decontaminated or disposed of by an NRC or Agreement State licensee that is authorized to perform these functions. If a pool is contaminated, the licensee shall arrange to clean the pool until the contamination levels do not exceed the appropriate concentration in ~~table~~Table 2, column~~Column~~ 2, of Appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007. (~~December 1, 2005~~). (See 32 Ill. Adm. Code 340.1220 for reporting requirements.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Freedom Of Information
- 2) Code Citation: 2 Ill. Adm. Code 1301
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1301.110	Amend
1301.120	Amend
1301.201	New
1301.202	New
1301.203	New
1301.210	Repeal
1301.220	Repeal
1301.301	New
1301.302	New
1301.303	New
1301.310	Repeal
1301.320	Repeal
1301.401	New
1301.402	New
1301.403	New
1301.404	New
1301.405	New
1301.406	New
1301.407	New
1301.410	Repeal
1301.420	Repeal
1301.510	Amend
1301.511	New
1301.512	New
1301.520	Repeal
1301.530	Repeal
1301.APPENDIX A	New
1301.ILLUSTRATION A	Repeal
1301.ILLUSTRATION B	Repeal
1301 ILLUSTRATION C	Repeal
1301.ILLUSTRATION D	Repeal
1301.ILLUSTRATION E	Repeal
- 4) Statutory Authority: 820 ILCS 405/1700 and 1701; 5 ILCS 140 and 5 ILCS 100/5-15

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- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update statutory references, update the Department's address and name of the unit handling Freedom of Information Act requests, describe the FOIA request process, specify charges for copies of requested records and incorporate recent amendments to the Freedom of Information Act.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

Phone: 312/793-4240
Fax: 312/793-5645
e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all members of the public equally.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XXV: DEPARTMENT OF EMPLOYMENT SECURITY

PART 1301

ACCESS TO RECORDS OF THE DEPARTMENT OF EMPLOYMENT
SECURITY FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section

- 1301.110 Summary and Purpose
1301.120 Definitions

SUBPART B: CLASSIFICATION OF RECORDS PROCEDURES FOR REQUESTING
PUBLIC RECORDS

Section

- 1301.201 Records that Will Be Disclosed
1301.202 Records that Will Be Withheld from Disclosure
1301.203 Statutory Exemptions
1301.210 Office to Which Requests are Submitted (Repealed)
1301.220 Form and Content of Requests (Repealed)

SUBPART C: REQUESTING RECORDS FROM THE AGENCY PROCEDURES FOR
DEPARTMENT RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section

- 1301.301 Submittal of Requests for Records
1301.302 Information To Be Provided in Requests for Records
1301.303 Requests for Records for Commercial Purposes
1301.310 Timeline for Department Response (Repealed)
1301.320 Categories of Department Responses (Repealed)

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS PROCEDURES FOR
APPEAL OF A DENIAL

Section

- 1301.401 Timeline for Agency Response

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<u>1301.402</u>	<u>Requests for Records that the Agency Considers Unduly Burdensome</u>
<u>1301.403</u>	<u>Requests for Records that Require Electronic Retrieval</u>
<u>1301.404</u>	<u>Denials of Requests for Records</u>
<u>1301.405</u>	<u>Requests for Review of Denials – Public Access Counselor</u>
<u>1301.406</u>	<u>Circuit Court Review</u>
<u>1301.407</u>	<u>Administrative Review</u>
1301.410	Appeal of a Denial <u>(Repealed)</u>
1301.420	Director's Response to Appeal <u>(Repealed)</u>

SUBPART E: PROCEDURES FOR PROVIDING ~~PUBLIC~~ RECORDS TO
REQUESTERS~~REQUESTORS~~

Section

1301.510	Inspection of Records at Department Offices
<u>1301.511</u>	<u>Copying of Records; Fees</u>
<u>1301.512</u>	<u>Reduction and Waiver of Fees</u>
1301.520	Copies of Public Records <u>(Repealed)</u>
1301.530	General Materials Available from the Office of the Commissioner <u>(Repealed)</u>

<u>1301.APPENDIX A</u>	<u>Fee Schedule for Duplication and Certification of Records</u>
1301.ILLUSTRATION A	Request for Public Records <u>(Repealed)</u>
1301.ILLUSTRATION B	Denial of Request for Public Records <u>(Repealed)</u>
1301.ILLUSTRATION C	Partial Approval of Request for Public Records <u>(Repealed)</u>
1301.ILLUSTRATION D	Deferral of Response to Request for Public Records <u>(Repealed)</u>
1301.ILLUSTRATION E	FOIA Appeal – Director's Response <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], implementing Sections 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1700 and 1701] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 12899, effective July 10, 1984; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 1301.110 Summary and Purpose

- a) This Part states the policy of the Department of Employment Security for making

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~~its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality is established to implement the provisions of the Freedom of Information Act (Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.). The purpose of these rules is to support the policy of providing public access to the public records of the Illinois Department of Employment Security while protecting legitimate privacy interests and maintaining administrative efficiency.~~

- b) ~~This Part: These rules establish the procedure by which the public may request and obtain public records of the Illinois Department of Employment Security. The rules also set forth the procedures to be followed by the Illinois Department of Employment Security in responding to requests for information.~~

1) ~~Establishes the following classifications for records in the Agency's possession:~~

A) ~~Records that shall be disclosed; and~~

B) ~~Records that shall be withheld from disclosure.~~

2) ~~Contains the procedures by which requesters may obtain records in the Agency's possession; and~~

3) ~~Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1301.120 Definitions

- a) Terms ~~not defined in this Section in this Part~~ shall have the same meaning as in the Freedom of Information Act (~~Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.~~) and the Illinois Unemployment Insurance Act (~~Ill. Rev. Stat. 1983, ch. 48, par. 300 et seq.~~).

- b) The following definitions are applicable for purposes of ~~this Part~~ **these rules**:

"Act" means the Illinois Unemployment Insurance Act **[820 ILCS 405]**(~~Ill. Rev. Stat. 1983, ch. 48, par. 300 et seq.~~).

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"AgencyDepartment" means the Illinois Department of Employment Security.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles of opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Director of the AgencyDepartment of Employment Security.

"FOIA" means the Freedom of Information Act [5 ILCS 140](Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.).

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Office of the Commissioner" means the office responsible for receiving and responding to requests for public records.

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"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

"Requester~~Requester~~" means a person who submits to the Agency a written request, electronically or on paper, for records~~for public records in accordance with these rules.~~

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: CLASSIFICATION OF RECORDS PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1301.201 Records that Will Be Disclosed

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 1301.202 or 1301.203. Records covered under this Section shall include, but are not limited to:

- a) Records of funds. All records relating to the obligation, receipt, and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)
- b) Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)
- c) Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:
 - 1) Court records that are public;
 - 2) Records that are otherwise available under State or local law; and
 - 3) Records in which the requesting party is the individual identified, except as provided under Section 1301.202(a)(5)(F). (Section 2.15(b) of FOIA)
- d) Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 1301.202 or 1301.203 of this Part may be redacted. (Section 2.20 of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1301.202 Records that Will Be Withheld from Disclosure

When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Agency shall make the remaining information available for inspection and copying. (Section 7(1) of FOIA)

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*
 - 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law; (Section 7(1)(a) of FOIA)*
 - 2) *Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order; (Section 7(1)(b) of FOIA)*
 - 3) *Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects; (Section 7(1)(b-5) of FOIA)*
 - 4) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA)*
 - 5) *Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:*

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- A) Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
- B) Interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;
- C) Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
- D) Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies, except that the Agency will provide traffic accident reports, the identities of witnesses to traffic accidents, and rescue reports, except when disclosure would interfere with an active criminal investigation;
- E) Disclose unique or specialized investigative techniques other than those generally used and known, or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the Agency;
- F) Endanger the life or physical safety of law enforcement personnel or any other person; or
- G) Obstruct an ongoing criminal investigation by the Agency;
(Section 7(1)(d) of FOIA)
- 6) Records that relate to or affect the security of correctional institutions and detention facilities; (Section 7(1)(e) of FOIA)
- 7) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the

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- head of the Agency. The exemption provided in this subsection (a)(7) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents; (Section 7(1)(f) of FOIA)
- 8) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this subsection (a)(8) does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this subsection (a)(8) does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(8) shall be construed to prevent a person or business from consenting to disclosure; (Section 7(1)(g) of FOIA)
- 9) Proposals and bids for any contract, grant, or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made; (Section 7(1)(h) of FOIA)
- 10) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by the Agency when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subsection (a)(10) does not extend to requests made by news media as defined in

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Section 1301.120 when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public; (Section 7(1)(i) of FOIA)

- 11) The following information pertaining to educational matters:
- A) Test questions, scoring keys, and other examination data used to administer an academic exam;
 - B) Information received by a primary or secondary school, college, or university under its procedure for the evaluation of faculty members by their academic peers;
 - C) Information concerning a school's or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and
 - D) Course materials or research materials used by faculty members; (Section 7(1)(j) of FOIA)
- 12) Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security; (Section 7(1)(k) of FOIA)
- 13) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act; (Section 7(1)(l) of FOIA)
- 14) Communications between the Agency and an attorney or auditor representing the Agency that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Agency in

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anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Agency, and materials prepared or compiled with respect to internal audits of the Agency; (Section 7(1)(m) of FOIA)

- 15) Records relating to the Agency's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)
- 16) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section; (Section 7(1)(o) of FOIA)
- 17) Records relating to collective negotiating matters between the Agency and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying; (Section 7(1)(p) of FOIA)
- 18) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment; (Section 7(1)(q) of FOIA)
- 19) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt only until a sale is consummated; (Section 7(1)(r) of FOIA)

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- 20) *Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications; (Section 7(1)(s) of FOIA)*
- 21) *Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law; (Section 7(1)(t) of FOIA)*
- 22) *Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175]; (Section 7(1)(u) of FOIA)*
- 23) *Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this subsection (a)(23) may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations; (Section 7(1)(v) of FOIA)*
- 24) *Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency; (Section 7(1)(x) of FOIA)*
- 25) *Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois*

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Power Agency Act [20 ILCS 3855] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5] that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission; (Section 7(1)(y) of FOIA)

- 26) Information about students exempted from disclosure under Section 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009 [110 ILCS 26]; (Section 7(1)(z) of FOIA)
- 27) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009 [215 ILCS 158]; (Section 7(1)(aa) of FOIA)
- 28) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act [760 ILCS 100] or the Cemetery Oversight Act [225 ILCS 411], whichever is applicable. (Section 7(1)(bb) of FOIA)
- b) A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.203 Statutory Exemptions

To the extent provided for by the following statutes, the following shall be exempt from inspection and copying:

- a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700].
- b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act [75 ILCS 70].

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- c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
- d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].
- e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act [420 ILCS 44].
- f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].
- g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act [110 ILCS 979].
- h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430] and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
- i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code [65 ILCS 5].
- j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act [20 ILCS 2605].
- k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code [625 ILCS 5].

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- l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act [210 ILCS 28].
- m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act [765 ILCS 77], except to the extent authorized under that Article.
- n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act [725 ILCS 124]. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
- o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].
- p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act [70 ILCS 3615] or the St. Clair County Transit District under the Bi-State Transit Safety Act [45 ILCS 111].
- q) Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40].
- r) Information prohibited from being disclosed by the Illinois School Student Records Act [105 ILCS 10].
- s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act [220 ILCS 5]. (Section 7.5 of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.210 Office to Which Requests are Submitted (Repealed)

~~Requests for public records shall be submitted to the Office of the Commissioner. Requestors shall address all requests for public records to:~~

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~~Department of Employment Security
Office of the Commissioner
910 South Michigan Avenue, Room 1515
Chicago, Illinois 60605
Attn: FOIA Request~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1301.220 Form and Content of Requests (Repealed)

- a) ~~All requests for public records submitted to the Department under the FOIA shall be in writing. Such requests may be submitted on FOIA request forms provided by the Department. (See Appendix A of these rules)~~
- b) ~~The requestor shall include the following information in any request for public records:~~
- ~~1) The requestor's full name, mailing address and telephone number, including area code, at which the requestor can be reached during normal business hours;~~
 - ~~2) A brief description of the public records sought, being as specific as possible;~~
 - ~~3) Whether the request is for inspection of public records, copies of public records, certified copies of public records, or all;~~
 - ~~4) The specific reason or reasons for which the information is being requested.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART C: REQUESTING RECORDS FROM THE AGENCY PROCEDURES FOR DEPARTMENT RESPONSE TO REQUESTS FOR PUBLIC RECORDS**Section 1301.301 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency.

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- b) The Agency has one FOI Officer, located in the 33 South State Street, Chicago, Illinois 60603 office.
- c) Contact information for the FOI Officer can be found online at www.ides.state.il.us/foia/contacts.html.
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:
- Department of Employment Security
33 South State Street, Room 937
Chicago IL 60603
Attn: FOI Officer
- e) E-mailed requests should be sent to des.foiarequest@illinois.gov, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 312/793-5645, Attn: FOI Officer.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.302 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 1301.402 of [this Part.](#));
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Agency to use in providing the records sought: for example, inspection at Agency headquarters or providing paper or electronic copies;

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- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification;
- f) A statement as to whether the request is for a commercial purpose; and
- g) If the request involves unemployment insurance records for an individual or employing unit, a detailed explanation of the purpose for which the records are needed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1301.303 Requests for Records for Commercial Purposes

- a) It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency. (Section 3.1(c) of FOIA)
- b) The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:
 - 1) Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;
 - 2) Deny the request pursuant to one or more of the exemptions set out in Section 1301.202 or 1301.203;
 - 3) Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or
 - 4) Provide the records requested. (Section 3.1(a) of FOIA)
- c) Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the

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request, and giving priority to records requested for non-commercial purposes.
(Section 3.1(b) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.310 Timeline for Department Response (Repealed)

- a) ~~The Department shall respond to a written request for public records within 7 working days after the receipt of such request by the Office of the Commissioner.~~
- b) ~~The Department may give notice of an extension of time to respond which does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1301.320 Categories of Department Responses (Repealed)

- a) ~~The Department shall respond to a request for public records in one of four ways:
 - 1) ~~Approve the request;~~
 - 2) ~~Approve in part and deny in part;~~
 - 3) ~~Deny the request.~~
 - 4) ~~Return to requestor because he did not comply with the requirements of Section 1301.220(b).~~~~
- b) ~~Upon approval of a request for public records, the Department may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.~~
- e) ~~A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the name(s) and title(s) of individual(s) responsible for the decision. It~~

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~~shall also give notice of the requestor's right to appeal to the Director of the Department.~~

- ~~d) Categorical requests creating an undue burden upon the Department shall be denied only after extending to the requestor an opportunity to confer to attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.~~
- ~~e) Failure to respond to a written request within 7 working days may be considered by the requestor as a denial of the request.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS PROCEDURES FOR APPEAL OF A DENIAL

Section 1301.401 Timeline for Agency Response

- a) Except as stated in Section 1301.303 or subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request at the address given in Section 1301.301. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for such copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 1301.402. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.
- b) The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:
 - 1) The requested records are stored in whole or in part at locations other than the office having charge of the requested records;
 - 2) The request requires the collection of a substantial number of specified records;

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- 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 1301.402. (Section 3(f) of FOIA)*

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1301.402 Requests for Records that the Agency Considers Unduly Burdensome

- a) The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.
- b) If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. Such a response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)
- c) Repeated requests for records that are unchanged or identical to records previously provided or properly denied under this Part from the same person shall be deemed unduly burdensome. (Section 3(g) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.403 Requests for Records that Require Electronic Retrieval

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.404 Denials of Requests for Records

- a) The Agency will deny requests for records when:

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- 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 1301.402, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 1301.202 or 1301.203.
- b) The denial of a request for records must be in writing.
- 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor (Section 9(a) of FOIA); and
 - 3) When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority (Section 9(b) of FOIA).
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Agency has given written notice pursuant to Section 1301.401(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 1301.401. (Section 9(c) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1301.405 Requests for Review of Denials – Public Access Counselor

- a) A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)
- b) If the Agency asserts that the records are exempt under Section 1301.202(a)(4) or (a)(7), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice will include:
- 1) A copy of the request for access to records;
 - 2) The proposed response from the Agency; and
 - 3) A detailed summary of the Agency's basis for asserting the exemption. (Section 9.5(b) of FOIA)
- c) Upon receipt of a notice of intent to deny from the Agency, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Agency under Section 1301.401 will be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)
- d) Within 7 working days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)
- e) Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)

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- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 1301.407. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 1301.407. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 1301.407. (Section 9.5(f) of FOIA)*
- k) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- l) *If the requester files suit under Section 1301.406 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the Agency. (Section 9.5(g) of FOIA)*
- m) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an*

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advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.
(Section 9.5(h) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.406 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.407 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.410 Appeal of a Denial (Repealed)

- a) ~~A requestor whose request has been denied by the Office of the Commissioner may appeal the denial to the Director of the Department. The notice of appeal shall be made in writing and sent to:~~

~~Director
Department of Employment Security
910 South Michigan Avenue, 14th Floor
Chicago, Illinois 60605
Attn: FOIA Appeal~~

- b) ~~The notice of appeal shall include a copy of the original request, a copy of the~~

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~~denial received by the requestor, and a statement of reasons why the appeal should be granted. An appeal shall be filed with the Director within 30 days of the date of the mailing of the denial of the request, or if no written denial is issued, on the date that such denial was due~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1301.420 Director's Response to Appeal (Repealed)

~~The Director shall respond to an appeal within 7 working days after receiving notice thereof. The Director shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requestor as an affirmation of the denial.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS**Section 1301.510 Inspection of Records at Department Offices**

- a) ~~The Agency may make available records for personal inspection at the Agency's headquarters office located at 33 S. State St., Chicago, Illinois, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo. Generally, public records will be made available for inspection during normal working hours of the Department at the Office of the Commissioner.~~
- b) ~~When a person requests a copy of a record maintained in an electronic format, the Agency will furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency will furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA) Documents which the requestor wishes to have copied shall be segregated~~

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~~during the course of the inspection. Generally, all copying shall be done by Department employees.~~

- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment. Unless otherwise arranged, the inspection of records shall take place at the Office of the Commissioner. For purposes of convenience, either the Department or the requestor may request that inspection take place in another Department office location.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time. An employee of the Department may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1301.511 Copying of Records; Fees

- a) In accordance with Section 1301.512, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the

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costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)

- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1301.401, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters in Chicago, Illinois, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Director of Employment Security".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Agency must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Agency personnel may provide records to the contractor;
 - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

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(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.512 Reduction and Waiver of Fees

- a) Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:
- 1) Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and
 - 2) Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public. (Section 6(c) of FOIA)
- b) The Agency will provide copies of records without charge to federal, State, and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.
- c) Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1301.520 Copies of Public Records (Repealed)

- a) ~~Copies of public records shall be provided to the requestor only upon payment of any charges which are due.~~
- b) ~~Charges may be waived if the requestor is a State agency, a constitutional officer~~

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~~or a member of the General Assembly. Charges may be waived in any other case where the Office of the Commissioner determines that the waiver serves the public interest.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1301.530 General Materials Available from the Office of the Commissioner**(Repealed)**

~~The Office of the Commissioner shall make available to the public at no charge the following materials:~~

- ~~a) A brief description of the organizational structure and budget of the Department;~~
- ~~b) A brief description of the means for requesting information and public records; and;~~
- ~~c) A list of types and categories of public records maintained by the Department.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 1301.APPENDIX A Fee Schedule for Duplication and Certification of Records

<u>TYPE OF DUPLICATION</u>	<u>FEE (PER COPY)</u>
<u>Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies</u>	<u>No charge</u>
<u>Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies</u>	<u>\$.15/page</u>
<u>Paper copy from microfilm original</u>	<u>\$.15/page</u>
<u>Microfilm diazo from original</u>	<u>\$.50/diazo</u>
<u>VHS video copy of tape</u>	<u>Actual cost of the reproduction</u>
<u>Audio tape copy of tape</u>	<u>Actual cost of the reproduction</u>
<u>CD ROM disk</u>	<u>Actual cost of the reproduction</u>
<u>Photograph from negative</u>	<u>Actual cost of the reproduction</u>
<u>Blueprints/oversized prints</u>	<u>Actual cost of the reproduction</u>
<u>Paper copies in color or in a size other than letter or legal</u>	<u>Actual cost of the reproduction</u>
<u>Certification fee</u>	<u>\$1.00/record</u>

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1301.ILLUSTRATION A Request for Public Records (Repealed)

TO:	_____	FROM:	_____
	OFFICE OF THE COMMISSIONER		NAME
	_____		_____
	DEPARTMENT/AGENCY		ADDRESS
	_____		_____
	ADDRESS		_____
	_____		_____
			PHONE NUMBER

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~SPECIFIC REASON OR REASONS FOR WHICH THE INFORMATION IS REQUESTED:~~

~~Please indicate if you wish to inspect the above captioned records or wish a copy of them:~~

~~Inspection Copy Both~~

~~Do you wish to have copies certified? Yes No~~

~~FOR OFFICE USE ONLY:~~

~~_____~~
~~Date Received~~

~~_____~~
~~Date Response Due~~

~~Notations re Oral Communications or Other Items:~~

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(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 1301.ILLUSTRATION B Denial of Request for Public Records (Repealed)

TO:	_____	FROM:	_____
	NAME		OFFICE OF THE COMMISSIONER
	_____		_____
	Address		Department
	_____		_____
			Address
	_____		_____
	Phone Number		

~~DESCRIPTION OF REQUESTED RECORDS:~~

~~Your request dated _____ for the above captioned record(s) has been denied:~~

- ~~The request creates an undue burden on the public body in accordance with Section 3(f) of the Freedom of Information Act, and we were unable to negotiate a more reasonable request.~~
- ~~The materials requested are exempt under Section 7____ of the Freedom of Information Act for the following reasons:~~

~~The individuals who have reached the determination that the records you have requested are to be denied are:~~

- ~~1. (Name and Title)~~
- ~~2. (Name and Title)~~

~~You have the right to appeal the denial of the records you have requested to the Director of this Department by submitting a written notice of appeal to:~~

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

~~Director
Illinois Department of Employment Security
910 S. Michigan Avenue
Chicago, Illinois 60605
ATTN: FOIA Appeal~~

~~In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reasons why your appeal should be granted. Appeals shall be filed with the Director within 30 days of a denial from the office of the Commissioner.~~

~~OFFICE OF THE COMMISSIONER~~

~~Date~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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**Section 1301.ILLUSTRATION C Partial Approval of Request for Public Records
(Repealed)**

TO:		FROM:	
	Name		OFFICE OF THE COMMISSIONER
	Address		Department
			Address
	Phone Number		

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~Your request dated _____ for the above captioned records has been partially approved. Those parts of your request which have been approved:~~

- ~~are enclosed~~
- ~~will be made available upon payment of copying costs in the amount of _____.~~
- ~~may be inspected at _____ on _____.~~
~~(date)~~

~~The following portions of your request have been denied for the reasons cited:~~

~~The individuals who have reached the determination that the records you have requested are to be denied are:~~

- ~~1. (Name and Title)~~
- ~~2. (Name and Title)~~

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~~You have the right to appeal the denial of the records you have requested to the Director of this Department by submitting a written notice of appeal to:~~

~~Director
Illinois Department of Employment Security
910 S. Michigan Avenue
Chicago, Illinois 60605
ATTN: FOIA Appeal~~

~~In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reasons why your appeal should be granted. Appeals shall be filed with the Director within 30 days of the mailing of a denial from the office of the Commission.~~

~~OFFICE OF THE COMMISSIONER~~

~~Date~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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**Section 1301.ILLUSTRATION D Deferral of Response to Request for Public Records
(Repealed)**

TO: _____ Name _____ _____ Address _____ _____ Phone Number _____	FROM: _____ OFFICE OF THE COMMISSIONER _____ Department _____ Address _____
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~~DESCRIPTION OF RECORD(S) REQUESTED:~~

The response to your request dated _____ for the above captioned records must be delayed. The delay in responding to your request is for the following reasons:

~~(Provide reason for delay in accordance with Section 3(d) of the FOIA.)~~

You will be notified by _____ as to the action taken on your request.
(date)

~~OFFICE OF THE COMMISSIONER~~

Date

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 1301.ILLUSTRATION E FOIA Appeal – Director's Response (Repealed)

<p>TO: _____ Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>_____</p> <p>Phone Number</p>	<p>FROM: _____ Director</p> <p>_____</p> <p>Department</p> <p>_____</p> <p>Address</p> <p>_____</p>
--	--

DESCRIPTION OF RECORD(S) REQUESTED:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

I hereby approve your appeal to the following extent and for the following reasons:

I affirm the denial of your request made by the Office of the Commissioner.

You are entitled to judicial review of any denial pursuant to Section II of the Freedom of Information Act.

Director

Date

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Interstate And Federal Cooperation
- 2) Code Citation: 56 Ill. Adm. Code 2714
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2714.10	Amend
2714.215	Amend
2720.220	Amend
- 4) Statutory Authority: 820 ILCS 405/210, 229, 409, 605, 700, 1700, 1701, 1706, 2700, 2701, and 2702
- 5) A Complete Description of the Subjects and Issues Involved: Makes clear that interstate claims are filed in accordance with the rules of the liable state, explains how claims are filed when Illinois is the liable state and makes clear that the agent state is not involved in the adjudication of claims where it is not the liable state. Updates statutory references.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

312/793-4240

Fax: 312/793-5645

e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed amendments have no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules have no direct effect on small business, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2714
INTERSTATE AND FEDERAL COOPERATION

SUBPART A: GENERAL PROVISIONS

Section
2714.10 Definitions

SUBPART B: INTERSTATE BENEFIT PAYMENTS

Section
2714.200 Application
2714.205 Registration For Work
2714.210 Benefit Rights Of Interstate Claimants
2714.215 Claim ~~for~~ For Benefits
2714.220 Determination ~~of~~ Of Claims
2714.225 Appeal Procedures

SUBPART C: EMPLOYER ELECTIONS TO COVER MULTI-STATE WORKERS

Section
2714.300 Application
2714.305 Submission And Approval Of Coverage Elections Under The Interstate
Reciprocal Coverage Arrangement
2714.310 Effective Periods Of Election
2714.315 Reports And Notices By The ~~Electing~~ Employing Units

AUTHORITY: Implementing and authorized by Sections 210, 229, 409, 605, 700, 1700, 1701, 1706, 2700, 2701, and 2702 of the Unemployment Insurance Act [820 ILCS 405/210, 229, 409, 605, 700, 1700, 1701, 1706, 2700, 2701, and 2702].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 20, filed as amended September 30, 1969, effective October 10, 1969; Regulation 29, filed as amended June 23, 1977, effective July 3, 1977; rules repealed by operation of law October 1, 1984; new

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rules adopted at 9 Ill. Reg. 17785, effective October 31, 1985; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2714.10 Definitions

All other terms used in this Part shall have the meaning set forth in Sections 200 through 247 of the Unemployment Insurance Act (~~Ill. Rev. Stat. 1983, ch. 48, pars. 300 through 372~~), unless the context clearly requires otherwise.

"Act" means the Unemployment Insurance Act [820 ILCS 405].

"Agent State" means any ~~state~~State in which an individual files a claim for benefits from another ~~state~~State.

"Agency" means any officer, board, commission or other authority charged with the administration of the unemployment insurance law of a participating jurisdiction.

"Benefits" means the compensation payable to an individual, with respect to his ~~or her~~ unemployment, under the unemployment compensation law of any ~~state~~State.

"Interested ~~Jurisdiction~~jurisdiction" means any participating jurisdiction to which an election submitted under this Part is sent for its approval; and "interested agency" means the agency of ~~a participatingsueh~~ jurisdiction.

"Interstate Benefit Payment Plan" shall have the meaning set forth in Section 409(J) of the ~~Unemployment Insurance Act (Ill. Rev. Stat. 1983, ch. 48, par. 409(J))~~.

"Interstate Claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent ~~state~~State. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent ~~state~~State to work in a liable ~~state~~State. However, if such an individual requests to be considered an interstate claimant, ~~thesueh~~ request shall be granted by Illinois as a liable state.

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"Jurisdiction" means any ~~state~~State of the United States, the District of Columbia, Puerto Rico, the ~~U.S. Virgin Islands of the United States~~, Canada; or, with respect to the ~~federal government~~Federal Government, ~~the coverage of any federal~~Federal unemployment insurance program.

"Liable State" means any ~~state~~State against which an individual files, through another ~~state~~State, a claim for benefits.

"Participating Jurisdiction" means a jurisdiction whose administrative agency has subscribed to the Interstate Reciprocal Coverage Arrangement and whose adherence ~~to the Arrangement~~thereto has not terminated.

"Services ~~Customarily Performed~~customarily performed' by an ~~Individual~~individual in ~~More Than One Jurisdiction~~more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if ~~thesuch~~ services are required or expected to be performed in more than one jurisdiction under the election.

"State" shall have the meaning set forth in Section 409(J)(3) of the ~~Unemployment Insurance Act (Ill. Rev. Stat. 1983, ch. 48, par. 409(J))~~.

"Week of ~~Unemployment~~unemployment" includes any week of unemployment as defined in the law of the liable ~~state~~State from which benefits with respect to ~~thatsuch~~ week are claimed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: INTERSTATE BENEFIT PAYMENTS

Section 2714.215 Claim ~~for~~For Benefits

Claims for benefits or waiting week credit shall be filed in accordance with the liable state's requirements for interstate claims taking. When Illinois is the liable state, initial interstate claims and continued claims must be filed via the internet or telephone. The laws applicable to intrastate claims and certifications shall apply to interstate claims and weeks when Illinois is the liable state.~~a) Claims for benefits or waiting week credit shall be filed by interstate claimants on~~

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~~uniform interstate claims forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan. Claims shall be filed in accordance with the type of week used by the liable State. Any adjustments required to fit the type of week used by the liable State shall be made by the liable State on the basis of consecutive claims filed.~~

- b) ~~Claims shall be filed in accordance with agent State rules for interstate claims.~~
- 1) ~~With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, Illinois, as liable State, shall grant late filing privileges in accordance with the provisions of 56 Ill. Adm. Code 2720.120.~~
- 2) ~~With respect to weeks of unemployment during which an individual is attached to his regular employer, Illinois, as a liable State, shall accept any claim which is filed within the time limits applicable to such claims under the law of the agent State.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2714.220 Determination ~~of~~ Claims

~~a)The agent State shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable State in question such facts relating to the claimant's availability for work and eligibility for benefits as are determined in and by the agent State. Illinois, as an agent State, shall report such facts in accordance with the provisions of 56 Ill. Adm. Code 2720.100. b)The agent state shall have no State's responsibility and authority in connection with the determination of interstate claims ~~nor to the shall be limited to~~ investigation and reporting of relevant facts.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Claims, Adjudication, Appeals And Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2720.1	Amend
2720.25	Amend
2720.100	Amend
2720.200	Amend
2720.210	Amend
2720.300	Amend
- 4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304
- 5) A Complete Description of the Subjects and Issues Involved: One amendment requires that a claimant provide the name and birth date of only the youngest dependent child and makes clear that a claimant cannot withdraw a "valid" claim once it has been filed. One amendment clarifies that referees are administrative law judges. Several Sections are amended to take into account the option of using claimant identification numbers instead of Social Security numbers. One amendment specifies that alternate forms of identification provided by a claimant must show the claimant's name, address and date of birth.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 does not create or expand 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 submit written comments to:

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

Phone: 312/793-4240
Fax: 312/793-5645
e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments have no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules have no direct impact on small employers, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
2720.11	Methods Of Payment
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing a Claim
2720.101	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports for Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)

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2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
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2720.135	Adjudicator Investigation
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AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008; amended at 33 Ill. Reg. 9623, effective August 1, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2720.1 Definitions

All other terms used in this Part shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act [820 ILCS 405/200 through 247], unless the context requires otherwise. Throughout this Part, the use of terms imparting the masculine gender shall also apply to the feminine gender.

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"Act" means the Unemployment Insurance Act, ~~as amended~~ [820 ILCS 405].

"Adjudicator" means the person authorized to make findings, determinations or recoupment decisions relating to a claimant's eligibility for unemployment insurance benefits.

"Agency" means the Department of Employment Security.

"Appeal" means the process of agency or judicial review of a ~~finding~~Finding, ~~determination~~Determination or ~~decision~~Decision.

"Appellant" means a party who appeals an Agency finding, determination or decision.

"Appellee" means a party to a finding, determination or decision appealed by the appellant.

"Board" means the Board of Review of the Department of Employment Security.

"Call Day" means the day a claimant actually calls to access the Telephone Certification System.

"Certification" means an individual's attestation to facts regarding his ~~or her~~ eligibility for benefits for a particular period. The Department may provide for certification in person, by telephone, or by mail. In many instances, depending upon the context, the terms "certification" and "certification form" and "claim certification" or the like should be considered synonymous.

"Certification Day" means the day of the week designated for a telephone filer to call to certify for benefits.

"Certification Detail Screen" means the record maintained by the Telephone Certification System of the claimant's responses to questions asked during a completed telephone certification, and the date of the claimant's call to access the system with respect to that completed certification.

"Claims Series" means a week or series of consecutive weeks for which benefit or waiting week credit is granted.

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"Claimant" means a person who applies for benefits under the Act.

"Claimant Identification Number" means the unique personal identification number the Agency assigns to a claimant. The Agency will use the Claimant Identification Number instead of the claimant's Social Security Number on all material it sends to the claimant.

"Customary Occupation" means the work in which the individual was last engaged or the occupation for which he or she is best qualified by training, experience, and education.

"Decision" means the statement made by a Referee, the Director or the Board of Review with respect to any appeal from a finding~~Finding~~ or determination~~Determination~~ relating to rights or obligations under the Act, or a statement by an Adjudicator~~adjudicator~~ that an employing unit's protest is insufficient.

"Determination" means *an Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made* [820 ILCS 405/702].

"Director's Representative" means an employee of the Agency designated by the Director of Employment Security to conduct hearings and to recommend decisions to the Director.

"Electronic Data Transmission" is a means by which the Director provides an electronic transfer of the "Notice of Claim to Last Employing Unit and Last Employer or other Interested Party" to the data center of the Illinois Department of Central Management Services where the transmission can be retrieved by the employing unit (see Section 2720.7).

"Employing Unit" shall have the same meaning as that set forth in Section 204 of the Act ~~[820 ILCS 405/204]~~.

"Filing Date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means *a statement by an Adjudicator of the amount of wages for*

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insured work paid to a claimant during each quarter in the claimant's base period by each employer [820 ILCS 405/701].

"Full-time Work" is the number of hours a class of workers would customarily work if the employing unit had all ~~of~~ the work it could handle without working overtime. Except ~~when~~~~where~~ the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois State employees because it is so provided by State personnel policy.

"Initial Claim" means an application for benefits ~~that~~~~which~~, meeting all monetary eligibility requirements, commences a claim series.

"Local Office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Mail Filer" means a claimant who, although he ~~or~~ ~~she~~ may use the Telephone Certification System, is permitted to certify by mail.

"Monetary Eligibility" means a claimant's eligibility for a weekly benefit amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Nonmonetary Eligibility" means that the claimant has established monetary eligibility and has not been found ineligible or subject to disqualification under the Act from receiving unemployment insurance benefits.

"Part-time Work" means *services not normally required for the customary schedule of full time hours or days prevailing in the establishment* in which such services are performed, or services performed by a person who, owing to his ~~or~~ ~~her~~ personal circumstances or the nature of the work he is qualified to perform, *does not customarily work the schedule of full time hours or days prevailing in the establishment in which he* ~~or~~ ~~she~~ *is employed* [820 ILCS 405/407]. Generally, part time work will be less than 40 hours per week except where company policy or a collective bargaining agreement provides for a lesser number of hours per week as full time work. In such cases, part time work shall be work less than the number of full time hours set by the collective bargaining agreement or company policy.

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"Part-total Employment" means part-time work with an employing unit other than one's regular employing unit.

~~EXAMPLE~~Example: The claimant is laid off by Company A, his or her regular employing unit, as defined in this Section, and accepts temporary, part-time work with Company B, an employing unit other than his or her regular employing unit. The part-time work with Company B constitutes "part-total employment."

"Partial Employment" means part-time work with one's regular employing unit.

"Party" means, with respect to issues of nonmonetary eligibility, the claimant and any employing unit that~~which~~ files a timely and sufficient protest pursuant to Section 2720.130 ~~of this Part~~. Only a party under Section 702 of the Act may appeal a nonmonetary determination or decision of the Agency regarding eligibility for benefits. With respect to findings under Section 701 of the Act, "Party" means the claimant and any employer whose base period wages are in question. With respect to the issues of sufficiency and timeliness of a protest pursuant to Section 2720.130 of this Part, "Party" means only the employing unit that~~which~~ files the protest.

"Personal Identification Number" or "PIN" means a number that enables the claimant to access the Telephone Certification System. Valid use of a PIN serves as the claimant's signature.

"Protest" means the Agency form; ~~"Employer Notice of Possible Ineligibility,"~~ or a letter in lieu thereof, which alleges that the claimant is not entitled to unemployment insurance benefits.

"Referee" means the administrative law judge assigned~~hearing officer authorized~~ to conduct hearings on appealed Adjudicator findings, determinations or recoupment decisions and to make decisions on the matters appealed.

"Regular Employing Unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any employing unit for which the individual worked full time for 9~~nine~~ consecutive weeks during the preceding 52 weeks.

"Service Area" means a geographical area served by a local office.

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"Services" means not only work actually performed, but the entire employer-employee relationship. Any attachment to an employing unit for which wages are payable constitutes a service for that employing unit.

"Telephone Certification System-~~(TCS)~~" or "TCS" means a system implemented by the Agency that enables a claimant to certify for benefits or obtain information by touch-tone telephone.

"Telephone Filer" means a claimant who has established a PIN and uses the Telephone Certification System to certify.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2720.25 Form ~~of~~ Papers Filed

- a) Each form provided by the Agency ~~that~~which specifies the information to be provided shall be completed in full as indicated. Every other document prepared by claimants, parties, or their representatives shall bear the name ~~and Social Security number~~ of the claimant, either the Social Security or Claimant Identification Number of the claimant, the name and address of the employer, the name, address, and telephone number of the person filing the document, and, if a person has received notice of appeal, the docket number of that appeal.
- b) The omission of necessary information described in subsection (a)~~the preceding paragraph~~ may lead to substantial delay in the review process of the document and could prevent any consideration of the document or its contents. In instances in which~~when~~ information cannot be obtained by other means, the Agency shall immediately return the document with a description of the needed information to the person who filed it. If the document with all required information is returned within 10 days ~~after~~ the date the Agency mailed it back to the person, the document shall be considered filed on the date the Agency originally received it.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.100 Filing a Claim

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- a) Each employer shall deliver the form "What Every Worker Should Know About Unemployment Insurance" to each worker separated from ~~his~~-employment for an expected duration of 7 or more days. The form shall be delivered to the worker at the time of separation or, if delivery is impracticable, it shall be mailed, within 5 days after the date of the separation, to the worker's last known address. The forms shall be supplied by the Agency to each employer without cost. Every employer subject to the provisions of the Unemployment Insurance Act (including every employing unit ~~that~~~~which~~ has elected, with the approval of the Director, to become an employer subject to the Act) shall post and maintain such notices as may be furnished by the Director. ~~These~~~~Sueh~~ printed notices shall be posted in conspicuous places in all of the establishments of the employer, and shall be easily accessible for examination by the worker. The Director will, upon request, supply a sufficient number of duplicate notices to ensure that ~~thesueh~~ notices are accessible to all workers.
- b) Unless a claimant is otherwise instructed by the Agency and except as otherwise provided in subsection (e), an initial claim for unemployment insurance benefits may be filed in person at any local office or on the internet at the Agency's website, www.ides.state.il.us. Subject to Section 2720.25, when filing a claim in person, the claimant shall provide the following to the local office:
- 1) A valid Social Security card or other evidence of his or her Social Security number, such as a W-2 form;
 - 2) Any other form of positive identification such as a driver's license, state photo ID card or payroll check stub showing his or her name, address and date of birth;
 - 3) For each employing unit for whom the claimant worked during the past ~~two~~ years:
 - A) The employing unit's name and address;
 - B) Dates of service;
 - C) Reasons for the claimant's separation:
 - i) If the employing unit is the federal government, Standard Form 8 and Personnel Action Form 50, or any other

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documents, such as a Form W-2 or check stub, that show he or she has worked for the federal government.

- ii) If the employing unit is the military, Separation Form DD-214;
- 4) ~~The name and birthdate of the claimant's youngest~~ ~~Names and birthdates of each~~ dependent child;
- 5) Social Security ~~Number~~ ~~Account number~~, if any, of the claimant's spouse, and information about the spouse's employment during the last ~~two~~ years if the claimant is claiming the spouse as a dependent;
- 6) Information about other income, such as Social Security benefits, pensions, workers' compensation, severance, vacation or bonus pay or other ~~unemployment insurance~~ ~~Unemployment Insurance~~ benefits, that the claimant has received or will receive after the termination of his or her employment.
- c) The Agency will accept and process any claim filed. When the claimant files his or her claim, the claimant will be informed of the requirements for receiving unemployment insurance benefits, including the requirement that the claimant be able to work, available for work and actively seeking work.
- d) Within a reasonable time thereafter (customarily within 7 days), the claimant will be provided with a ~~finding~~ ~~Finding~~ showing whether he or she has monetary eligibility and, if so, the amount of benefits.
- e) The ~~Agency~~ ~~Department~~ shall require a claimant to file in person at a local office if there is a significant discrepancy between information that the claimant provides while attempting to file a claim via the internet and information contained in ~~Agency~~ ~~Department~~ records or such other government records as the ~~Agency~~ ~~Department~~ may utilize.

EXAMPLE: An individual named Smith attempts to file an unemployment insurance claim via the internet and, as part of the internet claims process, enters his Social Security number. However, Department records indicate a previous claim was filed by someone other than Smith, using the same Social Security number that Smith has provided. Smith will have to file his claim in person in a

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local office to clear up the discrepancy.

- f) Once a claimant establishes a "valid" claim, that is, one on which the claimant is monetarily eligible for benefits, that claim cannot be withdrawn. The local office is under no obligation to advise an individual when to file his or her claim so as to qualify for the optimum benefit amount.

EXAMPLE: An individual files a valid claim effective June 6, 2010. He later learns that if he had waited until after July 1, 2010 to file his claim, he would have been entitled to a higher weekly benefit amount. The individual cannot withdraw the claim that he established effective June 6 to obtain a higher weekly benefit amount.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: APPEALS TO REFEREE

Section 2720.200 Filing ~~of~~ Appeal

- a) Any party may appeal an Adjudicator's ~~determination~~**Determination** or ~~finding~~**Finding**. An appeal should be filed in person at or by mail to the local office where the claim was filed.
- b) The appeal must be filed within 30 days after the Adjudicator's ~~determination~~**Determination** or ~~finding~~**Finding** was mailed or hand delivered to the parties (see Section 2720.10).
- c) No special form is necessary to file an appeal to the Referee. The appeal must comply with the following requirements:
- 1) The appeal must be in writing, dated and signed by the person appealing or ~~that person's~~**his** representative; and
 - 2) The appeal must be limited to one claimant and contain the name ~~and Social Security number~~ of the claimant and either the Social Security or Claimant Identification Number of the claimant.
- d) An appeal of a labor dispute ~~determination~~**Determination** to a Director's Representative under Section 604 of the Act and ~~Section 56 Ill. Adm. Code~~

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2720.275 may be filed by any party to a ~~determination~~Determination or an agent representing all members of the affected class of workers by listing ~~either the only~~ all Social Security ~~or Claimant Identification Numbers~~account numbers of the employees on the appeal.

- e) At the request of any appellant, an Adjudicator at the local office where the appeal should be filed pursuant to subsection (a) will assist the appellant to file the appeal. ~~The~~In such event, the Adjudicator providing assistance and the appellant will sign the appeal.
- f) The Agency will promptly schedule a hearing before a Referee and, except as provided in Section 2720.201, mail notice of the hearing to the parties. (Customarily, notice of hearing will be mailed within 15 days after the filing of the appeal.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2720.210 Preparation for the Hearing

- a) Each party shall appear at the hearing before the Referee with witnesses or documents it believes to be necessary to establish or refute allegations set forth in the appeal.
- b) The Agency shall provide to a party requiring a foreign language interpreter, at the Agency's expense, an interpreter able and willing to translate verbatim from the witness's language into English and vice versa. The Referee will administer an interpreter's oath to any interpreter.
- c) Upon timely request to the Referee assigned to the case, or his or her supervisor, prior to the beginning of an in-person hearing, a party may inspect the file during the Agency's regular business hours at the office of the Referee assigned to the case. The Agency will maintain a written record of the~~The~~ date and name of any person inspecting the file ~~will be placed on the file's folder~~. In the case of a telephone hearing, a file may be inspected at the local office where the claim was filed or at the Agency's main office at 33 S. State, Chicago IL, if the request is made at least two working days prior to the hearing; ~~when~~where the request is timely made, the Agency will~~Department shall~~ provide the party making the request with an opportunity to inspect the file at least 24 hours prior to the hearing.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section 2720.300 Filing ~~of~~ Appeal

- a) Any party may appeal a Referee's decision. An appeal shall be filed in person or by mail. The appeal must be filed within 30 days after the Referee's decision has been mailed to the parties. The appeal should be filed at the address shown on the Referee's decision.
- b) No special form is necessary to file an appeal to the Board of Review. The appeal should comply with the following requirements:
 - 1) The appeal must be in writing, dated, and signed by the person appealing or ~~that person's~~ representative;
 - 2) The appeal must contain the docket number of the Referee's decision, ~~and~~ the name ~~and social security number~~ of the claimant and either the Social Security or Claimant Identification Number of the claimant;
 - 3) The appeal must set forth the parts of the decision with which the appealing party disagrees and the specific reasons for that disagreement.
- c) Any person may request help to write ~~an~~ appeal from the staff of the local office where ~~the~~ claim was filed. Timely filing of an appeal at the local office will be deemed timely filing of an appeal.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administrative Hearings And Appeals
- 2) Code Citation: 56 Ill. Adm. Code 2725
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2725.1	Amend
2725.220	Amend
2725.250	Amend
2725.255	Amend
2725.265	Amend
- 4) Statutory Authority: 820 ILCS 405/701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending several Sections to update statutory references and terminology. The Department is amending Section 2725.220 to allow a party more time to submit documents. The Department is also clarifying that Director's representatives are administrative law judges.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel

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Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, IL 60603

Phone: 312/793-4240
Fax: 312/793-5645
e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: All employers would be affected equally.
 - 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 next page.

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2725
ADMINISTRATIVE HEARINGS AND APPEALS

SUBPART A: GENERAL PROVISIONS

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2725.3	Burden Of Proof
2725.5	Designation Of Agents
2725.10	Computation Of Time
2725.11	Use of Private Messenger Services
2725.15	Disqualification Of Agency Employee
2725.20	Request For Clarification
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SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

Section	
2725.100	Application For Revision Of Statement Of Benefit Charges
2725.105	Application For Review Of Rate Determination
2725.110	Protest Of Determination And Assessment
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2725.120	Application For Cancellation Of Benefit Charges Due To Lack Of Notice

SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

Section	
2725.200	Filing Of Appeal
2725.205	Pre-Hearing Conference
2725.210	Notice Of Hearing
2725.215	Preparation for the Hearing
2725.220	Telephone Hearings
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2725.235	Consolidation Or Severance Of Proceedings
2725.237	Adding Necessary Parties
2725.240	Withdrawal Of Petition For Hearing
2725.245	Continuances
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2725.265	The Record
2725.270	Recommended Decision
2725.275	Objections To Recommended Decision
2725.280	Decision Of Director

AUTHORITY: Implementing and authorized by Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act [820 ILCS 405/701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304, and 2305].

SOURCE: Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; emergency amendments at 13 Ill. Reg. 11872, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17383, effective October 30, 1989; amended at 14 Ill. Reg. 5126, effective March 22, 1990; amended at 16 Ill. Reg. 113, effective December 23, 1991; amended at 16 Ill. Reg. 2122, effective January 27, 1992; emergency amendment at 16 Ill. Reg. 7502, effective April 22, 1992, for a maximum of 150 days; emergency expired on September 19, 1992; amended at 20 Ill. Reg. 6378, effective April 29, 1996; amended at 33 Ill. Reg. 9641, effective July 1, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2725.1 Definitions

All other terms used in this Part shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act ~~[820 ILCS 405/200 through 247](Ill. Rev. Stat. 1985, ch. 48, pars. 300 through 372), hereinafter referred to as "the Act" unless the context requires otherwise.~~

"Act" means the Unemployment Insurance Act, ~~as amended, [820 ILCS 405](Ill. Rev. Stat. 1985, ch. 48, pars. 300 through 820).~~

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"Adjudicator" means the person authorized to make findings, reconsidered findings, determinations, reconsidered determinations or decisions relating to the Act.

"Agency" means the Department of Employment Security.

"Application" means an Application for Revision of Statement of Benefit ~~Charges~~Wages or Application for Review of Rate Determination.

"Claim" means a Claim for Adjustment or Refund.

"Claimant" means a person who applies for benefits under the Act.

"Determination" means *an Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made* ~~[820 ILCS 405/702](Section 702 of the Act, Ill. Rev. Stat. 1985, ch. 48, par. 452).~~

"Director" means the Director of Employment Security.

"Director's Representative" means ~~the administrative law judge~~~~an employee of the Agency~~ designated by the Director to conduct hearings and recommend decisions to the Director.

"Filing Date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means *a statement by an Adjudicator of the amount of wages for insured work paid to a claimant during each quarter in the claimant's base period by each employer* ~~[820 ILCS 405/701](Ill. Rev. Stat. 1985, ch. 48, par. 451).~~

"Local Office" means the office of the Agency serving claimants who live in a specific geographical area.

"Petition" means a Protest and Petition for Hearing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

Section 2725.220 Telephone Hearings

- a) ~~When~~~~Where~~, because of distances involved, or it is impractical for the parties, witnesses or the Director's Representative to appear in the same county for a hearing, the Director's Representative has the authority to schedule a telephone hearing. Any party shall have a right not to participate in a telephone hearing, and any party electing not to participate in a telephone hearing shall be granted an in-person hearing. If a hearing is to be conducted by telephone, the notice shall so inform the parties and include instructions for providing the Agency with any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone.
- b) A party to a telephone hearing must submit to the Director's Representative, at least ~~5~~~~10~~ days before the date of the scheduled hearing, any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the Director's Representative will be identified on the record.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2725.250 Conduct ~~of~~~~Of~~ Hearing

- a) The Director's Representative will control the hearing, which will be confined to the relevant factual and/or legal issues.
- b) At the hearing, the petitioning employer must produce testimony, argument or other evidence to establish that the Director's order or determination and assessment is incorrect.
- c) Following the testimony of each witness, the witness may be questioned and cross-examined by the opposing party, if any, and then may be questioned and cross-examined by the Director's Representative or such other employee of the Director as the Director may designate. The Director's Representative or such other employee of the Director as the Director may designate shall represent the Director and may present any evidence to support the Director's order or

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determination and assessment.

- d) It is the duty of the Director's Representative to ensure that the party or parties, as appropriate, have full opportunity to present all evidence relevant to the issues before the Director's Representative.
- e) If any person becomes disruptive or abusive, the Director's Representative shall exclude ~~that~~such person from the hearing and the hearing will continue without the participation of ~~the~~such excluded individual. The Director's Representative shall render a decision based on all evidence in the record.
- f) The Director shall prohibit any person from representing a party in any proceeding under this Part if the Director finds that ~~the~~such person is or has been guilty of violating the Code of Professional Responsibility, Article 8 of the Rules of the Illinois Supreme Court (~~Ill. Rev. Stat. 1987, ch. 110A, par. 1-101 et seq.~~) or has intentionally disregarded the provisions of the Act, rules promulgated thereunder or written instructions of the Director. ~~The~~Such prohibition shall be in writing and shall be applicable for a period not to exceed 120 days from the date ~~the~~such decision is mailed to the party.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2725.255 Rules ~~of~~ Evidence

The rules of evidence as provided in Section ~~10-4012~~ of the Illinois Administrative Procedure Act [~~5 ILCS 100/10-40~~](~~Ill. Rev. Stat. 1991, ch. 127, par. 1010-40~~) shall apply. The Director's Representative need not rule on any objection to the introduction of evidence or testimony, but any such objection shall be duly noted and made part of the record.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2725.265 The Record

A complete record shall be kept of all proceedings before the Director's Representative, which shall include all items required by Section ~~10-3511~~ of the Illinois Administrative Procedure Act [~~5 ILCS 100/10-35~~](~~Ill. Rev. Stat. 1991, ch. 127, par. 1010-35~~).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Notices, Records, Reports
- 2) Code Citation: 56 Ill. Adm. Code 2760
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2760.100	Amend
2760.120	Amend
2760.125	Amend
2760.130	Amend
2760.135	Amend
2760.145	Amend
2760.150	Amend
- 4) Statutory Authority: 820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking would make the changes necessary to reflect annual filing allowed for household filers. It would also clarify what preprinted forms will be sent to employers who file wage reports over the internet and the availability of payment options other than checks.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 an incorporation by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel

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Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, IL 60603

Phone: 312/793-4240
Fax: 312/793-5645
e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department does not expect the proposed amendment to have any direct impact on small businesses (except to the extent that a household employer might be considered a small business), small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: Any that would qualify as a household filer.
 - B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking is intended to ease the reporting burden on household filers, most of which are small.
 - 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 next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2760
NOTICES, RECORDS, REPORTS

SUBPART A: GENERAL OBLIGATIONS

Section

2760.1	Posting And Maintaining Notices
2760.5	Identification Of Workers Covered By The Act
2760.10	Filing By Mail

SUBPART B: REPORTS AND RECORDS

Section

2760.100	Reports <u>and Combined Returns for Household Employers</u>
2760.105	Reports Of Employing Units As To Their Status
2760.110	Employing Unit Terminating Business
2760.115	Records With Respect To Employment
2760.120	Employer's Contribution Report <u>and Combined Return for Household Employers</u>
2760.125	Employer's Wage Report
2760.128	Wage Report Filing for Employers that Employ Household Workers and Elect to Report Their Wages on an Annual Basis
2760.130	Reporting "Excess" Wages
2760.135	Remittance of Contributions Due and Use of Transmittal Form
2760.140	Use Of Electronic Data Processing Media For Quarterly Reporting
2760.145	Correcting the "Employer's Contribution and Wage Report" <u>or Combined Return for Household Employers</u>
2760.150	Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report <u>or Combined Return for Household Employers</u>

AUTHORITY: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

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SOURCE: Department of Labor, Bureau of Employment Security Regulations 4, 7 and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill. Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 13798, effective August 4, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 261, effective December 27, 1993; emergency amendment at 18 Ill. Reg. 2631, effective February 3, 1994, for a maximum of 150 days; emergency amendment modified at 18 Ill. Reg. 7492; emergency expired July 3, 1994; amended at 18 Ill. Reg. 14942, effective September 27, 1994; amended at 29 Ill. Reg. 1917, effective January 24, 2005; emergency amendment at 29 Ill. Reg. 6783, effective April 25, 2005, for a maximum of 150 days; emergency expired September 25, 2005; amended at 33 Ill. Reg. 9652, effective July 1, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: REPORTS AND RECORDS

Section 2760.100 Reports and Combined Returns for Household Employers

- a) Subject to the provisions of Sections 2760.105 through 2760.150, each employing unit shall make such reports as are prescribed, on forms issued by and required to be returned to the Director. Each employing unit shall complete ~~thesuch~~ forms in accordance with the instructions accompanying ~~theany-such~~ report forms, and return the completed forms to the address specified on the form. Failure to complete a report form in accordance with instructions shall be treated as a failure to complete ~~thesuch~~ form.
- b) For purposes of this Part, the Combined Return for Household Employers (form UI-WIT) refers to the report filed pursuant to Section 1400.2 of the Act [820 ILCS 405/1400.2].

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.120 Employer's Contribution Report and Combined Return for Household Employers

- a) Except for employers that file a Combined Return for Household Employers, as

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~~provided in Sections 2760.125 and 2760.128, each~~ Each quarter the agency shall provide each employer subject to the Unemployment Insurance Act, including employers electing to make payments in lieu of paying contributions under ~~Section~~ Sections 1404, 1405 or 302 of the Act [820 ILCS 405/1404, 1405, 302], with a preprinted packet ~~that~~ which includes a form, "Employer's Contribution and Wage Report"; or, with respect to employers subject to Section 2760.140, a form "Quarterly Electro-Magnetic Filing Notice", in part, for filing its quarterly unemployment insurance contribution report. Subject to the provisions of Section 2760.140 ~~of this Part~~, unless the employer was held subject to the Act within the one year period prior to the due date of this form and had not yet been assigned an Illinois account number, the employer must use the left side of the preprinted form provided for filing its report. Except as provided in the previous sentence, the use of a blank (not preprinted for the employer) form will be considered an incomplete submission and be returned to the employer for resubmission. Replacement preprinted forms are available upon request (see Section 2760.125(a)(4) for extensions of the time for filing).

- 1) In the event that an employer files a petition in bankruptcy under the Bankruptcy Code (USC Title 11, ~~U.S.C.~~), the employer shall file two "Employer's Contribution and Wage Reports" or Combined Returns for Household Employers, as the case may be, for the quarter in which the petition is filed. One report shall address the period beginning on the first day of the quarter to, and including, the day prior to the date of the filing of the petition. The other report shall address the period beginning on the date of the filing of the petition to, and including, the last day of the calendar quarter.

EXAMPLE ~~Example~~ 1: Corporation A files a petition in bankruptcy on August 15, 1994. Corporation A is required to file two "Employer's Contribution and Wage Reports" for the third quarter of 1994, both due October 31, 1994. One will cover the period to and including August 14, 1994, and Corporation A will calculate contributions due for that period. The other report will cover the period beginning August 15, 1994, to and including September 30, 1994, and will reflect the contributions due for that period.

EXAMPLE 2: Employer A, which is a household annual filer, files a petition in bankruptcy on August 15, 2008. Employer A is

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required to file two Combined Returns for Household Employers, both due April 15, 2009. One will cover the period to and including August 14, 2008, and Employer A will calculate contributions due for that period. The other report will cover the period beginning August 15, 2008 to, and including, December 31, 2008 and will reflect the contributions due for that period.

- 2) In the event that an employer transfers substantially all of its employing enterprises to another employing unit but continues to be a liable employer, the employer shall file two "Employer's Contribution and Wage Reports" for the calendar quarter in which the transfer occurs. One report shall address the period beginning on the first day of the quarter to, and including, the date of transfer. The other report shall address the period beginning on the first day after the date of transfer to, and including, the last day of the calendar quarter.

EXAMPLEExample: On August 15, 1994, Corporation A, which owns a retail establishment named, the XYZ Store, sells the entire business, except the name "XYZ Store" to Corporation B. The officers of Corporation A continue to perform services and are paid wages after the transfer. Corporation A is required to file two "Employer's Contribution and Wage Reports" for the third quarter of 1994, both due October 31, 1994. One will cover the period to, and including, August 15, 1994, and Corporation A will calculate contributions due for that period. The other report will cover the period beginning August 16, 1994, to, and including, September 30, 1994, and will reflect the contributions due for that period.

- 3) The employer may obtain a second imprinted "Employer's Contribution and Wage Report" form or Combined Return for Household Employers upon request (see Section 2760.125(a)(4) for extensions of time for filing).
- 4) In the event the employer files only one report for a quarter for which two reports are required under subsection (a)(1) or (a)(2) ~~of this Section~~ and provides the total and taxable wages for the entire quarter in the report, or filed only one return for a year for which two returns are required, and provides the total and taxable wages for the entire year in the return, the report or return, as the case may be, will be deemed to be insufficient as provided in Section 1402 of the Act. The employer must file, within 30

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days after the mailing of a notice to it of insufficiency, the two reports or returns as required in either subsection (a)(1) or (a)(2) ~~of this Section~~ as applicable, or the penalties provided in Section 1402 shall apply.

- 5) Except as otherwise provided in this subsection ~~(a)(5)~~, the penalties provided for in Section 1402 of the Act regarding each report or return required under subsection (a)(1) or (a)(2) of this Section shall be calculated on the basis of the total wages paid and contributions due for the period to which that report or return applies. Regardless of whether the employer fails to timely file one or both of the reports or returns, the total penalty for such failure shall not exceed \$5,000 and the minimum penalty for such failure shall be \$50.00. The minimum penalty for willful failure to pay any contribution, or part thereof, with intent to defraud the Director, shall be \$400, regardless of whether the employer fails to make ~~thesueh~~ payment for both or only one of the periods.

~~EXAMPLE~~Example: An employer timely files ~~a~~his report representing the part of the quarter prior to the date of filing of the petition in bankruptcy. He ~~or she~~ is late in filing ~~the~~his report for the part of the quarter including the date the petition is filed. The penalty will be calculated only on the amount of wages paid as reflected in the report for the period including the date the petition in bankruptcy is filed.

- b) In addition to the identifying information on the "Employer's Contribution and Wage Report" or Combined Return for Household Employers, the employer must provide the total wages paid during the quarter, the taxable wages paid during the quarter and the number of employees during the pay period ~~that~~which includes the 12th day of each month of that quarter. For purposes of this subsection ~~(b)~~, ~~when~~where an employer is required to file two reports or returns pursuant to subsection (a)(1) or (a)(2) ~~of this Section~~, "quarter" shall mean the period required to be addressed by the report or return.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.125 Employer's Wage Report

- a) Filing Wage Reports

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- 1) ~~Except as provided in subsection (a)(3), every~~Every employer subject to the Unemployment Insurance Act, including employers electing to make payments in lieu of paying contributions under ~~Section~~Sections 1404, 1405 or 302 of the Act [820 ILCS 405/1404, 1405, 302], shall file a report, or reports if so required under Section 2760.120(a)(1) or (2), each calendar quarter, listing the name and Social Security ~~Account~~Number of each covered worker and, except as provided in Section 2760.130 ~~of this Part~~, the total wages paid to each worker. Except as provided in Section 2760.140, the ~~reports~~report(s) shall be made on the right side of ~~the form~~form(s) designated "Employer's Contribution and Wage Report," which is ~~a~~part of a preprinted packet provided each quarter by the ~~Department of Employment Security (Agency)~~agency to every employer subject to the Unemployment Insurance Act and shall be filed on or before the last day of the calendar month next following the close of the calendar quarter.
- 2) ~~Except as provided in subsection(a)(3), commencing~~Commencing with the quarter in which an employing unit becomes an employer, including employers electing to make payments in lieu of paying contributions under Sections 1404, 1405 and 302 of the Act ~~[820 ILCS 405/1404, 1405, 302]~~, it shall file the form designated by the Director as "Employer's Contribution and Wage Report" (listing ~~thereon~~the information required by subsection (a)(1)), with respect to each calendar quarter beginning with the calendar quarter for which it is considered to be an employer. The reports due under this subsection ~~(a)(2)~~ shall be filed on or before whichever of the following dates is later:
 - A) The ~~30th~~thirtieth day following the date upon which the form designated by the Director as "Employer's Contribution and Wage Report" ~~(or, in the case of an employer subject to Section 2760.135(c), the Transmittal Form)~~ is mailed to the employing unit for completion; or,
 - B) The last day of the calendar month next following the calendar quarter in which ~~thesuch~~ employing unit becomes an employer.
- 3) ~~For employers who have elected to file annually pursuant to Section 1400.2 of the Act, with respect to the first quarter for which the employing unit has made the election and each quarter thereafter for which the election remains in effect, it shall file the form designated as the~~

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Combined Return for Household Employers listing the information required by subsection (a)(1). The return due under this subsection (a)(3) shall be filed on or before whichever of the following dates is later:

- A) The 30th day following the date upon which the form designated as Combined Return for Household Employers (or, in the case of an employer subject to Section 2760.135(c), the Transmittal Form) is mailed to the employing unit for completion; or
- B) April 15 of the calendar year immediately following the close of the quarter to which the report applies.

~~43~~) The information with respect to each worker required by subsection (a)(1); may be submitted on a form other than that designated by the Director as "Employer's Contribution and Wage Report", or the Combined Return for Household Employers, provided that the Director has approved the use of ~~thesueh~~ substitute form. The Director will approve ~~thesueh~~ substitute form if it provides the same information in the same format on the same size paper.

~~54~~) Upon written request filed with the Director prior to the due date of the report, the Director shall, for any reasonable cause shown, grant in writing an extension of a maximum of 30 days for the filing of any report required under subsection (a)(1), ~~or~~ (a)(2) or (a)(3). A reasonable cause is when an employer cannot meet a due date through no fault of its own or because of circumstances beyond its control.

- A) ~~TheSueh~~ request shall make a full explanation of the reasons for the request and shall state the date to which the extension is desired.
- B) If an employer ~~thatwhich~~ has been granted an extension of time pursuant to this subsection (a)(5) fails to file the report on or before the extended due date, the penalty referred to in subsection (b) shall accrue from the original due date as if no extension had been granted.

b) Any employer, including an employer electing to make payments in lieu of paying contributions under SectionSections 1404, 1405 or 302 of the Act, ~~1820~~

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~~ILCS 405/1404, 1405, 302]~~ which, during any calendar quarter, has paid wages to any of its workers; and which fails to file ~~reports~~a report(s) of ~~thosesueh~~ wages on or before the ~~dates they are~~date it is due under the provisions of this Section, shall pay penalties as set forth in Section 1402 of the Act [~~820 ILCS 405/1402]~~ and 56 Ill. Adm. Code 2765, ~~codified thereunder~~.

- c) An extension in the period of time for filing a wage report does not extend the deadline for making payment of any required contributions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.130 Reporting "Excess" Wages

Pursuant to Section 2760.125, the employer shall enter on the wage reporting portion of its ~~Employer's Contribution and Wage Report~~quarterly contribution and wage report or Combined Return for Household Employers the amount of wages (whether or not subject to the payment of contributions) paid during the calendar quarter to each listed worker. However, if the wages paid by the employer during the calendar quarter to any worker are in excess of \$15,000, the employer may report only \$15,000 for ~~thesueh~~ worker with respect to that calendar quarter; provided, that the employer shall enter on its "Report" or Return a sum total of all excess wages and shall identify such sum as "Excess Wages Not Allocated:".

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.135 Remittance ~~of~~ Contributions Due ~~and~~ Use ~~of~~ Transmittal Form

- a) ~~Except as provided in subsection (c), each quarter, or once a year for employers who file the Combined Return for Household Employers, Each quarter~~ the Agency ~~will~~agency shall provide each employer subject to the Unemployment Insurance Act with a preprinted packet ~~that~~which includes a Transmittal Form ~~that~~which is to be returned with a check for any unemployment insurance contributions due for the quarter covered by that packet.
- 1) ~~The~~Sueh Transmittal Form and check must be sent to the address indicated in the packet.
 - 2) A separate check, made payable to the Director of Employment Security, must accompany each Transmittal Form and the Employer's Illinois Account Number should be written on the face of the check.

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- b) Failure of the employer to submit ~~this~~ check to the address indicated on the packet will result in a return of that check to the employer for resubmission. If the resubmitted check is received at the proper address after the due date provided in Section 1400 ~~of the Act (Ill. Rev. Stat. 1983, ch. 48, par. 550) of the Act,~~ interest shall accrue as provided in Section 1401 of the Act ~~(Ill. Rev. Stat. 1983, ch. 48, par. 551).~~ The Director shall not grant waiver for any interest so accrued.
- c) Notwithstanding the provisions of subsection (a) and Section 2760.125(a), any employer that has filed its Employer's Contribution and Wage Report for the previous quarter, or its Combined Return for Household Employers by use of an internet filing option provided by the Agency will receive only the Transmittal Form part of the pre-printed packet.
- d) Notwithstanding any other provisions to the contrary, an employer may remit payments other than by check in accordance with instructions provided on the Agency's website, www.ides.state.il.us.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.145 Correcting ~~theThe~~ "Employer's Contribution ~~andAnd~~ Wage Report" or Combined Return for Household Employers

- a) Should an employer make an error in the reporting of total or taxable wages paid during a quarter or in the calculation of its contributions due, it shall correct ~~thatsuch~~ error by preparation of the form; Employer's Correction Report For The Quarter Ending _____. This same form shall be used to correct errors in reporting wages of individual workers. This form requires the same information as the original "Employer's Contribution and Wage Report" or Combined Return for Household Employers, as the case may be, in addition to the corrected information and an explanation of the change.
- b) ~~WhenWhere~~ an employer incorrectly reports the name or Social Security ~~account~~ Numbernumber of a worker on the wage report portion of the "Employer's Contribution and Wage Report" or Combined Return for Household Employers, as the case may be, ~~asuch~~ correction shall be made by the use of form; Social Security Number And Name Change Notice. This form requires the original information reported on the wage report portion of the "Employer's Contribution ~~andAnd~~ Wage Report" or Combined Return for Household Employers and the

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corrected information.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2760.150 Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report or Combined Return for Household Employers

- a) If an error in the preparation of the Employer's Contribution and Wage Report or Combined Return for Household Employers results in an underreporting of contributions due, the employer shall be liable for any penalty and the delinquent contributions plus interest, calculated in accordance with Section 1401 of the Act [820 ILCS 405/1401], from the date that the original report was due.
- b) Except as provided in subsection (c), if an error in the preparation of the Employer's Contribution and Wage Report or Combined Return for Household Employers resulted in an overpayment of contributions, the employer may file a claim for an adjustment or refund. The claim must be filed within the period provided in Section 2201 of the Act ~~[820 ILCS 405/2201]~~. The request shall be filed on a form entitled Employer's Claim for Adjustment/Refund. The forms may be obtained by writing to the Department of Employment Security, Revenue Division, 33 South State Street, Chicago IL 60603 or on-line from the Agency's website, www.ides.state.il.us. On the form, the employer must provide certain identifying information (name, account number, address and telephone number), its computation of the amount of its claim and the basis for its claim. This form must be signed by the owner, a partner, an officer of a corporation or its authorized agent who states that the information contained in the form is true and correct to the best knowledge and belief of the signer.
- c) In the event that the employer is mailed a Statement of Account that indicates the employer's account has a credit balance and the employer wishes to obtain a cash refund, the employer may file for the refund within the period provided in Section 2201 of the Act, on the form Employer Request for Refund – Statement of Account. The form may be obtained and shall be completed in the same manner as provided in subsection (b).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Recovery Of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2835
- 3) Section Number: 2835.TABLE A Proposed Action: Amend
- 4) Statutory Authority: 820 ILCS 405/601, 900, 901, 1700 and 1706
- 5) A Complete Description of the Subjects and Issues Involved: The recoupment matrix is updated to reflect current law and new extension programs.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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33 South State Street – Room 937
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The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking has no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rulemaking has no direct impact on small businesses, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: DETECTION OF OVERPAYMENTS

2835.100 Cross-Matching

2835.TABLE A Recoupment Matrix

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

SOURCE: 56 Ill. Adm. Code 800: Subpart F adopted at 7 Ill. Reg. 383, effective December 23, 1982; recodified to 56 Ill. Adm. Code 800: Subpart D at 8 Ill. Reg. 6037; recodified to 56 Ill. Adm. Code 2835 at 8 Ill. Reg. 15032; emergency amendment at 8 Ill. Reg. 19687, effective September 28, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2493, effective

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February 13, 1985; amended at 9 Ill. Reg. 16225, effective October 15, 1985; amended at 10 Ill. Reg. 12776, effective July 14, 1986; amended at 11 Ill. Reg. 7626, effective April 14, 1987; emergency amendment at 12 Ill. Reg. 231, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11746, effective July 5, 1988; amended at 32 Ill. Reg. 18978, effective December 1, 2008; emergency amendment at 34 Ill. Reg. 2330, effective January 19, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 8515, effective June 16, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: DETECTION OF OVERPAYMENTS

Section 2835. TABLE A Recoupment Matrix

OVERPAID UNDER THE PROGRAMS LISTED BELOW			% OF BENEFITS RECOUPABLE FROM BENEFITS PRESENTLY PAYABLE UNDER PROGRAMS AND SUBPROGRAMS						
			STATE	UCX/UCFE	STATE/UCX/UCFE	FAC	SUA		
PROGRAM	SUB-PROGRAM	TYPE OF OVER-PAYMENT	REG	EB	REG/EB	FED FUND EXTEN FSB/FSC		SUA	LENGTH OF RECOUPMENT PERIOD
STATE	REG/EB	NONFRAUD Sec. 900A2	25	25	25	25	0	25	5 Years from Determination Date**
STATE	REG/EB	FRAUD	100	100	100	100	0	100	Indefinite
UCX/UCFE	REG/EB	NONFRAUD Sec. 900A2	25	25	25	25	0	25	5 Years from Determination Date **
UCX/UCFE	REG/EB	FRAUD	100	100	100	100	0	100	2 Years from Determination Date *
STATE/UCX/UCFE	FEDERALLY FUNDED EXTENSION	FRAUD	50	50	50	50	0	50	3 Years from Payment Date
STATE/UCX/UCFE	FEDERALLY FUNDED EXTENSION FSB/FSC	NONFRAUD	25	25	25	25	0	25	3 Years from Payment Date
UCX/UCFE	FSB/FSC	NONFRAUD	25	25	25	25		25	3 Years from Payment Date

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STATE	FSB	FRAUD	100	100	100	100		100	Indefinite
	FSC	FRAUD	100	100	100	O-I			Indefinite
UCX/UCFE	FSB	FRAUD	100	100	100	100		100	2 Years from Determination Date *
	FSC	FRAUD	100	100	100	O-I		100	Indefinite
FACSUA		NONFRAUD	25	25	25	25	<u>25</u>	25	3 Years from Payment Date
SUA		FRAUD	100	100	100	100		100	Indefinite
FAC		FRAUD	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	3 Years from Payment Date
TRA		FRAUD	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	0	0-I	Indefinite
TRA		NONFRAUD	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	0	<u>25</u>	5 Years from Determination Date

KEY TO RECOUPMENT MATRIX

25	=	25% of Weekly Benefit Amount may be withheld for recoupment.
<u>50</u>	=	<u>50% of Weekly Benefit Amount may be withheld for recoupment.</u>
100	=	100% of benefits payable may be withheld for recoupment.
O-I	=	Recoupment is not allowable:
	a)	If the week claimed ends prior to fraud determination date, claimant receives all benefits payable for the week;
	b)	If the week claimed ends on or after fraud determination date, claimant is ineligible to receive any benefits for the week.
UCX	=	5 USCU.S.C. 8521 et seq., Unemployment Compensation for Ex-Servicemen.
UCFE	=	5 USCU.S.C. 8501 et seq., Unemployment Compensation for Federal Employees.
FSC	=	26 U.S.C. 3304 (expired 3/31/85), Federal Supplemental Compensation.
FSB	=	26 U.S.C. 3304 (expired 1/31/78), Federal Supplemental Benefits.
SUA	=	26 U.S.C. 3304 (expired 6/30/78), Special Unemployment Assistance.
EB	=	820 ILCS 405/409Ill. Rev. Stat. 1987, ch. 48, par. 409, Extended Benefits.
Sec. 900A2	=	820 ILCS 405/900A2Ill. Rev. Stat. 1987, ch. 48, par. 490.
<u>FED FUND EXT</u>	=	<u>Supplemental Appropriations Act, 2008. Title IV – Emergency Unemployment Compensation, Public Law 110-252 and its amendments or any prior federally funded programs that have expired.</u>

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- FAC = Federal Additional Compensation, sec. 2002 of Division B, Title II of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 and its amendments.
- TRA = Trade Act of 1974, as amended, 19 USC 2271-2322.
- * = ~~After the two-year recoupment period, recoupment % Code becomes 0-~~
~~I.~~
- ** = ~~For Determinations dated after January 1, 1984, only, otherwise the recoupment period is 3 years.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Claimant's Availability For Work, Ability To Work And Active Search For Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2865.50	Amend
2865.60	Amend
2865.100	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/409, 500, 1700 and 1701]
- 5) A Complete Description of the Subjects and Issues Involved: The amendment would eliminate the requirement that a claimant report to a certified union hiring hall in person to satisfy the work search requirement. Statutory references and the Department's address are updated. The Department also wants to make clear that registration with the Employment Service does not need to be in person.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security

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33 South State Street – Room 937
Chicago, IL 60603

Phone: 312/793-4240
Fax: 312/793-5645
e-mail: gregory.ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking has no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rulemaking has no direct impact on small businesses, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865
CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section

- 2865.1 Definitions
- | 2865.50 Union Registration ~~in~~ⁱⁿ Satisfaction ~~of~~^{of} Active Search Provisions
- 2865.55 Requirements For Union Local Certification
- | 2865.60 Procedures ~~for~~^{for} Approval ~~as a~~^{as a} Certified Union

SUBPART B: REGULAR BENEFITS

Section

- 2865.100 Work Search Requirements for Regular Unemployment Insurance Benefits
- 2865.105 Able To Work
- 2865.110 Available For Work
- 2865.115 Actively Seeking Work
- 2865.120 Suitability Of Work – Labor Standards
- 2865.125 Availability For Part-Time Work Only
- 2865.130 Director's Approval Of Training
- 2865.135 Availability For Work And Active Search For Work: Attendance At Training Courses
- 2865.140 Regular Attendance In Approved Training
- 2865.145 Ineligibility To Receive Benefits For Failure To Participate In Reemployment Services
- 2865.150 Profiling/Referral To Reemployment Services

SUBPART C: EXTENDED BENEFITS

Section

- 2865.205 Applicability Of Rules For Eligibility For Regular Benefits
- 2865.210 Systematic And Sustained Search For Work
- 2865.215 When An Individual's Prospects For Finding Work Shall Be Deemed To Be Good

AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/409, 500, 1700 and 1701].

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SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. 4160, effective March 3, 1994; emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6555, effective April 28, 1995; amended at 29 Ill. Reg. 1927, effective January 24, 2005; amended at 33 Ill. Reg. 9675, effective August 1, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2865.50 Union Registration ~~in~~ Satisfaction ~~of~~ Active Search Provisions

- a) Upon request, a claimant will satisfy the active search for work provisions of Section 500(C) of the Act (~~Ill. Rev. Stat. 1991, ch. 48, par. 420(C) [820 ILCS 405/500(C)]~~), by registering for work with a union qualified under Section 2865.55.
- 1) A claimant who is unemployed, belongs to the job classification of workers represented by the union and reports periodically (but not less than monthly), ~~as required by the union in person~~, to his ~~or her~~ local union placement service, shall meet the work search requirements of Section 500(C) of the Act.
- 2) Meeting the requirements set forth in subsection (a)(1) shall not relieve the claimant from satisfying all other requirements of the Act regarding eligibility for benefits, including the additional work search requirements of Section 409(K) of the Act ~~except during weeks beginning on or after March 7, 1993 and before January 1, 1995 when such additional requirements do not apply.~~
- b) The Agency shall maintain an updated listing of all unions qualified under Section 2865.55.
- c) Any local union certified by the Director before ~~July 1, 1986~~ ~~the effective date of this Section~~ shall continue to be certified, without further action on its part, so long as it continues to meet the requirements of Section 2865.55(a).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 2865.60 Procedures ~~for~~ Approval ~~as a~~ Certified Union

- a) Any union local may seek approval under Section 2865.55 by requesting from the local office of the Adjudication Section of Field Operations a "Union Registration and Placement Questionnaire"; (Ben-629), which requests the information necessary to insure compliance with the requirements on placement services in Section 2865.55. The form shall be completed and returned to:

Field Operations, Adjudication Section
Illinois Department of Employment Security
~~33401~~ South State Street, ~~9th Floor Wabash~~—~~3rd Floor South~~
Chicago, Illinois ~~6060360605~~

- b) If a union local is disapproved, written notice for the reasons for ~~the~~ disapproval shall be provided to the union local. All inquiries for supplementary information, explanations or assistance shall be directed to the Adjudication Section of Field Operations, which shall:
- 1) Explain the basis for disapproval;
 - 2) Advise the union local regarding any adjustments in record keeping and activities ~~that~~ which may be necessary to meet the standards for approval under Section 2865.55(a).
- c) If a union local is approved, it shall be advised in writing and added to the listing set forth in Section 2865.50(b).
- d) Since disapproval of a union local under subsection (b) does not adversely affect its rights under the Act, there is no right of administrative review within the Agency under the Act. However, if an individual claimant is denied benefits under Section 500 of the Act, the individual, in his ~~or her~~ appeal under Section 800 of the Act (~~Ill. Rev. Stat. 1991, ch. 48, par. 470~~) [820 ILCS 405/800] may raise the wrongful disapproval of his ~~or her~~ union local as an issue in an appeal.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: REGULAR BENEFITS

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Section 2865.100 Work Search Requirements For Regular Unemployment Insurance Benefits

- a) Unless otherwise instructed, the claimant must establish that he or she is able to work, available for work and actively seeking work during each week for which he or she is claiming benefits.
- 1) The claimant must register ~~within person at~~ the Illinois Employment Service ~~Office~~ unless otherwise instructed by the local office for one of the following reasons:
- A) The claimant's unemployment is due to a labor dispute at his or her last employing unit even if the claimant is not involved in the dispute;
- B) The claimant's unemployment is due to a temporary lay-off not exceeding 10~~ten~~ weeks in duration;
- C) The claimant is a member of a labor union whose placement service has been certified by the Agency under this Part;
- D) The claimant is still attached to a regular job but he or she is only partially employed due to a temporary reduction in ~~his~~ hours;
- E) The claimant is a seasonal worker who is between seasons and has a reasonable expectation of returning to the same job in the next succeeding season. For example, park, golf course and landscape workers would fall within this subsection (a)(1)(E) during a winter shutdown;
- F) The claimant is an academic worker, such as a teacher or school administrator, or a non-academic employee, such as a food service worker or school bus driver, who is seeking work at an educational institution or for a company that contracts with an educational institution during a period between academic years or terms;
- G) The claimant is a construction worker seeking construction work, whether or not he or she belongs to a union that operates a hiring hall defined in Section 2865.50;

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- H) The claimant is enrolled and participating in training, whether or not that training is approved under Section 500(C)(5) of the Act;
 - I) The claimant is a resident of a state that borders Illinois and has filed a claim in this State;
 - J) The Agency determines that, based on local labor market information, registration with the Illinois Employment Service would not increase the likelihood of the claimant's return to work.
- 2) The claimant must show that he or she is conducting a thorough, active and reasonable search for appropriate work on his or her own by keeping records of what he or she is doing to find work, including:
- A) The names and addresses of the employing units contacted and the names of the specific persons contacted, if possible;
 - B) The dates, methods and results of the contacts;
 - C) The types of work that the claimant has been seeking, including wages and hours requested or desired; and
 - D) Any other information regarding ~~his~~ work search efforts.
- b) The claimant shall provide the written records required by this Section to the Agency whenever requested, pursuant to Section 2720.112(f) or 2720.115, or, in the event of a Claims Adjudicator's interview, an appeal or a hearing in which work search is an issue. Even if the claimant has been denied benefits, he or she must either file by telephone (see Section 2720.112) or complete and file the Claim Certification (BIS-653) every ~~two~~ weeks and meet the eligibility requirements of the Act for each week for which he or she expects payment upon reversal of that denial.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1515.10	Amendment
1515.20	Amendment
1515.30	Amendment
1515.40	Amendment
1515.50	Amendment
1515.60	Amendment
1515.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Department of Natural Resources Law) [20 ILCS 805]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended due to expansion of the eligible areas to include the Kaskaskia River Watershed and to address language modifications in the revision to the Illinois CREP Agreement between the United State's Department of Agriculture (USDA), Commodity Credit Corporation (CCC) and the State of Illinois. Amendments are being made to clarify criteria for eligible lands, change the erodibility index (EI) for enrollment of highly erodible lands, clarify requirements for the enrollment process, clarify eligible cost-share payments from the State on highly erodible lands and to remove the reference to reimbursable costs for attorney fees and surveys on 15-year and 35-year easements.
- 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

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- 11) Statement of Statewide Policy Objectives: The Conservation Reserve Enhancement Program (CREP) is driven by locally led conservation efforts that show landowner support. This program is the vehicle for a partnership between landowners, governmental entities and non-governmental organizations in addressing watershed quality problems.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Owners of land that meet the CREP eligibility criteria for the federal Conservation Reserve Program contracts as determined by the USDA Farm Service Agency (FSA) are eligible to participate in the State Incentive Program.
- B) Reporting, bookkeeping or other procedures required for compliance: Submission of application, conservation plan, title work, documents to acquire easement between the property owner and the Department of Natural Resources; all in conjunction with the County Soil and Water Conservation District who monitors landowner's compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the July 2010 Regulatory Agenda because the determination to amend the rulemaking had not been made at the time the Agenda was filed.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

- 1515.10 General Provisions
- 1515.20 Eligibility Requirements
- 1515.30 Enrollment Process
- 1515.40 Exceptions to Enrollment Process
- 1515.50 Payments
- 1515.60 Violation
- 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River
Watersheds~~Watershed~~

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. _____, effective _____.

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program (CREP) is a State Incentive Program combined with the Federal Conservation Reserve Program (CRP) to provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois and Kaskaskia River Watersheds~~Watershed~~ to be restored, enhanced or protected over a period of time from 15 years to perpetuity. ~~The~~ CREP will be driven by locally led conservation efforts which show landowner support. This program will be the vehicle for a partnership between landowners, governmental entities, and non-governmental organizations in

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addressing watershed quality problems.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1515.20 Eligibility Requirements

Lands that meet the CREP eligibility criteria for CRP contracts as determined by the USDA Farm Service Agency (FSA) are eligible for the State Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of eligible land in the Illinois ~~and/or Kaskaskia River Watersheds~~ Watershed as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for ~~CREP the Illinois River Watershed Conservation Reserve Enhancement Program~~, as shown ~~in on the attached map~~ (Exhibit A). These acres are eligible if they are:

- 1) ~~Acre~~ Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either: Acres with a weighted average Erodibility Index (EI) \geq 12. Such acres will only be eligible if: such acres are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using CREP or any other CRP enrollment opportunity; the acres have become an uneconomic remnant as a result of the establishment of a riparian buffer; or the enrollment of the acres is required for effective functioning of a riparian buffer; and/or
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems depicted in Exhibit A; or
 - B) for wetland restoration purposes only, located within the watersheds depicted in Exhibit A and is determined by the USDA Natural Resources Conservation Service (NRCS) to be either a farmed wetland, a prior converted wetland or a wetland farmed under natural conditions.
- 2) ~~Riparian~~ Highly erodible riparian areas, which, for this purpose, shall be defined to be cropland that has a weighted average Erodibility Index (EI) of 8 or greater as determined by FSA and is immediately adjacent to a

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~~riparian area within the 100-year floodplain. The landowner must enroll any eligible adjacent riparian area in CREP or other CRP enrollment opportunity defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in Exhibit A, or located within the watershed depicted in Exhibit A and determined to be for wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions.~~

3) Land may also be enrolled that is adjacent to lands enrolled in subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.

b) ~~The~~ CRP conservation practices eligible for ~~use on~~ the CREP enrollments ~~and to receive~~ cost-share assistance are listed in subsection (b)(1) and (2) below. Practices that enhance or create habitat or desired environment as part of an Illinois Department of Natural Resources (IDNR) approved conservation plan may be eligible for use on the enrolled property. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

1) For lands qualifying as riparian buffers or wetlands:

A) CRP Cropland Practice CP 3A (Hardwood Tree Planting)

B) CRP Cropland Practice CP 4D (Permanent Wildlife Habitat, Noneasement)

C) CRP Cropland Practice CP 9 (Shallow Water Areas for Wildlife)

D) CRP Cropland Practice CP 11 (Vegetative Cover – Trees Already Established)

E) CRP Cropland Practice CP 12 (Wildlife Food Plot)

F) CRP Cropland Practice CP 21 (Filter Strip)

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G) [CRP Cropland and Marginal Pastureland Practice CP 22 \(Riparian Buffer\)](#)

H) [CRP Cropland Practice CP 23 \(Wetland Restoration\)](#)

I) [CRP Cropland Practice CP 25.](#)

~~For acres qualifying on the basis of erosion (must have an EI \geq 12):~~

~~Establishment of Permanent Native Grasses (CRP Practice CP 2)~~

~~Tree Planting (CRP Practice CP 3)~~

~~Hardwood Tree Planting (CRP Practice CP 3A)~~

~~Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)~~

~~Wildlife Food Plot (CRP Practice CP 12)~~

~~Rare and Declining Habitat (CRP Practice CP 25)—For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration~~

2) [For lands qualifying on the basis of erodibility \(lands with an EI \$\geq\$ 8\)For acres qualifying as riparian areas:](#)

A) [CRP Cropland Practice CP 2 \(Establishment of Permanent Native Grasses\)](#)

B) [CRP Cropland Practice CP 3 \(Tree Planting\)](#)

C) [CRP Cropland Practice CP 3A \(Hardwood Tree Planting\)](#)

D) [CRP Cropland Practice CP 4D \(Permanent Wildlife Habitat, Noneasement\)](#)

E) [CRP Cropland Practice CP 12 \(Wildlife Food Plot\)](#)

F) [CRP Cropland Practice CP 25.](#)

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~~Hardwood Tree Planting (CRP Practice CP 3A)~~

~~Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)~~

~~Shallow Water Areas for Wildlife (CRP Practice CP 9)~~

~~Wildlife Food Plot (CRP Practice CP 12)~~

~~Filter Strip (CRP Practice CP 21)—Filter strips can extend to the Natural Resources Conservation Service (NRCS) maximum design standard for Illinois based on percent slope for the purposes of water quality. Installation of appropriate practices authorized in this Section may be combined adjacent to CP 21 (Filter Strip) up to a combined maximum width for both practices of 234 feet.~~

~~Riparian Buffer (CRP Practice CP 22)—Riparian buffers can extend to the maximum widths allowed in the NRCS Field Office Technical Guide, which include the 100 year floodplain for water quality purposes.~~

~~Wetland Restoration (CRP Practice CP 23)—Will be applied to farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions and acres that lie in the 100 year floodplain.~~

~~Rare and Declining Habitat (CRP Practice CP 25)—For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1515.30 Enrollment Process

- a) An applicant for the program must be enrolled in the Federal portion of the Conservation Reserve Enhancement Program or meet the criteria in Section 1515.40(d) or (e).
- b) For the State incentive program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office. The landowner, who must be enrolled in the Federal portion of ~~the~~ CREP or meet the criteria in Section 1515.40(d) or (e), completes the State enrollment form that specifies the desired

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option: a 15-year ~~easement~~contract supplement, a 35-year ~~easement~~contract supplement, or a permanent easement.

- c) The State enrollment form (Form) and the FSA approved CRP contract of the land to be enrolled shall be submitted online to~~faxed to~~ Office of Resource Conservation, Illinois Department of Natural Resources (IDNR) to document the date and time received. The Form is assigned an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come-first served basis. If the appropriation for that fiscal year has been fully obligated, then the Form is assigned a number and a date and placed on the waiting list for subsequent appropriations.
- d) The ~~Form with the~~ enrollment number and approval date or waiting list date shall be e-mailed~~faxed~~ back to the county SWCD office. The county SWCD shall work with the landowner to execute either a 15-year, 35-year~~contract supplement~~ or permanent easement document and record the appropriate document at the County Courthouse.
- e) Upon the voluntary cancellation of enrollment in the program by the landowner, prior to execution of the 15-year, 35-year~~contract supplement~~ or permanent easement, the landowner shall be liable for repayment of the costs incurred by the SWCD and IDNR. These costs will include: administrative costs for meeting landowners, completing CREP documents and executing easement paid to the SWCD by IDNR;~~including costs of survey, title work,~~ attorney fees paid by the SWCD;~~costs for surveys, title work,~~ cost share payments,~~and~~ recording fees and other SWCD costs for~~associated with~~ the enrollment process through the date of cancellation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1515.40 Exceptions to Enrollment Process

- a) Landowners with acres that are subject to a restrictive covenant that has already given the State the rights provided for in the CREP 15-year, 35-year~~contract supplement~~ or permanent easement, or who are restoring the acres for mitigation from a State or Federal action, are ineligible for State CREP bonus payments and State CREP cost-share payments.

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- b) If a county SWCD decides not to hold ~~the 15-year, 35-year contract supplements~~ or permanent easements for that county, ~~the enrollment forms will be completed at the county SWCD office. However, the~~ IDNR will work with the landowner to complete the enrollment forms and execute and record the 15-year, 35-year contract supplement or permanent easement documents document.
- c) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP ~~15-year, 35-year contract supplements~~ or permanent easements for ~~a group of~~ willing CREP landowners. Such entity must contact IDNR with a signed list of willing landowners. IDNR will assist the entity with the enrollment process. The entity must execute the 15-year, 35-year contract supplements or permanent easements, administer them, and provide annual compliance reports to IDNR by September 30 of each year.
- d) Landowners with acres enrolled in continuous CRP sign-ups ~~that were included in the CREP eligible area prior to that area being eligible for CREP after September 1999~~ are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if the CRP acres and non-cropped acres meet all other eligibility requirements and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.
- e) Landowners with acres enrolled in CRP sign-ups within the floodplain in the CREP eligible area are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if required for a Federal and/or State watershed project, if the CRP acres and non-cropped acres meet all other eligibility requirements, and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments

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- 1) Permanent Easements
 - A) The payment to a landowner for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of any Federal incentive payments) times 15 years times 30 percent times number of acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.
 - B) If the landowner elects a permanent easement option, additional non-cropped acres or acres in another CRP sign-up (additional acres) may be offered for the permanent easement. The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment for permanent easements, using the soil types on the additional acres. The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement, but will receive no CREP State cost-share payment for any practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. The criteria eligibility for a permanent easement on additional acres are:
 - i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems depicted in Exhibit A; or the acres have an EI \geq 8 and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been approved by IDNR because their location contributes significantly to addressing watershed and water quality issues~~riparian acres: 100-year floodplain of the Illinois River and its tributaries within the targeted eligible area;~~

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- ii) ~~the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner); and~~ the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner); and
- iii) ~~acres have an EI > 12 and need to be enrolled to meet the 20-acre minimum for permanent easements;~~
- iv) ~~acres have an EI > 12 and have been approved by IDNR because of location and relationship with the remainder of enrollment; and~~
- iii)v) ~~the acres are~~ the acres ~~must~~ already ~~be~~ in acceptable conservation practices based on soil types and wildlife benefits or the landowner ~~is~~ is ~~must be~~ willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign up) offered for permanent easement.
- 2) ~~15-Year Easement Contract Supplement~~
The payment to a landowner for a 15-year ~~easement contract supplement~~ will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).
- 3) ~~35-Year Easement Contract Supplement~~
The payment to a landowner for a 35-year ~~easement contract supplement~~ will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

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b) Cost-Share Payments

Landowners who enter the State incentive program will also receive cost-share payments for the installation of CREP approved practices based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate from the State based upon FSA guidelines for the installation of CREP approved practices ~~from the State~~. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA. For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the approved practice.
- 2) Landowners who enter into a ~~15-year contract supplement or 35-year easement contract supplement~~ on acres defined as riparian areas, farmed wetlands, prior converted wetlands, ~~or~~ wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a 40 percent cost-share rate from the State based upon FSA guidelines for the installation of CREP approved practices ~~from the State~~. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.
- ~~3) Landowners who enter into a 15-year contract supplement or 35-year contract supplement on acres defined on the basis of erodibility (weighted average Erodibility Index, $EI > 12$) will not receive State CREP cost share reimbursement for CREP practice implementation. Landowners may receive reimbursement from other sources.~~
- ~~3)4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CREP cost-share payment for any practice previously established on these acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another Federal and/or State cost share program to implement acceptable practices on these acres.~~

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c) Mechanics of Payment

- 1) For executed ~~15-year, 35-year~~ ~~contract supplements~~ and permanent easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.
- 2) The county SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA form AD-862 and completed USDA form AD-245.
- 3) ~~The~~ ~~If required, the~~ county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs. ~~If written approval from IDNR is not obtained for a survey on a 15-year or 35-year contract supplement, the county SWCD will not be reimbursed for any survey costs. Attorney fees incurred for county SWCD responsibilities, as described in Attachment B of the Contract Agreement between IDNR and the SWCD, are not eligible for reimbursement by the State. Detailed attorney billing statements must be submitted with vouchers.~~
- 4) No individual, or the combined maximum of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.
- 5) Total available funds for practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1515.60 Violation

Landowners who violate the terms of their 15-year, ~~or 35-year~~ ~~contract supplement~~ or permanent

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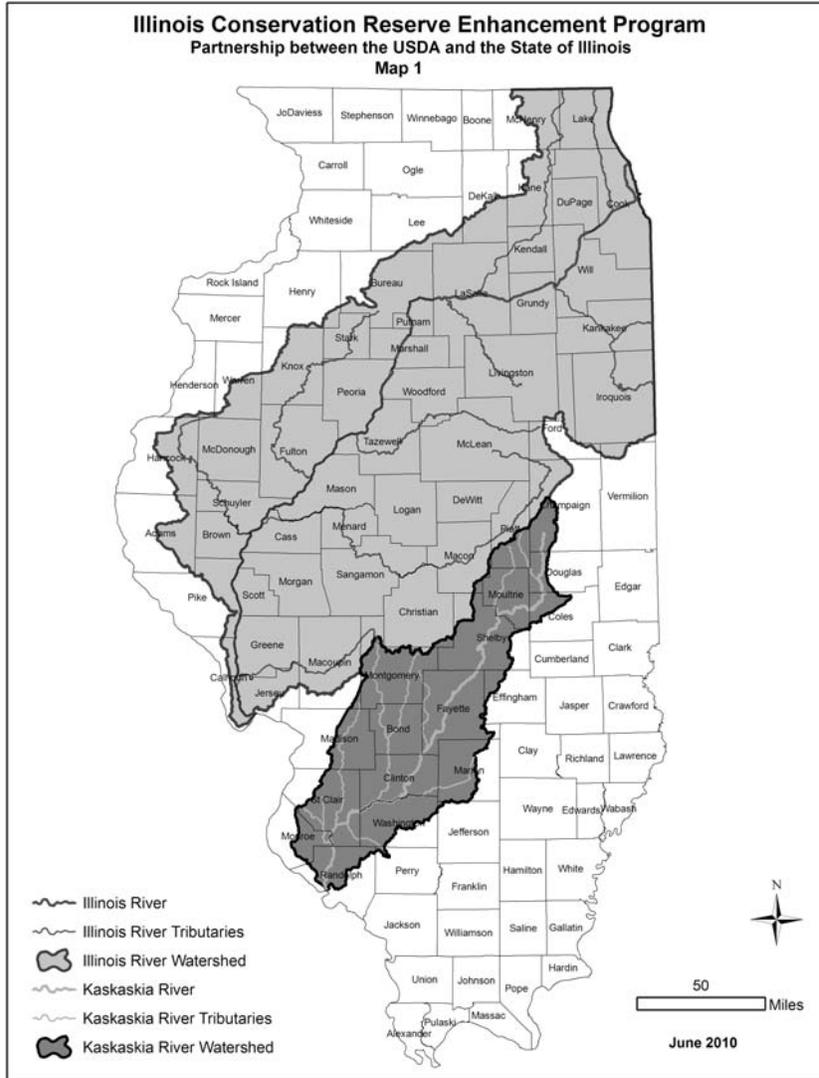
easement must either restore the conservation practices in full according to the terms of the 15-year, 35-year contract supplement or permanent easement at their own expense within a reasonable time frame (1 year or less); or refund the total of all money from the State lump sum payment, the State cost-share payment, the amount paid to the county SWCD by IDNR for administrative costs to enroll the land and hold the easement; attorney fees paid by the SWCD; the administration of the contract supplement or permanent easement, any survey costs, ~~costs for~~ title work, cost share payments any attorney fees, recording fees, and a 15 percent per annum penalty fee (15 percent of the total of all State payments made to the county SWCD for 15-year, 35-year the contract supplement or permanent easement times the number of years the 15-year, 35-year contract supplement or permanent easement has been in effect).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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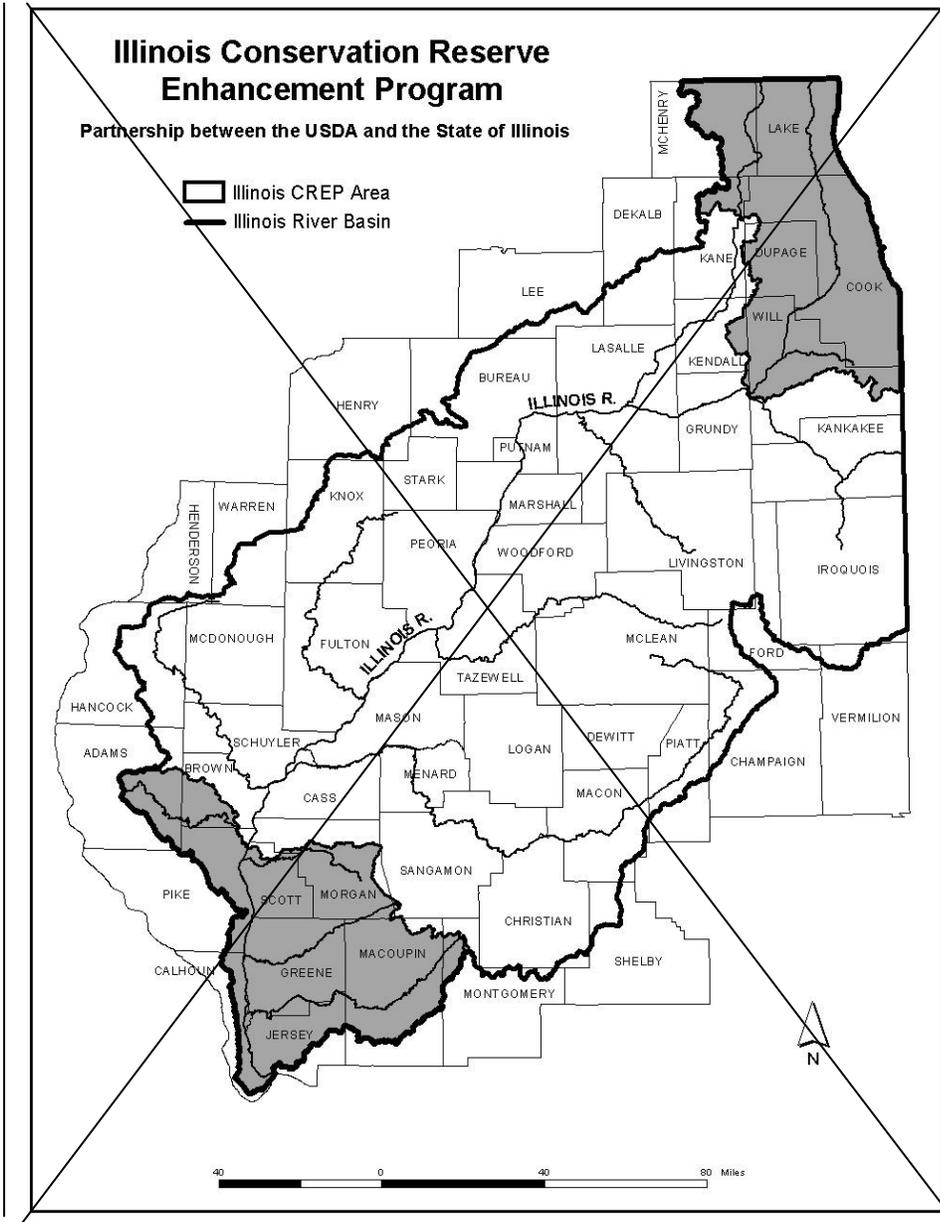
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Section 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds



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(Source: Amended at 35 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
611.101	Amend
611.102	Amend
611.105	Amend
611.111	Amend
611.112	Amend
611.381	Amend
611.382	Amend
611.526	Amend
611.531	Amend
611.611	Amend
611.612	Amend
611.645	Amend
611.680	Amend
611.720	Amend
611.802	Amend
611.925	Amend
611.971	Amend
611.1004	Amend
611.1100	New Section
611.1101	New Section
611.1102	New Section
611.1103	New Section
611.1104	New Section
611.1105	New Section
611.1106	New Section
611.1107	New Section
611.1108	New Section
611.1109	New Section
611.1110	New Section
611.APPENDIX F	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 17, 17.5, and 27

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- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the consolidated docket R10-1/R10-17/R11-6 rulemaking, which amends 35 Ill. Adm. Code 611. A comprehensive description is contained in the Board's opinion and order of August 5, 2010 (and supplemental opinion and order dated August 19, 2010) proposing amendments in docket R10-1/R10-17/R11-6, which documents are available from the address below.

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

R10-1	Federal SDWA amendments that occurred during the period January 1, 2009 through June 30, 2009.
R10-17	Federal SDWA amendments that occurred during the period July 1, 2009 through December 31, 2009.
R11-6	Federal SDWA amendments that occurred during the period January 1, 2010 through June 30, 2010.

The R10-1/R10-17/R11-6 docket amends rules in Part 611. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

June 29, 2009 (74 Fed. Reg. 30953)	USEPA adopted a minor correction to the Stage 2 Disinfection and Disinfectant By-Products Rule (Stage 2 DDBPR) and made a minor editorial change in the drinking water analytical methods.
August 3, 2009 (74 Fed. Reg. 38348)	USEPA used its authority to use a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards.
October 19, 2009 (74 Fed. Reg. 53590)	USEPA adopted National Primary Drinking Water Regulations applicable to aircraft public water systems.
November 10, 2009 (74 Fed. Reg. 57908)	USEPA used its authority to employ a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards.
December 2, 2009 (74 Fed. Reg. 63069)	USEPA made a minor correction in its November 10, 2009 summary approval of drinking water analytical

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	methods.
June 8, 2010 (75 Fed. Reg. 32295)	USEPA used its authority to employ a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards.

Tables appear in the Board's opinion and order of August 5, 2010 in docket R10-1/R10-17/R11-6 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 5, 2010 (and supplemental opinion and order dated August 19, 2010) opinion and order in docket R10-1/R10-17/R11-6.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Illinois 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).

- 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? Yes. Section 611.102 is a centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 611. Many of the amendments involve updated analytical methods that USEPA has approved for use in determining compliance with the National Primary Drinking Water Standards. All of the methods updates involve adding or revising incorporations by reference. In addition, the Board has found a limited number of corrections necessary to the existing incorporations by reference.
- 10) Are there any other proposed amendments pending on this Part? No

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- 11) Statement of statewide policy objectives: These 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 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 R10-1/R10-17/R11-6 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R10-1/R10-17/R11-6:

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

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping

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and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized:
July 2009, January 2010, July 2010

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	
611.100	Purpose, Scope, and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.105	Electronic Reporting
611.107	Agency Inspection of PWS Facilities
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Relief Equivalent to SDWA Section 1415(a) Variances
611.112	Relief Equivalent to SDWA Section 1416 Exemptions
611.113	Alternative Treatment Techniques
611.114	Siting Requirements
611.115	Source Water Quantity
611.120	Effective Dates
611.121	Maximum Contaminant Levels and Finished Water Quality
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead
611.130	Special Requirements for Certain Variances and Adjusted Standards
611.131	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160	Composite Correction Program
611.161	Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

SUBPART B: FILTRATION AND DISINFECTION

Section	
611.201	Requiring a Demonstration
611.202	Procedures for Agency Determinations

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611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.220	General Requirements
611.230	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-Specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration
611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
611.271	Protection during Repair Work
611.272	Disinfection Following Repair
611.276	Recycle Provisions

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	
611.280	Point-of-Entry Devices
611.290	Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section	
611.295	General Requirements
611.296	Acrylamide and Epichlorohydrin
611.297	Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	
611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants

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611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants
611.330	Maximum Contaminant Levels for Radionuclides
611.331	Beta Particle and Photon Radioactivity (Repealed)

SUBPART G: LEAD AND COPPER

Section	
611.350	General Requirements
611.351	Applicability of Corrosion Control
611.352	Corrosion Control Treatment
611.353	Source Water Treatment
611.354	Lead Service Line Replacement
611.355	Public Education and Supplemental Monitoring
611.356	Tap Water Monitoring for Lead and Copper
611.357	Monitoring for Water Quality Parameters
611.358	Monitoring for Lead and Copper in Source Water
611.359	Analytical Methods
611.360	Reporting
611.361	Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS,
AND DISINFECTION BYPRODUCT PRECURSORS

Section	
611.380	General Requirements
611.381	Analytical Requirements
611.382	Monitoring Requirements
611.383	Compliance Requirements
611.384	Reporting and Recordkeeping Requirements
611.385	Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.480	Alternative Analytical Techniques

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

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section	
611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.560	Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
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611.592	Frequency of State Monitoring
611.600	Applicability
611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency
611.603	Inorganic Monitoring Frequency
611.604	Nitrate Monitoring
611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring

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611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

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

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.720	Analytical Methods
611.731	Gross Alpha
611.732	Beta Particle and Photon Radioactivity
611.733	General Monitoring and Compliance Requirements

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SUBPART R: ENHANCED FILTRATION AND DISINFECTION:
SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

Section	
611.740	General Requirements
611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration
611.744	Filtration Sampling Requirements
611.745	Reporting and Recordkeeping Requirements

SUBPART S: GROUNDWATER RULE

Section	
611.800	General Requirements and Applicability
611.801	Sanitary Surveys for GWS Suppliers
611.802	Groundwater Source Microbial Monitoring and Analytical Methods
611.803	Treatment Technique Requirements for GWS Suppliers
611.804	Treatment Technique Violations for GWS Suppliers
611.805	Reporting and Recordkeeping for GWS Suppliers

SUBPART T: REPORTING AND RECORDKEEPING

Section	
611.830	Applicability
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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill.

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Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the following terms have the given meanings:

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

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health (Public Health or DPH) regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). ~~For the purposes of regulation of supplies by Public Health by reference to this Part,~~ "Agency" will mean the Department of Public Health where implementation by Public Health occurs with regard to non-CWS suppliers.

"Approved source of bottled water;" ₂ for the purposes of Section 611.130(d) (4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a)

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~~(2009)(2007)~~. The Board cannot compile an exhaustive listing of all federal, State, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Bag filters" means pressure-driven separation devices that remove particulate matter larger than one micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

"Bank filtration" means a water treatment process that uses a well to recover surface water that has naturally infiltrated into groundwater through a river bed or banks. Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other wells.

"Best available technology" or "BAT" means the best technology, treatment techniques, or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

"Bin classification" or "bin" means, for the purposes of Subpart Z of this Part, the appropriate of the four treatment categories (Bin 1, Bin 2, Bin 3, or Bin 4) that is assigned to a filtered system supplier pursuant to Section 611.1010 based on the results of the source water *Cryptosporidium* monitoring described in the previous section. This bin classification determines the degree of additional *Cryptosporidium* treatment, if any, the filtered PWS must provide.

BOARD NOTE: Derived from 40 CFR 141.710 and the preamble discussion at 71 Fed. Reg. 654, 657 (Jan. 5, 2006).

"Board" means the Illinois Pollution Control Board.

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"Cartridge filters" means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

"CAS No." means "Chemical Abstracts Services Number."

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (RDC or C) in mg/ℓ determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points. (See "CT_{99.9}".)

"CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Appendix B of this Part. (See "Inactivation Ratio.")

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2

~~(2009)(2007)~~.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

"Community water system" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three

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three-year compliance periods. The first calendar cycle began January 1, 1993, and ended December 31, 2001; the second began January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period ran from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; the third from January 1, 1999 to December 31, 2001.

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: The final sentence of the definition of "comprehensive performance evaluation" in 40 CFR 141.2 is codified as Section 611.160(a)(2), since it contains substantive elements that are more appropriately codified in a substantive provision.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

"Consecutive system" means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Diatomaceous earth filtration" means a process resulting in substantial

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particulate removal in which the following occur:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is as follows:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured; and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that

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pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Disinfection byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under Subpart W of this Part and determining compliance with the TTHM and HAA5 MCLs under Subpart Y of this Part.

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration

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treatment.

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"Finished water" means water that is introduced into the distribution system of a public water system which is intended for distribution and consumption without further treatment, except that treatment which is necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals, etc.).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"Flowing stream" means a course of running water flowing in a definite channel.

"40/30 certification" means the certification, submitted by the supplier to the Agency pursuant to Section 611.923, that the supplier had no TTHM or HAA5 monitoring violations, and that no individual sample from its system exceeded 0.040 mg/l TTHM or 0.030 mg/l HAA5 during eight consecutive calendar quarters.

BOARD NOTE: Derived from 40 CFR 141.603(a) ~~(2009)~~(2007).

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"GAC10" means granular activated carbon (GAC) filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 that is used as a best available technology for compliance with the MCLs set forth in Subpart Y of this Part pursuant to Section 611.312(b)(2) is 120 days.

"GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

"GC" means "gas chromatography" or "gas-liquid phase chromatography."

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Groundwater system" or "GWS" means a public water supply (PWS) that uses only groundwater sources, including a consecutive system that receives finished groundwater.

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note and 40 CFR 141.400(b) ~~(2009)(2007)~~.

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens, such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics, such as turbidity, temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water" is as determined in Section 611.212.

"Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter (mg/l) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

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"Halogen" means one of the chemical elements chlorine, bromine, or iodine.

"HPC" means "heterotrophic plate count," measured as specified in Section 611.531(c).

"Hydrogeologic sensitivity assessment," for the purposes of Subpart S of this Part, means a determination of whether a GWS supplier obtains water from a hydrogeologically sensitive setting.

BOARD NOTE: Derived from 40 CFR 141.400(c)(5) ~~(2009)(2007)~~.

"Inactivation ratio" or "Ai" means as follows:

$$A_i = CT_{\text{cal}}/CT_{99.9}$$

The sum of the inactivation ratios or "total inactivation ratio" (B), is calculated by adding together the inactivation ratio for each disinfection sequence as follows:

$$B = \Sigma(A_i)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 ~~(2009)(2007)~~.

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium, as they apply to a supplier whose system has fewer than 150 service connections, for which it means the three-year compliance period that began on January 1, 1996.

"Initial distribution system evaluation" or "IDSE" means the evaluation, performed by the supplier pursuant to Section 611.921(c), to determine the locations in a distribution system that are representative of high TTHM and HAA5 concentrations throughout the distribution system. An IDSE is used in

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conjunction with, but is distinct from, the compliance monitoring undertaken to identify and select monitoring locations used to determine compliance with Subpart I of this Part.

BOARD NOTE: Derived from 40 CFR 141.601(c) ~~(2009)(2007)~~.

"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) ~~(2009)(2007)~~.

"ℓ" means "liter."

"Lake or reservoir" means a natural or man made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Locational running annual average" or "LRAA" means the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

"Maximum contaminant level goal" or "MCLG" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of

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safety. MCLGs are nonenforceable health goals.

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act [415 ILCS 5/17.5].

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)

"Maximum residual disinfectant level goal" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Maximum total trihalomethane potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after seven days at a temperature of 25° C or above.

"Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

"MFL" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) ~~(2009)(2007)~~.

"mg" means milligrams (1/1000 of a gram).

"mg/ℓ " means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water

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sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2009)(2007)~~.

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

"nm" means nanometer (1/1,000,000,000 of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system (TWS)" or a "non-transient non-community water system (NTNCWS)."

"Non-transient, non-community water system" or "~~non-transient, non-CWS~~" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over six months per year.

"NPDWR" means "national primary drinking water regulation."

"NTU" means "nephelometric turbidity units."

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional State requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test."

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is

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taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" or "PE sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

"Person" means an individual, corporation, company, association, partnership, state, unit of local government, or federal agency.

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source (e.g., a river or lake) into the treatment plant.

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

"Point-of-entry treatment device" or "POE" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing

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contaminants in the drinking water distributed throughout the house or building.

"Point-of-use treatment device" or "POU" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Presedimentation" means a preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

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

BOARD NOTE: ~~See the definition of The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" in this Section must mean Public Health.~~

"Public water system" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). A PWS does not include any facility defined as "special irrigation district." Such term includes the following:

Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F of this Part, "public water supply" means the same as "public water system."

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance

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documents. "Radioactive contaminants" include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B ~~(2009)~~(2007). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U of this Part when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency must base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) ~~(2009)~~(2007).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/l in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

"Sanitary survey" means an onsite review of the delineated WHPAs (identifying sources of contamination within the WHPAs and evaluations or the hydrogeologic sensitivity of the delineated WHPAs conducted under source water assessments or

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utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system (PWS) to evaluate the adequacy of the system, its sources, and operations for the production and distribution of safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 and 40 CFR 142.16(o)(2) ~~(2009)(2007)~~.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2000)).

"Significant deficiency" means a deficiency identified by the Agency in a groundwater system pursuant to Section 611.803. A significant deficiency might include, but is not limited to, a defect in system design, operation, or maintenance or a failure or malfunction of the sources, treatment, storage, or distribution system that the Agency determines to be causing or have potential for causing the introduction of contamination into the water delivered to consumers.

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BOARD NOTE: Derived from 40 CFR 142.16(o)(2)(iv) ~~(2009)~~(2007). The Agency must submit to USEPA a definition and description of at least one significant deficiency in each of the eight sanitary survey elements listed in Section 611.801(c) as part of the federal primacy requirements. The Board added the general description of what a significant deficiency might include in non-limiting terms, in order to provide this important definition within the body of the Illinois rules. No Agency submission to USEPA can provide definition within the context of Board regulations.

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs," or "synthetic organic chemicals" or "synthetic organic contaminants," in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo(a)pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

BOARD NOTE: See the Board note appended to Section 611.311 for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to

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achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2009)(2007)~~ and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) ~~(2006)(2007)~~).

"Standard monitoring" means the monitoring, performed by the supplier pursuant to Section 611.921(a) and (b), at various specified locations in a distribution system including near entry points, at points that represent the average residence time in the distribution system, and at points in the distribution system that are representative of high TTHM and HAA5 concentrations throughout the distribution system.

BOARD NOTE: Derived from 40 CFR 141.601(a) and (b) ~~(2009)(2007)~~.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B of this Part and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, Appendix B of this Part, and Appendix C of this Part.

"Subpart I compliance monitoring" means monitoring required to demonstrate compliance with disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I of this Part.

"Subpart I system" means a public water system that uses surface water or groundwater as a source and which is subject to the disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I of this Part.

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"Subpart Y compliance monitoring" means monitoring required to demonstrate compliance with Stage 2 disinfection byproducts requirements of Subpart Y of this Part.

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian."

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (in mg/l).

"SWS" means "surface water system," a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water."

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2009)~~(2007).

"System-specific study plan" means the plan, submitted by the supplier to the Agency pursuant to Section 611.922, for studying the occurrence of TTHM and HAA5 in a supplier's distribution system based on either monitoring results or modelling of the system.

BOARD NOTE: Derived from 40 CFR 141.602 ~~(2009)~~(2007).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Total organic carbon" or "TOC" means total organic carbon (in mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total trihalomethanes" or "TTHM" means the sum of the concentration of

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trihalomethanes (THMs), in milligrams per liter (mg/ℓ), rounded to two significant figures.

BOARD NOTE: See the definition of "trihalomethanes" for a listing of the four compounds that USEPA considers THMs to comprise.

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: The federal regulations apply to all "public water systems," which are defined as all systems that have at least 15 service connections or which regularly serve water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies," which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a point-of-use treatment device or a point-of-entry treatment device as defined in this Section. Treatment includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)

"Two-stage lime softening" means a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

"µg" means micrograms (1/1,000,000 of a gram).

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"USEPA" means the U.S. Environmental Protection Agency.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is used to store water which will undergo no further treatment to reduce microbial pathogens except residual disinfection and which is directly open to the atmosphere.

"Very small system waiver" means the conditional waiver from the requirements of Subpart W of this Part applicable to a supplier that serves fewer than 500 persons and which has taken TTHM and HAA5 samples pursuant to Subpart I of this Part.

BOARD NOTE: Derived from 40 CFR 141.604 ~~(2009)~~(2007).

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs," "volatile organic chemicals," or "volatile organic contaminants," in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

"Wellhead protection area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act [415 ILCS 5/17.1]) pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.

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BOARD NOTE: The Agency uses two guidance documents for identification of WHPAs:

"Guidance Document for Groundwater Protection Needs Assessments," Illinois Environmental Protection Agency, Illinois State Water Survey, and Illinois State Geologic Survey joint report, January 1995; and

"The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act," Illinois Environmental Protection Agency, No. 22480, October 1992.

"Wellhead protection program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 USC 300h-7.

BOARD NOTE: Derived from 40 CFR 141.71(b) ~~(2009)(2007)~~. The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act [415 ILCS 5/17.1] and 35 Ill. Adm. Code 615-617.

"Wholesale system" means a public water system that treats source water as necessary to produce finished water, which then delivers some or all of that finished water to another public water system. Delivery by a wholesale system may be through a direct connection or through the distribution system of one or more consecutive systems.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2009)(2007)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

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

"AMI Turbiwell Method" means "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," available from NEMI or from SWAN Analytische Instrumente AG.

"ASTM Method" means a method published by and available from the

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American Society for Testing and Materials (ASTM).

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

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.

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

"Determination of Inorganic Oxyhalide" means "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," available from NTIS.

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

"E*Colite Test" means "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," available from Charm Sciences, Inc. and USEPA, Water Resource Center.

"EC-MUG" means "Method 9221 F: Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia coli Procedure (Proposed)," available from American Public Health Association and American Waterworks Association.

"EML Procedures Manual" means "EML Procedures Manual, HASL 300," available from USDOE, EML.

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"Enterolert" means "Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," available from American Society for Microbiology.

"Georgia Radium Method" means "The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge(Li) Detectors," Revision 1.2, December 2004, available from the Georgia Tech Research Institute.

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

"Guidance Manual for Filtration and Disinfection" means "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," March 1991, available from USEPA, NSCEP.

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

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

"ITS Method D99-003" means Method D99-003, Revision 3.0, "Free Chlorine Species (HOCl⁻ and OCl⁻) by Test Strip," available from Industrial Test Systems, Inc.

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

"m-ColiBlue24 Test" means "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," available from USEPA, Water Resource Center, and Hach Company ~~and USEPA, Water Resource Center.~~

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"Method ME355.01" means "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," available from NEMI or from H&E Testing Laboratory.

"Mitchell Method M5271" means "Determination of Turbidity by Laser Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Mitchell Method M5331" means "Determination of Turbidity by LED Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Modified Colitag™ Method" means "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water," available from NEMI and CPI International.

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

"NA-MUG" means "Method 9222 G: Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures," available from American Public Health Association and American Waterworks Association.

~~"NCRP Report Number 22" means "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," available from NCRP. "National Council on Radiation Protection."~~

~~"NTIS" means "National Technical Information Service."~~

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

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

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"OI Analytical Method OIA-1677" means "Method OIA-1677, DW Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," available from ALPKEM, Division of OI Analytical.

"ONPG-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 18th, 19th, 20th, or 21st ed., from American Public Health Association and the American Water Works Association.

"Orion Method AQ4500" means "Determination of Turbidity by LED Nephelometry," available from Thermo Scientific.

"Palintest ChloroSense" means "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," available from NEMI or Palintest Ltd.

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

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

~~"Readycult® 2000 Coliforms 100 Presence/Absence Test"~~ means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.0, available from EMD Chemicals Inc.

"Readycult® 2007" means "Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.1, available from EMD Chemicals Inc.

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

~~"Radiochemical Methods" means "Interim Radiochemical Methodology~~

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~~for Drinking Water," available from NTIS.~~

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

"Standard Methods Online" means the website maintained by the Standard Methods Organization (at www.standardmethods.org) for purchase of the latest versions of methods in an electronic format.

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

~~"Systea Easy (1-Reagent)" means "Systea Easy (1-Reagent) Nitrate Method," available from NEMI or Systea Scientific LLC.~~

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

~~"Technical Notes on Drinking Water Methods" means the USEPA document by that title, October 1994, USEPA document number EPA 600/R-94/173, available from NTIS.~~

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

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

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

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

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

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

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

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

"USEPA Method 1600" means "Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," available from USEPA, Water Resource Center.

"USEPA Method 1601" means "Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1602" means "Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1604" means "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," available from USEPA, Water Resource Center.

"USEPA NERL Method 200.5 (rev. 4.2)" means Method 200.5, Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115. Available from ~~the~~USEPA, Office of Research and Development.

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"USEPA NERL Method 415.3 (rev. 1.1)" means Method 415.3, Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, February 2005, EPA 600/R-05/055. Available from ~~the~~ USEPA, Office of Research and Development.

"USEPA NERL Method 415.3 (rev. 1.2)" means Method 415.3, Revision 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, August 2009, EPA 600/R-09/122. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 549.2" means Method 549.2, Revision 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997. Available from USEPA, Office of Research and Development.

"USEPA OGWDW Methods" means one of the methods listed as available from the USEPA, Office of Ground Water and Drinking Water (Methods 302.0, 317.0 (rev. 2.0), 326.0 (rev. 1.0), 327.0 (rev. 1.1), 334.0, 515.4 (rev. 1.0), 524.3 (rev. 1.0), 531.2 (rev. 1.0), 552.3 (rev. 1.0), 557, 1622 (99), 1622 (01), 1622 (05), 1623 (99), 1623 (01), and 1623 (05)). Available from NTIS; USEPA, NSCEP; or USEPA, OGWDW.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), ~~for~~ (Methods 502.2, 505, 507, 508, 508A, (rev. 1.0) and 515.1, and 531.1 (rev. 4.0)); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, ~~for~~ (Methods 506, 547, 550, and 550.1, and 551); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, ~~for~~ (Methods 504.1, 508.1, 515.2, 524.2, 525.2, 548.1 (rev. 1.0), 549.1, 552.1 (rev. 1.0), 552.2, and 555 (rev. 1.0)); and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, ~~for~~ (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0)). Available from NTIS; USEPA, NSCEP; or USEPA,

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EMSL.

"USEPA Organic and Inorganic Methods" means "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," EPA 815/R-00/014, PB2000-106981, August 2000. Available from NTIS.

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

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

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

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

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

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

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

ALPKEM, Division of OI Analytical, P.O. Box 9010, College Station, TX 77842-9010, telephone: 979-690-1711, Internet: www.oico.com.

"Method OIA-1677 DW, Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," EPA 821/R-04/001,

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January 2004 (referred to as "OI Analytical Method OIA-1677"), referenced in Section 611.611.

BOARD NOTE: Also available online for download from www.epa.gov/waterscience/methods/method/cyanide/1677-2004.pdf.

APHA. American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 202-777-2742.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed."). See the methods listed separately for the same references under American Waterworks Association.

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

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed."). See the methods listed separately for the same references under American Waterworks Association.

American Society for Microbiology, 1752 N Street N.W., Washington, DC 20036, 202-737-3600:

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"Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," Applied and Environmental Microbiology, Oct. 1996, vol. 62, no. 10, p. 3881 (referred to as "Enterolert"), referenced in Section 611.802.

BOARD NOTE: At the table to 40 CFR 141.402(c)(2), USEPA approved the method as described in the above literature review. The method itself is embodied in the printed instructions to the proprietary kit available from IDEXX Laboratories, Inc. (accessible on-line and available by download from www.asm.org, as "Enterolert™ Procedure"). ASTM approved the method as "Standard Test Method for Enterococci in Water Using Enterolert™," which is available in two versions from ASTM: ASTM [Method D6503-99D-6503-99](#) (superceded) and ASTM [Method D6503-99D-6503-99](#). While it is more conventional to incorporate the method as presented in the kit instructions or as approved by ASTM by reference, the Board is constrained to incorporate the version that appears in the technical literature by reference, which is the version that USEPA has explicitly approved.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303-794-7711).

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

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

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

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Method 303, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 304, Radium in Water by Precipitation, referenced in Section 611.720.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 306, Tritium in Water, referenced in Section 611.720.

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

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium in Water, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium in Water by Precipitation, referenced in Section 611.720.

Method 7500-Ra C, Radium 226 by Radon in Water

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(Soluble, Suspended, and Total), referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

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

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

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Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to

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Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

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Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

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Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method

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(Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

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Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9223, Chromogenic Substrate Coliform Test (Proposed) (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526, and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

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

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

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

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

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Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

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Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II, referenced in Sections 611.381 and 611.531.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

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Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

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Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Section 611.381.

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

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Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

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Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

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Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526, and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

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

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

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

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

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Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

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Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

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Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

[Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.](#)

[Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.](#)

[Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.](#)

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Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

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Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

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Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Sections 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526 ~~and~~, 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test

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(also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections [611.526](#), 611.802, and 611.1004.

Method 9230 B, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

Method 9230 C, Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques, referenced in Section 611.802.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

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Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.381.

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Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.381.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.381.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.381.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.381.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

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Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-SiO₂ C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-SiO₂ D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-SiO₂ E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

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Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6640 B, Acid Herbicide Compounds, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

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Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526 and 611.531.

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Method 9223 B, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections [611.526](#), 611.802, and 611.1004.

[BOARD NOTE: See the Board Note appended to Standard Methods Online in this Section about methods that appear in Standard Methods, 21st ed., which USEPA has cited as available from Standard Methods Online.](#)

BOARD NOTE: Individual Methods from Standard Methods are available online [from Standard Methods Online](#) at www.standardmethods.org.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129.

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water," July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601"), referenced in Section 611.611.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 (610-832-9585).

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 1993, referenced in Section 611.611.

ASTM Method D511-03 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 2003, referenced in Section 611.611.

[ASTM Method D511-09 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic](#)

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[Absorption Spectrophotometric," approved 2009, referenced in Section 611.611.](#)

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water," "Test Method A— Colorimetric Ascorbic Acid Reduction," approved August 19, 1988, referenced in Section 611.611.

ASTM Method D859-94, "Standard Test Method for Silica in Water," approved 1994, referenced in Section 611.611.

ASTM Method D859-00, "Standard Test Method for Silica in Water," approved 2000, referenced in Section 611.611.

ASTM Method D859-05, "Standard Test Method for Silica in Water," approved 2005, referenced in Section 611.611.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved May 15, 1992, referenced in Section 611.611.

ASTM Method D1067-02 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved in 2002, referenced in Section 611.611.

ASTM Method D1125-95 (1999) A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A – Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved 1995, reapproved 1999, referenced in Section 611.611.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1993, referenced in Section 611.611.

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ASTM Method D1179-99 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1999, referenced in Section 611.611.

ASTM Method D1179-04 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 2004, referenced in Section 611.611.

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water," reapproved 1992, referenced in Section 611.381.

ASTM Method D1253-96, "Standard Test Method for Residual Chlorine in Water," ~~approved~~~~reapproved~~ 1996, referenced in Section 611.381.

ASTM Method D1253-03, "Standard Test Method for Residual Chlorine in Water," ~~approved~~~~reapproved~~ 2003, referenced in Sections 611.381 and 611.531.

[ASTM Method D1253-08, "Standard Test Method for Residual Chlorine in Water," approved 2008, referenced in Sections 611.381 and 611.531.](#)

ASTM Method D1293-95 A or B, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved 1995, referenced in Section 611.611.

ASTM Method D1293-99 A or B, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved 1999, referenced in Section 611.611.

ASTM Method D1688-95 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1995, referenced in Section 611.611.

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ASTM Method D1688-02 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2002, referenced in Section 611.611.

[ASTM Method D1688-07 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2007, referenced in Section 611.611.](#)

ASTM Method D2036-98 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved 1998, referenced in Section 611.611.

ASTM Method D2036-06 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved 2006, referenced in Section 611.611.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," approved July 28, 1972, discontinued 1988, referenced in Section 611.720.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water," approved 1990, referenced in Section 611.720.

[ASTM Method D2460-07, "Standard Test Method for Radionuclides of Radium in Water," approved 2007, referenced in Section 611.720.](#)

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A – Direct Fluorometric" & "Test Method B – Extraction," approved June 15, 1991, referenced in Section 611.720.

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ASTM Method D2972-97 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1997, referenced in Section 611.611.

ASTM Method D2972-03 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

ASTM Method D2972-08 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3223-97, "Standard Test Method for Total Mercury in Water," approved 1997, referenced in Section 611.611.

ASTM Method D3223-02, "Standard Test Method for Total Mercury in Water," approved 2002, referenced in Section 611.611.

ASTM Method ~~D3454-97~~~~D3454-91~~, "Standard Test Method for Radium-226 in Water," approved ~~1997~~~~1991~~, referenced in Section 611.720.

ASTM Method D3454-05, "Standard Test Method for Radium-226 in Water," approved 2005, referenced in Section 611.720.

ASTM Method D3559-96 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved August 6, 1990, referenced in Section 611.611.

ASTM Method D3559-03 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

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[ASTM Method D3559-08 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.](#)

ASTM Method D3645-97 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 1997, referenced in Section 611.611.

ASTM Method D3645-03 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

[ASTM Method D3645-08 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.](#)

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1991, referenced in Section 611.720.

ASTM Method D3649-98a, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1998, referenced in Section 611.720.

[ASTM Method D3649-06, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 2006, referenced in Section 611.720.](#)

ASTM Method D3697-92, "Standard Test Method for Antimony in Water," approved June 15, 1992, referenced in Section 611.611.

ASTM Method D3697-02, "Standard Test Method for Antimony in Water," approved 2002, referenced in Section 611.611.

[ASTM Method D3697-07, "Standard Test Method for Antimony in Water," approved 2007, referenced in Section 611.611.](#)

ASTM Method D3859-98 A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride

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Method," approved 1998, referenced in Section 611.611.

ASTM Method D3859-03 A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method," approved 2003, referenced in Section 611.611.

ASTM Method D3859-08 A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method" & "Method B – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water," "Test Method A – Automated Cadmium Reduction" & "Test Method B – Manual Cadmium Reduction," approved January 10, 1990, referenced in Section 611.611.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 1990, referenced in Section 611.720.

ASTM Method D3972-02, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 2002, referenced in Section 611.720.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water," approved 1991, referenced in Section 611.720.

ASTM Method D4107-98, "Standard Test Method for Tritium in Drinking Water," approved 1998 (reapproved 2002), referenced in Section 611.720.

ASTM Method D4107-08, "Standard Test Method for Tritium in Drinking Water," approved 2008 (reapproved 2002), referenced in Section 611.720.

ASTM Method D4327-97, "Standard Test Method for Anions in Water by Ion Chromatography," approved 1997, referenced in Section 611.611.

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ASTM Method D4327-03, "Standard Test Method for Anions in Water by Ion Chromatography," approved 2003, referenced in Section 611.611.

ASTM Method ~~D4785-93~~~~D4785-88~~, "Standard Test Method for Low-Level Iodine-131 in Water," approved ~~1993~~~~1988~~, referenced in Section 611.720.

ASTM Method ~~D4785-98~~~~D4785-00a~~, "Standard Test Method for Low-Level Iodine-131 in Water," approved ~~1998~~~~2000~~, referenced in Section 611.720.

ASTM Method D4785-08, "Standard Test Method for Low-Level Iodine-131 in Water," approved 2008, referenced in Section 611.720.

ASTM Method ~~D5174-97~~~~D5174-91~~, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved ~~1997~~~~1991~~, referenced in Section 611.720.

ASTM Method D5174-02, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 2002, referenced in Section 611.720.

ASTM Method D5174-07, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 2007, referenced in Section 611.720.

ASTM Method D5317-93, "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1993, referenced in Section 611.645.

ASTM Method D5317-98, "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1998 (reapproved 2003), referenced in Section 611.645.

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ASTM Method D5673-03, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2003, referenced in Section 611.720.

ASTM Method D5673-05, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2005, referenced in Section 611.720.

ASTM Method D6508-00(2005), "Standard Test Method for Determination of Dissolved Inorganic Anions in Aqueous Matrices Using Capillary Ion Electrophoresis and Chromate Electrolyte," approved 2000 (revised 2005), referenced in Section 611.611.

ASTM Method D6581-00, "Standard Test Method for Bromate, Bromide, Chlorate, and Chlorite in Drinking Water by Chemically Suppressed Ion Chromatography," approved 2000, referenced in Section 611.381.

[ASTM Method D6581-08 A and B, "Standard Test Method for Bromate, Bromide, Chlorate, and Chlorite in Drinking Water by Suppressed Ion Chromatography," "Test Method A – Chemically Suppressed Ion Chromatography" & "Test Method B – Electrolytically Suppressed Ion Chromatography," approved 2008, referenced in Section 611.381.](#)

ASTM Method D6919-03, "Standard Test Method for Determination of Dissolved Alkali and Alkaline Earth Cations and Ammonium in Water and Wastewater by Ion Chromatography," approved 2003, referenced in Section 611.611.

ASTM Method D6888-04, "Standard Test Method for Available Cyanide with Ligand Displacement and Flow Injection Analysis (FIA) Utilizing Gas Diffusion Separation and Amperometric Detection," approved 2004, referenced in Section 611.611.

Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089.

"Fluoride in Water and Wastewater," Industrial Method #129-71W, December 1972 (referred to as "Technicon Methods."

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Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 ~~(2009)(2007)~~, referenced in Section 611.611.

"Fluoride in Water and Wastewater," #380-75WE, February 1976 (referred to as "Technicon Methods, Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 ~~(2009)(2007)~~, referenced in Section 611.611.

Charm Sciences, Inc., 659 Andover St., Lawrence, MA 01843-1032:

"Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998 (referred to as "E*Colite Test"), referenced in Section 611.802 (also available from USEPA, Water Resource Center).

CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA 95403
(800-878-7654 /fax: 707-545-7901/Internet address:
www.cpiinternational.com).

"Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," August 2001, referenced in Section 611.526.

["Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water \(ATP D05-0035\)," August 2009 \(referred to as "Modified Colitag™ Method"\), referenced in Sections 611.526 and 611.802. See also NEMI.](#)

EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany),
480 S. Democrat Road, Gibbstown, NJ 08027-1297. (800-222-0342/e-
mail:adellenbusch@emscience.com).

"Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000 [referred to as "Chromocult® Method, Version 1.0, referenced in Sections 611.526 and 611.802.](#)

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"Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000 ([referred to as Readycult® 2000](#)), Version 1.0, referenced in Section 611.526.

["Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1, January 2007 \(referred to as Readycult® 2007\), referenced in Section 611.802.](#)

~~ERDA Health and Safety Laboratory, New York, NY.~~

~~HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (2007), referenced in Section 611.720.~~

Georgia Tech Research Institute, Robert Rosson, 925 Dalney Road, Atlanta, GA 30332 (404-407-6399).

"The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge(Li) Detectors," Revision 1.2, December 2004 (called "Georgia Radium Method"), referenced in Section 611.720.

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223.

GLI Method 2, "Turbidity," Nov. 2, 1992, referenced in Section 611.531.

[H&E Testing Laboratory, 221 State Street, Augusta, ME 04333 \(207-287-2727\).](#)

[Method ME355.01, Revision 1, "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," May 2009, referenced in Section 611.611. See also NEMI.](#)

The Hach Company, P.O. Box 389, Loveland, CO 80539-0389 (800-227-4224).

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"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999, referenced in Section 611.611.

"Determination of Turbidity by Laser Nephelometry," January 2000, Revision 2.0 (referred to as "Hach FilterTrak Method 10133"), referenced in Section 611.531.

"Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, Revision 2, August 17, 1999 (referred to as "m-ColiBlue24 Test"), referenced in Section 611.802 (also available from USEPA, Water Resource Center).

IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092 (800-321-0207).

"IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000 (referred to as "SimPlate method"), referenced in Section 611.531.

Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.

Method D99-003, Revision 3.0, "Free Chlorine Species (HOCl⁻ and OCl⁻) by Test Strip," November 21, 2003 (referred to as "ITS Method D99-003"), referenced in Section 611.381.

Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218 (414-358-4200).

"Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," Revision 2.1, November 30, 2000 (referred to as "QuikChem Method 10-204-00-1-X"), referenced in Section 611.611.

[Leck Mitchell, PhD, PE, 656 Independence Valley Dr., Grand Junction, CO 81507. See also NEMI.](#)

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[Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531.](#)

[Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531.](#)

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 (800-654-5476).

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test"), referenced in Section 611.526.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301-657-2652).

[NCRP Report Number 22, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, June 5, 1959, referenced in Section 611.101.](#)

[NEMI. National Environmental Method Index \(on-line at \[www.nemi.gov\]\(http://www.nemi.gov\)\).](#)

[AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009. See also SWAN Analytische Instrumente AG.](#)

[Method ME355.01, Revision 1, "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," May 2009, referenced in Section 611.611. See also H&E Testing Laboratory.](#)

[Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE.](#)

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Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE

Modified Colitag™ Method, "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water (ATP D05-0035)," August 2009, referenced in Sections 611.526 and 611.802. See also CPI International, Inc.

Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also Thermo Scientific.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009 (referred to as "Palintest ChloroSense"), referenced in Sections 611.381 and 611.531. See also Palintest.

"Systea Easy (1-Reagent) Nitrate Method," referenced in Section 611.611. See also Systea Scientific, LLC.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (734-769-8010).

NSF Standard 61, section 9, November 1998, referenced in Sections 611.126 and 611.356.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703-487-4600 or 800-553-6847).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, Revision B, EPA 821/B-94/005, Doc. No. 94-104774, referenced in Section 611.645. See also USEPA, NSCEP.

"Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA

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~~Interim Radiochemical Methods"), referenced in Section 611.720. (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)~~

~~Kelada 01, "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, and Thiocyanate," Revision 1.2, August 2001, EPA 821/B-01-009 (referred to as "Kelada 01"), referenced in Section 611.611.~~

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce, referenced in Section 611.330.

~~Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA 600/4-83-043, September 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods 100.1"), referenced in Section 611.611.~~

~~Method 100.2, "Determination of Asbestos Structures over 10 mm in Length in Drinking Water," EPA 600/R-94-134, June 1994, Doc. No. PB94-201902 (referred to as "USEPA Asbestos Methods 100.2"), referenced in Section 611.611.~~

~~"Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.), referenced in Section 611.611.~~

~~"Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, Doc. No. PB94-120821 (referred to as "USEPA Environmental Inorganic Methods"), referenced in Sections 611.381, 611.531, and 611.611. (For methods 180.1, 300.0, 335.4, 353.2, and 365.1.)~~

~~"Methods for the Determination of Metals in Environmental Samples," June 1991, EPA 600/4-91-010, Doc. No. PB91-231498 and "Methods for the Determination of Metals in Environmental~~

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~~Samples – Supplement I," May 1994, EPA 600/R-94-111, Doc. No. PB95-125472 (referred to as "USEPA Environmental Metals Methods"), referenced in Sections 611.611, 611.612, and 611.720. (For methods 200.7, 200.8, 200.9, and 245.1.)~~

~~"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1" August 2000, EPA 815/R-00/014, Doc. No. PB2000-106981 (referred to as "USEPA Organic and Inorganic Methods"), referenced in Section 611.381. (For methods 300.1 and 321.8.)~~

~~"Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039, Doc. No. PB91-231480 (referred to as "USEPA Organic Methods"), referenced in Sections 611.645 and 611.648. (For methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1.)~~

~~"Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, Doc. No. PB91-146027 (referred to as "USEPA Organic Methods"), referenced in Section 611.645. (For methods 506, 547, 550, 550.1, and 551.)~~

~~"Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, Doc. No. PB92-207703 (referred to as "USEPA Organic Methods"), referenced in Sections 611.381 and 611.645. (For methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555.)~~

~~"Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, Doc. No. PB95-261616, (referred to as "USEPA Organic Methods"); referenced in Sections 611.381 and 611.645. (For methods 502.2, 524.2, 551.1, and 552.2.)~~

~~"Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980 (Doc. No. PB 80-224744) (referred to as "USEPA Radioactivity Methods"); referenced in Section 611.720. (For methods 900, 901, 901.1, 902,~~

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~~903, 903.1, 904, 905, 906, 908, 908.1)~~

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA, referenced in Section 611.720.

~~"Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL-LV 053917 (referred to as "USEPA Radiochemical Analyses"), referenced in Section 611.720. (Pages 1, 19, 33, 65, 87, 92)~~

~~"Radiochemistry Procedures Manual," EPA 520/5-84-006, August 1984, Doc. No. PB84-215581 (referred to as "USEPA Radiochemistry Methods"), referenced in Section 611.720. (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)~~

~~"Technical Notes on Drinking Water Methods," EPA 600/R-94/173, October 1994, Doc. No. PB95-104766 (referred to as "USEPA Technical Notes"), referenced in Sections 611.531, 611.611, and 611.685.~~

~~BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2007): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173."~~

~~"Method 1613: Tetra through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA 821/B-94/005, Doc. No. 94-104774 (referred to as "Dioxin and Furan Method 1613"), referenced in Section 611.645.~~

~~USEPA Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis,"~~

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~~USEPA, June 2002, EPA 815/R-03/007, Doc. No. PB2003-107402 (referred to as "OGWDW Methods, Method 326.0, rev. 1.0"); referenced in Sections 611.381 and 611.382.~~

~~BOARD NOTE: Also available from United States Environmental Protection Agency, Office of Ground Water and Drinking Water.~~

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA 600/4-83-043, September 1983, Doc. No. PB83-260471, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," EPA 600/R-94-134, June 1994, Doc. No. PB94-201902, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, Doc. No. PB94-121811, referenced in Sections 611.381, 611.531, and 611.611. (Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also USEPA, NSCEP.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, EPA 600/R-94-111, Doc. No. PB95-125472, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also USEPA, NSCEP.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, Doc. No. PB84-128677 (referred to as "") (Methods 150.1, 150.2, and 245.2 only.), referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), Doc. No. PB253258, March 1976, referenced in Section 611.720.

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USEPA OGWDW Methods, Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, Doc. No. PB2003-107402, referenced in Sections 611.381 and 611.382. See also USEPA, NSCEP and USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, Doc. No. PB2000-106981, referenced in Section 611.381. (For methods 300.1 (rev. 1.0) and 321.8 (rev. 1.0).) See also USEPA, NSCEP.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, Doc. No. PB91-231480, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, Doc. No. PB91-146027, referenced in Section 611.645 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, Doc. No. PB92-207703, referenced in Sections 611.381 and 611.645. (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, Doc. No. PB95-261616, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only.) See also USEPA, EMSL and USEPA, NSCEP.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980, Doc. No. PB80-224744, referenced in Section 611.720 (Methods 900.0, 901.0, 901.1, 902.0, 903.0,

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903.1, 904.0, 905.0, 906.0, 908.0, 908.1). See also USEPA, NSCEP.

USEPA Radiochemical Analyses, "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917, referenced in Section 611.720. (Pages 1-5, 19-32, 33-48, 65-73, 87-91, and 92-95 only.)

USEPA Radiochemistry Procedures, "Radiochemistry Procedures Manual," EPA 520/5-84-006, August 1984, Doc. No. PB84-215581 (referred to as ""), referenced in Section 611.720. (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04 only.)

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," EPA 600/R-94/173, October 1994, Doc. No. PB95-104766, referenced in Sections 611.531, 611.611, and 611.645. See also USEPA, NSCEP.

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2009): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173".

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

"Determination of Radium 228 in Drinking Water," August 1990 (referred to as "New Jersey Radium Method"), referenced in Section 611.720.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

"Determination of Ra-226 and Ra-228 (Ra-02)," January 1980,

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Revised June 1982 (referred to as "New York Radium Method"),
referenced in Section 611.720.

Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY
(800-835-9629).

Palintest Method 1001, "Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999 (~~referred to as "Palintest Method 1001"~~), referenced in Section 611.611.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009, referenced in Sections 611.381 and 611.531. See also NEMI.

Standard Methods Online, available online from the Standard Methods Organization at www.standardmethods.org.

Method 6610 B-04, Carbamate Pesticides, High-Performance Liquid Chromatographic Method, referenced in Section 611.645.

Method 9230 B-04, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

BOARD NOTE: Where, in appendix A to subpart C of 40 CFR 141, USEPA has authorized use of an approved alternative method from Standard Methods Online, and that version of the method appears also in Standard Methods, 21st ed., the Board cites only to Standard Methods, 21st ed. for that method. The methods that USEPA listed as available from Standard Methods Online, and which are listed above as in Standard Methods, 21st edition, are the following: 4500-P E-99, 4500-P F-99, 6640 B-01, and 9223 B-97. Since each method is the same version from both sources, the Board views a copy from Standard Methods Online as equivalent to a copy from Standard Methods Online, even though the Board does not also cite to Standard Methods Online. The Board intends that use of the method from either source is acceptable.

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[SWAN Analytische Instrumente AG, Studbachstrasse 13, CH-8340, Hinwil, Switzerland.](#)

[AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009, referenced in Section 611.531. See also NEMI.](#)

Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419 (336-632-6000).

"Atrazine in Drinking Water by Immunoassay," February 2001 (referred to as "Syngenta AG-625"), referenced in Section 611.645.

[Systea Scientific LLC, 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.](#)

[Systea Easy \(1-Reagent\), "Systea Easy \(1-Reagent\) Nitrate Method," February 2009, referenced in Section 611.611. See also NEMI.](#)

[Thermo Scientific, 166 Cummings Center, Beverly, MA 01915 \(www.thermo.com\).](#)

[Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also NEMI.](#)

[USDOE, EML. United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621.](#)

"EML Procedures Manual," [HASL 300, 27th Edition, Volume 1, 1990 \(referred to as "EML Procedures ~~USDOE~~ Manual \(27th ed.\)"\)](#), referenced in Section 611.720.

["EML Procedures Manual," HASL 300, 28th ed., 1997 \(referred to as "EML Procedures Manual \(28th ed.\)"\)](#), referenced in Section 611.720.

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USEPA, EMSL. United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, OH 45268 (513-569-7586).

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976, referenced in Section 611.720. See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, referenced in Sections 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, NSCEP.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," referenced in Section 611.720. See also NTIS.

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from <http://www.epa.gov/nscep/>).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution

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HRGC/HRMS," October 1994, EPA 821/B-94/005, referenced in Section 611.645. See also NTIS.

Guidance Manual for Filtration and Disinfection, "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources," March 1991, EPA 570/3-91-001, referenced in Section 611.111.

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, EPA 600/4-83-043, referenced in Section 611.611. See also NTIS.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, EPA 600/R-94-134, referenced in Section 611.611. See also NTIS.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, referenced in Sections 611.381, 611.531, and 611.611. (Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also NTIS.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, EPA 600/R-94-111, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also NTIS.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, referenced in Section 611.611. (Methods 150.1, 150.2, and 245.2 only.) See also NTIS.

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,"

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September 2009, EPA 815/B-09/014, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 317.0, rev. 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," July 2001, EPA 815/B-01/001, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 326.0, rev. 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, referenced in Sections 611.381 and 611.382. See also NTIS and USEPA, OGWDW.

USEPA OGWDW Methods, Method 327.0, rev. 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," May 2005, EPA 815/R-05/008, referenced in Sections 611.381 and 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 531.2, rev. 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf"), referenced in Section 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 552.3, rev. 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking

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Water by Liquid-Liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381, 611.382, and 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 1622 (01), "Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, referenced in Section 611.1007. See also USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, referenced in Section 611.381. (Methods 300.1 (rev. 1.0) and 321.8 (rev. 1.0) only.) See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, referenced in Section 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev.

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1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, EMSL.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," August 1980, EPA 600/4-80/032, referenced in Section 611.720. (For methods 900.0, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1.) See also NTIS.

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," October 1994, EPA 600/R-94/173, referenced in Sections 611.531, 611.611, and 611.645. See also NTIS.

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2007): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173".

USEPA OGWDW. United States Environmental Protection Agency, USEPA Office of Ground Water and Drinking Water (accessible on-line and available by download from <http://www.epa.gov/safewater/methods/>).

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection," September 2009, EPA 815/B-09/014, referenced in Section 611.381. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 317.0, ~~rev. Revision~~ 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," USEPA, July 2001, EPA 815/B-01/001 (~~referred to as "OGWDW Methods, Method 317.0, rev. 2.0"~~), referenced in Section Sections 611.381 and 611.382. See also USEPA, NSCEP.

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USEPA OGWDW Methods, Method 326.0, ~~rev.~~ Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," USEPA, June 2002, EPA 815/R-03/007 (~~referred to as "OGWDW Methods, Method 326.0, rev. 1.0"~~), referenced in ~~Section~~ Sections 611.381 ~~and 611.382~~. See also NTIS and USEPA, NSCEP.

~~BOARD NOTE: Also available from NTIS.~~

USEPA OGWDW Methods, Method 327.0, ~~rev.~~ Revision 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815/R-05/008 (~~referred to as "OGWDW Methods, Method 327.0, rev. 1.1"~~), referenced in Sections 611.381 and 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," USEPA, August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 515.4, ~~rev.~~ Revision 1.0, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," April 2000, EPA 815/B-00/001 (document file name "met515_4.pdf") (~~referred to as "OGWDW Methods, Method 515.4, rev. 1.0"~~), referenced in Section 611.645.

USEPA OGWDW Methods, Method 524.3, rev. 1.0, "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry," June 2009, EPA 815/B-09/009 (referred to as "Method 524.3 (rev. 1.0)"), referenced in Sections 611.381 and 611.645.

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USEPA OGWDW Methods, Method 531.2, ~~rev. Revision~~ 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf") (~~referred to as "OGWDW Methods, Method 531.2, rev. 1.0"~~), referenced in Section 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 552.3, ~~rev. Revision~~ 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," USEPA, July 2003, EPA 815/B-03/002 (~~referred to as "OGWDW Methods, Method 552.3, rev. 1.0"~~), referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (05), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/001 (~~referred to as "USEPA Method 1622 (05)"~~), referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1622 (01), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, (~~referred to as "USEPA Method 1622 (01)"~~), referenced in Section 611.1007. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (99), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 1999, EPA 821/R-99/001, (~~referred to as "USEPA Method 1622 (99)"~~), referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (05), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA,"

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December 2005, EPA 815/R-05/002 (~~referred to as "USEPA Method 1623 (05)"~~), referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1623 (01), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/025 (~~referred to as "USEPA Method 1623 (01)"~~), referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (99), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," January 1999, EPA 821/R-99/006 (~~referred to as "USEPA Method 1623 (99)"~~), referenced in Sections 611.1007.

BOARD NOTE: Many of the above-listed documents available from the USEPA, Office of Ground Water and Drinking Water, are also listed as available from NTIS.

~~United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 (513-569-7586).~~

~~"Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"), referenced in Section 611.720. See NTIS.~~

~~"Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039 (referred to as "USEPA Organic Methods"), referenced in Sections 611.645 and 611.648. (For methods 504.1, 508.1, and 525.2 only.) See NTIS.~~

~~"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," referenced in Section 611.720. See NTIS.~~

USEPA, ORD. USEPA, Office of Research and Development, National Exposure Research Laboratory, Microbiological & Chemical Exposure Assessment Research Division (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/ordmeth.htm>).

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USEPA NERL Method 200.5, rev. Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115 (~~referred to as "USEPA NERL Method 200.5"~~), referenced in Sections 611.611 and 611.612.

USEPA NERL Method 415.3, rev. Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," February 2005, EPA 600/R-05/055 (~~referred to as "USEPA NERL Method 415.3 (rev. 1.1)"~~), referenced in Section 611.381.

USEPA NERL Method 415.3, rev. 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," February 2005, EPA 600/R-09/122, referenced in Section 611.381.

USEPA NERL Method 549.2, rev. 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997.

~~USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C. 20460.~~

~~"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," October 1989, referenced in Sections 611.111 and 611.212.~~

USEPA Water Resource Center (RC-4100T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460:

E*Colite Test, "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998 (~~referred to as "E*Colite Test"~~), referenced in Section 611.802. (See also available from Charm Sciences, Inc.)

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m-ColiBlue24 Test, "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, ~~rev. Revision 2~~, August 17, 1999 (~~referred to as "m-ColiBlue24 Test"~~), referenced in Section 611.802. See (~~also available from~~ The Hach Company).

USEPA Method 1600, "EPA Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," September 2002, EPA 821/R-02/022 (~~referred to as "USEPA Method 1600"~~) is an approved variation of Standard Methods, Method 9230 C, "Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques" (which has not itself been approved for use by USEPA) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1600sp02.pdf>), referenced in Section 611.802.

USEPA Method 1601, "Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," April 2001, EPA 821/R-01/030 (~~referred to as "USEPA Method 1601"~~) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1601ap01.pdf>), referenced in Section 611.802.

USEPA Method 1602, "Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," April 2001, EPA 821/R-01/029 (~~referred to as "USEPA Method 1602"~~) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1602ap01.pdf>), referenced in Section 611.802.

USEPA Method 1604, "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," September 2002, EPA 821/R-02/024 (~~referred to as "USEPA Method 1604"~~) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1604sp02.pdf>), referenced in Section 611.802.

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USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Methods available upon request by method number from "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993, or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85, referenced in Section 611.611.

I-1601-85, referenced in Section 611.611.

I-1700-85, referenced in Section 611.611.

I-2598-85, referenced in Section 611.611.

I-2601-90, referenced in Section 611.611.

I-2700-85, referenced in Section 611.611.

I-3300-85, referenced in Section 611.611.

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey," 1997.

R-1110-76, referenced in Section 611.720.

R-1111-76, referenced in Section 611.720.

R-1120-76, referenced in Section 611.720.

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R-1140-76, referenced in Section 611.720.

R-1141-76, referenced in Section 611.720.

R-1142-76, referenced in Section 611.720.

R-1160-76, referenced in Section 611.720.

R-1171-76, referenced in Section 611.720.

R-1180-76, referenced in Section 611.720.

R-1181-76, referenced in Section 611.720.

R-1182-76, referenced in Section 611.720.

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 (800-252-4752 or 508-482-2131, fax: 508-482-3625).

"Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011"), referenced in Section 611.611.

- c) The Board incorporates the following federal regulations by reference:

[21 CFR 333 \(2009\) \(Topical Anti-microbial Drug Products for Over-the-Counter Human Use\), referenced in Section 611.1103.](#)

40 CFR 3.2 ~~(2009)(2007)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 611.105.

40 CFR 3.3 ~~(2009)(2007)~~ (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

40 CFR 3.10 ~~(2009)(2007)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

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40 CFR 3.2000 ~~(2009)(2007)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

40 CFR 136.3(a) ~~(2009)(2007)~~, referenced in Section 611.1004.

Appendix B to 40 CFR 136 ~~(2009)(2007)~~, referenced in Sections 611.359, 611.609, and 611.646.

[40 CFR 142.20\(b\)\(1\) \(2009\), referenced in Section 611.112.](#)

d) This Part incorporates no later amendments or editions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.105 Electronic Reporting

The submission of any document pursuant to any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

a) Scope and Applicability.

1) The USEPA, the Board, or the Agency may allow for the submission of electronic documents in lieu of paper documents. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

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- A) For submissions of documents to USEPA, submissions may occur only after USEPA had published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
- B) For submissions of documents to the State, submissions may occur only under the following circumstances:
- i) As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;
 - ii) As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board or the Agency may use that system until USEPA disapproves its use in writing; or
 - iii) The Board or the Agency may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.
- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) of this Section:

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- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(iii) of this Section, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval or receiving any type of document as an electronic document in lieu of paper documents, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 3.1, 3.2, 3.10, 3.20 and 3.1000 ~~(2009) as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 611.102(c).
- c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

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- 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and
- 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A) of this Section.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 ~~(2009), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

- d) Procedures for submission of electronic documents in lieu of paper documents to the Board or the Agency.
 - 1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].
 - 2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B) of this Section.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 ~~(2009), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

- e) Effects of submission of an electronic document in lieu of paper documents.
 - 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

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- 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 3.4 and 3.2000(c) ~~(2009), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

- f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:
 - 1) The Administrative Procedure Act [5 ILCS 100];
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act [415 ILCS 5];
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1) of this Section will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 3.2(c) ~~(2009), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

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BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 142.10(g) ~~(2009)(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 USC 300g-4(a)(1)(A) and (a)(1)(B)). SDWA section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35 ~~through 37-37~~ of the Act [415 ILCS 5/35-37] do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1415 variance through one of three procedural mechanisms: a variance under Sections 35 ~~through 37-37~~ of the Act [415 ILCS 5/35-37] and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27 ~~and 28-28~~ of the Act [415 ILCS 5/27-28] and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104.

- a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or a treatment technique pursuant to this Section.
 - 1) The PWS must file a petition pursuant to 35 Ill. Adm. Code 102 or 104, as applicable.
 - 2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.
- b) Relief from an MCL.
 - 1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:
 - A) Because of characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL; and
 - B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F of this Part), treatment technique,

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or other means that the Agency finds available. BAT may vary depending on the following:

- i) The number of persons served by the system;
 - ii) Physical conditions related to engineering feasibility; and
 - iii) Costs of compliance; and
- C) The variance will not result in an unreasonable risk to health.
- 2) In any order granting relief under this subsection, the Board will prescribe a schedule for the following:
- A) Compliance, including increments of progress, by the PWS, with each MCL with respect to which the relief was granted; and
 - B) Implementation by the PWS of each additional control measure for each MCL with respect to which the relief is granted, during the period ending on the date compliance with such requirement is required.
- 3) Schedule of compliance for relief from an MCL.
- A) A schedule of compliance will require compliance with each MCL with respect to which the relief was granted as expeditiously as practicable.
 - B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:
 - i) Document its rationale for the extended compliance schedule;
 - ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and

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- iii) Provide the shortest practicable time schedule feasible under the circumstances.
- c) Relief from a treatment technique requirement.
- 1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS must demonstrate that the treatment technique is not necessary to protect the health of persons served because of the nature of the raw water source.
 - 2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.
- d) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate pursuant to 35 Ill. Adm. Code 102 or 104.
- e) The Board will not grant relief from any of the following:
- 1) From the MCL for total coliforms. However, the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that prove that the violation of the total coliform MCL is due to persistent growth of total coliform in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.
 - 2) From any of the treatment technique requirements of Subpart B of this Part.
 - 3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).
- f) The Agency must promptly send USEPA the opinion and order of the Board granting relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to section 1415 of the SDWA (42 USC 300g-4).
- g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted pursuant to this Section.

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BOARD NOTE: Derived from 40 CFR 141.4 ~~(2009)(2005)~~, from section 1415(a)(1)(A) and (a)(1)(B) of the SDWA ~~(42 USC 300g-4(a)(1)(A) and (a)(1)(B))~~ and from the "Guidance Manual for ~~Compliance with the~~ Filtration and Disinfection ~~Requirements for Public Water Systems using Surface Water Sources~~," incorporated by reference in Section 611.102 ~~and available from USEPA, NSCEP~~. USEPA has ~~established a procedure at 40 CFR 142.23 (2009) reserved the discretion~~ to review and ~~potentially~~ modify or nullify ~~state~~Board determinations ~~granting relief from NPDWRs where USEPA finds that the state has abused its discretion or failed to prescribe required schedules for compliance in a substantial number of instances~~~~made pursuant to this Section at 40 CFR 142.23 (2005)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.112 Relief Equivalent to SDWA Section 1416 Exemptions

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1416 of the SDWA (42 USC 300g-5). SDWA section 1416 exemptions do not require ultimate compliance within five years in every situation. Variances under Sections 35 ~~through 37-37~~ of the Act [415 ILCS 5/35-37] do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1416 exemption through one of three procedural mechanisms: a variance under Sections 35 ~~through 37-37~~ of the Act [415 ILCS 5/35-37] and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27 ~~and 28-28~~ of the Act [415 ILCS 5/27-28] and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. 104.

- a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or treatment technique requirement, or from both, pursuant to this Section.
 - 1) The PWS must file a petition pursuant to 35 Ill. Adm. Code 102 or 104, as applicable.
 - 2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.
- b) As part of the justification for relief under this Section, the PWS must demonstrate the following:
 - 1) Due to compelling factors (which may include economic factors), the

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PWS is unable to comply with the MCL or treatment technique requirement, or to implement measures to develop an alternative source of water supply;

- 2) The PWS was either of the following:
 - A) In operation on the effective date of the MCL or treatment technique requirement; or
 - B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the PWS;
- 3) The relief will not result in an unreasonable risk to health; and
- 4) Management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR or, if compliance cannot be achieved, improve the quality of the drinking water.

BOARD NOTE: In determining that management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR, the Board will consider the factors required by USEPA under 40 CFR 142.20(b)(1), [incorporated by reference in Section 611.102\(c\)](#).

- c) In any order granting relief under this Section, the Board will prescribe a schedule for the following:
 - 1) Compliance, including increments of progress, by the PWS, with each MCL and treatment technique requirement with respect to which the relief was granted; and
 - 2) Implementation by the PWS, of each additional control measure for each contaminant subject to the MCL or treatment technique requirement, with respect to which relief is granted.
- d) Schedule of compliance.

A schedule of compliance will require compliance with each MCL or treatment technique requirement with respect to which relief was granted as expeditiously

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as practicable, but not later than three years after the otherwise applicable compliance date established in section 1412(b)(10) of the SDWA (42 USC 300g-1(b)(10)), except as follows:

- 1) No relief may be granted unless the PWS establishes that it is taking all practicable steps to meet the NPDWR; and
 - A) The PWS cannot meet the NPDWR without capital improvements that cannot be completed within 12 months;
 - B) In the case of a PWS that needs financial assistance for the necessary improvements, the PWS has entered into an agreement to obtain such financial assistance; or
 - C) The PWS has entered into an enforceable agreement to become a part of a regional PWS.
 - 2) In the case of a PWS that serves 3,300 or fewer persons that needs financial assistance for the necessary improvements, relief may be renewed for one or more additional two year periods, not to exceed a total of six years, if the PWS establishes that it is taking all practicable steps to meet the final date for compliance.
 - 3) A PWS may not receive relief under this Section if the PWS was granted relief under Section 611.111 or 611.131.
- e) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate pursuant to 35 Ill. Adm. Code 102 or 104.
- f) The Agency must promptly send USEPA the Opinion and Order of the Board granting relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to section 1416 of the SDWA (42 USC 300g-5).

BOARD NOTE: Derived from section 1416 of the SDWA (42 USC 300g-5).

- g) The Board will not grant relief from any of the following:
- 1) From the MCL for total coliforms. However, the Board may grant relief

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from the total coliform MCL of Section 611.325 for PWSs that prove that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

- 2) From any of the treatment technique requirements of Subpart B of this Part.
 - 3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).
- h) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 ~~(2009)~~(2002). USEPA has established a procedure at 40 CFR 142.23 (2009)~~reserved the discretion~~ to review and potentially modify or nullify ~~state~~Board determinations granting relief from NPDWRs where USEPA finds that the state has abused its discretion or failed to prescribe required schedules for compliance in a substantial number of instances made pursuant to this Section at 40 CFR 142.23 (2002).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION
BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.381 Analytical Requirements

- a) A supplier must use only the analytical methods specified in this Section or alternative methods approved by the Agency pursuant to Section 611.480 to demonstrate compliance with the requirements of this Subpart I and with the requirements of Subparts W and Y of this Part.
- b) Disinfection byproducts (DBPs).
 - 1) A supplier must measure disinfection byproducts (DBPs) by the appropriate of the following methods:
 - A) TTHM:

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- i) By purge and trap, gas chromatography, electrolytic conductivity detector, and photoionization detector: USEPA Organic Methods, Method 502.2 ([rev. 2.1](#)). If TTHMs are the only analytes being measured in the sample, then a photoionization detector is not required.
- ii) By purge and trap, gas chromatography, mass spectrometer: USEPA Organic Methods, Method 524.2 ([rev. 4.1](#)).
- iii) By liquid-liquid extraction, gas chromatography, electron capture detector: USEPA Organic Methods, Method 551.1 ([rev. 1.0](#)).
- iv) By purge and trap, gas chromatography, mass spectrometry: USEPA OGWDW Methods, Method 524.3 (rev. 1.0).

BOARD NOTE: USEPA added USEPA OGWDW Methods, Method 524.3 (rev. 1.0) as an approved alternative method for TTHM in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

B) HAA5:

- i) By liquid-liquid extraction (diazomethane), gas chromatography, electron capture detector: Standard Methods, 19th or 21st ed., Method 6251 B.

~~BOARD NOTE: On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entry for HAA5 by liquid-liquid extraction (diazomethane), gas chromatography, electron capture detector, in the table at corresponding 40 CFR 141.131(b)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 6251-B (as approved in 1994). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods);~~

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~~since the version of Method 6251 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 6251 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

ii) By solid phase extractor (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.1 (rev. 1.0).

iii) By liquid-liquid extraction (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.2 (rev. 1.0) or USEPA OGWDW Methods, Method 552.3 (rev. 1.0).

iv) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 6251 B as an approved alternative method for HAA5 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA OGWDW Methods, Method 557 as approved alternative methods for HAA5 in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

C) Bromate:

i) By ion chromatography: USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0).

ii) By ion chromatography and post-column reaction: USEPA OGWDW Methods, Method 317.0₅ (rev 2.0), or 326.0₅ (rev. 1.0).

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- iii) By inductively coupled plasma/mass spectrometer: USEPA Organic and Inorganic Methods, Method 321.8 (rev. 1.0).
- iv) By two-dimensional ion chromatography: USEPA OGWDW Methods, Method 302.0.
- v) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.
- vi) By chemically suppressed chromatography: ASTM Method D6581-08 A.
- vii) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: Ion chromatography and post column reaction or inductively coupled plasma/mass spectrometry must be used for monitoring of bromate for purposes of demonstrating eligibility of reduced monitoring, as prescribed in Section 611.382(b)(3)(B). For inductively-coupled plasma – mass spectrometry, samples must be preserved at the time of sampling with 50 mg ethylenediamine (EDA) per liter of sample, and the samples must be analyzed within 28 days.

BOARD NOTE: USEPA added USEPA OGWDW Methods, Methods 302.0 and 557 and ASTM Methods D6581-08 A and B as approved alternative methods for bromate in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

D) Chlorite:

- i) By amperometric titration: Standard Methods, 19th or 21st ed., Method 4500-ClO₂ E.

~~BOARD NOTE: On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entry for chlorite by amperometric titration, in the table at corresponding 40~~

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~~CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-ClO₂-E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-ClO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-ClO₂-E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- ii) By spectrophotometry: USEPA OGWDW Methods, Method 327.0; (rev. 1.1).
- iii) By ion chromatography: USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1); USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0); USEPA OGWDW Methods, Method 317.0; (rev. 2.0), or 326.0; (rev. 1.0); or ASTM Method D6581-00.
- iv) By chemically suppressed chromatography: ASTM Method D6581-08 A.
- v) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO₂-E as an approved alternative method for daily chlorite in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D6581-08 A and B as approved alternative methods for chlorite in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

BOARD NOTE: Amperometric titration or spectrophotometry may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in Section 611.382(b)(2)(A)(i). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of

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chlorite in the distribution system, as prescribed in Section 611.382(b)(2)(A)(ii) and (b)(2)(B).

- 2) Analyses under this Section for DBPs must be conducted by laboratories that have received certification by USEPA or the Agency except as specified under subsection (b)(3) of this Section. To receive certification to conduct analyses for the DBP contaminants listed in Sections 611.312 and 611.381 and Subparts W and Y of this Part, the laboratory must fulfill the requirements of subsections (b)(2)(A), (b)(2)(C), and (b)(2)(D) of this Section.
 - A) The laboratory must analyze performance evaluation (PE) samples that are acceptable to USEPA or the Agency at least once during each consecutive 12-month period by each method for which the laboratory desires certification.
 - B) This subsection corresponds with 40 CFR 141.131(b)(2)(ii), which has expired by its own terms. This statement maintains structural consistency with the corresponding federal rule.
 - C) The laboratory must achieve quantitative results on the PE sample analyses that are within the acceptance limits set forth in subsections (b)(2)(C)(i) through (b)(2)(B)(xi) of this Section, subject to the conditions of subsections (b)(2)(C)(xii) and (b)(2)(C)(xiii) of this Section:
 - i) Chloroform (a THM): $\pm 20\%$ of true value;
 - ii) Bromodichloromethane (a THM): $\pm 20\%$ of true value;
 - iii) Dibromochloromethane (a THM): $\pm 20\%$ of true value;
 - iv) Bromoform (a THM): $\pm 20\%$ of true value;
 - v) Monochloroacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - vi) Dichloroacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - vii) Trichloroacetic Acid (an HAA5): $\pm 40\%$ of true value;

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- viii) Monobromoacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - ix) Dibromoacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - x) Chlorite: $\pm 30\%$ of true value; and
 - xi) Bromate: $\pm 30\%$ of true value.
 - xii) The laboratory must meet all four of the individual THM acceptance limits set forth in subsections (b)(2)(B)(i) through (b)(2)(B)(iv) of this Section in order to successfully pass a PE sample for TTHM.
 - xiii) The laboratory must meet the acceptance limits for four out of the five HAA5 compounds set forth in subsections (b)(2)(B)(v) through (b)(2)(B)(ix) of this Section in order to successfully pass a PE sample for HAA5.
- D) The laboratory must report quantitative data for concentrations at least as low as the minimum reporting levels (MRLs) listed in subsections (b)(2)(D)(i) through (b)(2)(D)(xi) of this Section, subject to the limitations of subsections (b)(2)(D)(xii) and (b)(2)(D)(xiii) of this Section, for all DBP samples analyzed for compliance with Sections 611.312 and 611.385 and Subparts W and Y of this Part:
- i) Chloroform (a THM): 0.0010 mg/l;
 - ii) Bromodichloromethane (a THM): 0.0010 mg/l;
 - iii) Dibromochloromethane (a THM): 0.0010 mg/l;
 - iv) Bromoform (a THM): 0.0010 mg/l;
 - v) Monochloroacetic Acid (an HAA5): 0.0020 mg/l;
 - vi) Dichloroacetic Acid (an HAA5): 0.0010 mg/l;

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- vii) Trichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;
- viii) Monobromoacetic Acid (an HAA5): 0.0010 mg/ℓ;
- ix) Dibromoacetic Acid (an HAA5): 0.0010 mg/ℓ;
- x) Chlorite: 0.020 mg/ℓ, applicable to monitoring as required by Section 611.382(b)(2)(A)(ii) and (b)(2)(B); and
- xi) Bromate: 0.0050, or 0.0010 mg/ℓ if the laboratory uses USEPA OGWDW Methods, Method 317.0, ~~rev. 2.0~~, or 326.0 or USEPA Organic and Inorganic Methods, Method 321.8.
- xii) The calibration curve must encompass the regulatory MRL concentration. Data may be reported for concentrations lower than the regulatory MRL as long as the precision and accuracy criteria are met by analyzing an MRL check standard at the lowest reporting limit chosen by the laboratory. The laboratory must verify the accuracy of the calibration curve at the MRL concentration by analyzing an MRL check standard with a concentration less than or equal to 110% of the MRL with each batch of samples. The measured concentration for the MRL check standard must be $\pm 50\%$ of the expected value, if any field sample in the batch has a concentration less than five times the regulatory MRL. Method requirements to analyze higher concentration check standards and meet tighter acceptance criteria for them must be met in addition to the MRL check standard requirement.
- xiii) When adding the individual trihalomethane or haloacetic acid concentrations, for the compounds listed in subsections (b)(2)(D)(v) through (b)(2)(D)(ix) of this Section, to calculate the TTHM or HAA5 concentrations, respectively, a zero is used for any analytical result that is less than the MRL concentration for that DBP, unless otherwise specified by the Agency.

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- 3) A party approved by USEPA or the Agency must measure daily chlorite samples at the entrance to the distribution system.
- c) Disinfectant residuals.
- 1) A supplier must measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the appropriate of the methods listed in subsections (c)(1)(A) through (c)(1)(D) of this Section, subject to the provisions of subsection (c)(1)(E) of this Section:
- A) Free Chlorine:
- i) Amperometric titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl D, or ASTM Method ~~D1253-86, D1253-96, D1253-03, or D1253-08~~ D1253-86, D1253-96, D1253-03, or D1253-08 ~~or 1253-03~~;
- ii) DPD ferrous titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl F;
- iii) DPD colorimetric: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl G; or
- iv) Syringaldazine (FACTS): ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl H.
- v) Test strips: ITS Method D99-003 if approved by the Agency pursuant to subsection (c)(2) of this Section.
- v) Amperometric sensor: Palintest ChloroSense.
- vi) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, F, G, and H as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM

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Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

B) Combined Chlorine:

- i) Amperometric titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI D, or ASTM Method D1253-861253-86, D1253-961253-96, or D1253-03, or D1253-081253-03;
- ii) DPD ferrous titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI F; or
- iii) DPD colorimetric: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI G.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-CI D, F, and G as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08 as an approved alternative method for combined chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

C) Total Chlorine:

- i) Amperometric titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI D, or ASTM Method D1253-861253-86, D1253-961253-96, or D1253-03, or D1253-081253-03;
- ii) Low-level amperometric titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI E;
- iii) DPD ferrous titration: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-CI F;

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- iv) DPD colorimetric: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl G; or
- v) Iodometric electrode: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl I.
- vi) Amperometric sensor: Palintest ChloroSense.
- vii) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-Cl D, E, F, G, and I as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

D) Chlorine Dioxide:

- i) DPD: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO₂ D;
- ii) Amperometric Method II: ~~using~~ Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO₂ E; or
- iii) Lissamine Green spectrophotometric: ~~using~~ USEPA OGWDW Method 327.0 (rev. 1.1).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-ClO₂ D and E as approved alternative methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) The methods listed are approved for measuring the specified disinfectant residual. The supplier may measure free chlorine or total chlorine for demonstrating compliance with the chlorine

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MRDL and combined chlorine, or total chlorine may be measured for demonstrating compliance with the chloramine MRDL.

~~BOARD NOTE: On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entries for free chlorine, combined chlorine, and chlorine dioxide in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-Cl-D, E, F, G, H, or I or Method 4500-ClO₂-E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 4500-Cl and Method 4500-ClO₂ that appear in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-Cl-D, E, F, G, H, or I or Method 4500-ClO₂-E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

2) Alternative methods available only upon specific approval by the Agency Test strips.

A) Test strips: ITS Method D99-003.

BOARD NOTE: USEPA added ITS Method D99-003 as an approved alternative method for free chlorine in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616), contingent upon specific state approval. The Board has opted to provide that the Agency can grant such approvals on a case-by-case basis using the SEP mechanism.

B) If approved by the Agency, by an SEP issued pursuant to Section 611.110, a supplier may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

3) A party approved by USEPA or the Agency must measure residual disinfectant concentration.

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d) A supplier required to analyze parameters not included in subsections (b) and (c) of this Section must use the methods listed below. A party approved by USEPA or the Agency must measure the following parameters:

- 1) Alkalinity. All methods allowed in Section 611.611(a)(21) for measuring alkalinity.
- 2) Bromide:
 - A) USEPA Inorganic Methods, Method 300.0 (rev. 2.1);
 - B) USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);
 - C) USEPA OGWDW Methods, Method 317.0 (rev. 2.0) or Method 326.0 (rev. 1.0); or
 - D) ASTM Method D6581-00.
- 3) Total Organic Carbon (TOC), by any of the methods listed in subsection (d)(3)(A)(i), (d)(3)(A)(ii), (d)(3)(A)(iii), or (d)(3)(B) of this Section, subject to the limitations of subsection (d)(3)(C) of this Section:
 - A) ~~High-temperature combustion Standard Methods, 19th, 20th, or 21st ed., using one of the following methods:~~
 - i) ~~Standard Methods, 19th, 20th, or 21st ed., Method 5310 B (High-Temperature Combustion Method); or~~
 - ii) ~~USEPA NERL Method 415.3 (rev. 1.2), Method 5310-C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method); or~~
 - iii) ~~Method 5310-D (Wet-Oxidation Method).~~

~~BOARD NOTE: On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entries for total organic carbon, high-temperature combustion, persulfate-ultraviolet or heated persulfate, and wet oxidation at corresponding 40 CFR 141.131(d)(3) to allow the use of Standard Methods Online (at~~

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~~www.standardmethods.org), Method 5310 B, C, or D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 5310 B, C, or D that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 5310 B, C, or D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) Persulfate-ultraviolet or heated – persulfate oxidation:

- i) Standard Methods, 19th, 20th, or 21st ed., Method 5310 C; or
- ii) USEPA NERL Method 415.3 (rev. 1.2).

C) Wet Oxidation Method:

- i) Standard Methods, 19th, 20th, or 21st ed., Method 5310 D;
or
- ii) USEPA NERL Method 415.3 (rev. 1.2).

DB) Specific UV₂₅₄ absorbance: USEPA NERL ~~Method~~ 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

EC) Inorganic carbon must be removed from the samples prior to analysis. TOC samples may not be filtered prior to analysis. TOC samples must be acidified at the time of sample collection to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified TOC samples must be analyzed within 28 days.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 5310 B, C, and D as approved alternative methods for total organic carbon in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for total organic carbon in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

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- 4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV_{254}) (measured in m^{-1}) divided by the dissolved organic carbon (DOC) concentration (measured as mg/ℓ). In order to determine SUVA, it is necessary to separately measure UV_{254} and DOC. When determining SUVA, a supplier must use the methods stipulated in subsection (d)(4)(A) of this Section to measure DOC and the method stipulated in subsection (d)(4)(B) of this Section to measure UV_{254} . SUVA must be determined on water prior to the addition of disinfectants/oxidants by the supplier. DOC and UV_{254} samples used to determine a SUVA value must be taken at the same time and at the same location.
- A) Dissolved Organic Carbon (DOC). ~~Standard Methods, 19th ed., 20th ed., or 21st ed., Method 5310 B (High-Temperature Combustion Method), Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Method 5310 D (Wet Oxidation Method) or USEPA NERL Method 415.3 (rev. 1.1).~~ Prior to analysis, DOC samples must be filtered through the 0.45 μm pore-diameter filter as soon as practical after sampling, not to exceed 48 hours. After filtration, DOC samples must be acidified to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified DOC samples must be analyzed within 28 days after sample collection. Inorganic carbon must be removed from the samples prior to analysis. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following standards:
DOC less than 0.5 mg/ℓ .; ~~and~~
- i) High-Temperature Combustion Method: Standard Methods, 19th ed., 20th ed., or 21st ed., Method 5310 B or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).
- ii) Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method, Method 5310 C or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

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- iii) Wet-Oxidation Method: Standard Methods, 19th ed., 20th ed., or 21st ed., Method 5310 D or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

BOARD NOTE: ~~On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entries for specific ultraviolet absorbance-dissolved organic carbon at corresponding 40 CFR 141.131(d)(4)(i) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 5310 B, C, or D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 5310 B, C, or D that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 5310 B, C, or D from the 21st edition of Standard Methods~~ USEPA added Standard Methods, Methods 5310 B, C, and D as an approved alternative methods for dissolved organic carbon method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for dissolved organic carbon in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

- B) Ultraviolet Absorption at 254 nm (UV₂₅₄): by spectrometry: Standard Methods, 19th, 20th, or 21st ed., Method 5910 B (Ultraviolet Absorption Method) or USEPA NERL Method 415.3 (rev. 1.1) or 415.3 (rev. 1.2). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV₂₅₄ samples must be filtered through a 0.45 µm pore-diameter filter. The pH of UV₂₅₄ samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours; and

BOARD NOTE: ~~On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entries for specific ultraviolet absorbance-ultraviolet absorption at 254 nm at corresponding 40 CFR 141.131(d)(4)(ii) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 5910 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard~~

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~~Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 5910 B that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 5910 B from the 21st edition of Standard Methods USEPA added Standard Methods, 21st ed., Method 5910 B as an approved alternative method for ultraviolet absorbtion in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for ultraviolet absorbance in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).~~

- 5) pH. All methods allowed in Section 611.611(a)(17) for measuring pH.
- 6) Magnesium. All methods allowed in Section 611.611(a) for measuring magnesium.

BOARD NOTE: Derived from 40 CFR 141.131 ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009), as added at 73 Fed. Reg. 31616 (June 3, 2008).~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.382 Monitoring Requirements

- a) General requirements.
 - 1) A supplier must take all samples during normal operating conditions.
 - 2) A supplier may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required with Agency approval.
 - 3) Failure to monitor in accordance with the monitoring plan required under subsection (f) of this Section is a monitoring violation.
 - 4) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs, this failure to monitor will be treated as a violation for the entire period covered by

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the annual average.

- 5) A supplier must use only data collected under the provisions of this Subpart I to qualify for reduced monitoring.
- b) Monitoring requirements for disinfection byproducts (DBPs).
- 1) TTHMs and HAA5.
 - A) Routine monitoring. A supplier must monitor at the following frequency:
 - i) A Subpart B system supplier that serves 10,000 or more persons must collect four water samples per quarter per treatment plant. At least 25 percent of all samples collected each quarter must be collected at locations representing maximum residence time. The remaining samples may be taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account the number of persons served, the different sources of water, and the different treatment methods.
 - ii) A Subpart B system supplier that serves from 500 to 9,999 persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.
 - iii) A Subpart B system supplier that serves fewer than 500 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the supplier must increase the monitoring frequency to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets the standards in subsection (b)(1)(D) of this Section.

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- iv) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves 10,000 or more persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.
- v) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves fewer than 10,000 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets standards in subsection (b)(1)(D) of this Section.

BOARD NOTE: If a supplier elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system. For a supplier using groundwater not under the direct influence of surface water, multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Agency approval.

- B) A supplier may reduce monitoring, except as otherwise provided, in accordance with the following:
 - i) A Subpart B system supplier that serves 10,000 or more persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0

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mg/ℓ may reduce monitoring if it has monitored for at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.

- ii) A Subpart B system supplier that serves from 500 to 9,999 persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/ℓ may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.

BOARD NOTE: Any Subpart B system supplier that serves fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.

- iii) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and that serves 10,000 or more persons may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.
- iv) A supplier using only groundwater not under direct influence of surface water that uses chemical disinfectant and which serves fewer than 10,000 persons may reduce monitoring if it has monitored at least one year and its

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TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ for two consecutive years or TTHM annual average is less than or equal to 0.020 mg/ℓ and HAA5 annual average is less than or equal to 0.015 mg/ℓ for one year. The reduced monitoring allowed is a minimum of one sample per treatment plant per three year monitoring cycle at a distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which the supplier qualifies for reduced monitoring.

- C) Monitoring requirements for source water TOC. In order to qualify for reduced monitoring for TTHM and HAA5 under subsection (b)(1)(B) of this Section, a Subpart B system supplier not monitoring under the provisions of subsection (d) of this Section must take monthly TOC samples every 30 days at a location prior to any treatment, beginning no later than April 1, 2008. In addition to meeting other criteria for reduced monitoring in subsection (b)(1)(B) of this Section, the source water TOC running annual average must be ≤ 4.0 mg/ℓ (based on the most recent four quarters of monitoring) on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under subsection (b)(1)(B) of this Section, a system may reduce source water TOC monitoring to quarterly TOC samples taken every 90 days at a location prior to any treatment.
- D) A Subpart B system supplier on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for a supplier that must monitor quarterly) or the result of the sample (for a supplier that must monitor no more frequently than annually) is no more than 0.060 mg/ℓ and 0.045 mg/ℓ for TTHMs and HAA5, respectively. A supplier that does not meet these levels must resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section in the quarter immediately following the monitoring period in which

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the supplier exceeds 0.060 mg/ℓ for TTHMs or 0.045 mg/ℓ for HAA5. For a supplier that uses only groundwater not under the direct influence of surface water and which serves fewer than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/ℓ or the HAA5 annual average is greater than 0.060 mg/ℓ, the supplier must go to increased monitoring identified in subsection (b)(1)(A) of this Section in the quarter immediately following the monitoring period in which the supplier exceeds 0.080 mg/ℓ for TTHMs or 0.060 mg/ℓ for HAA5.

- E) The Agency may return a supplier to routine monitoring.
- 2) Chlorite. A CWS or NTNCWS supplier using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.
- A) Routine monitoring.
 - i) Daily monitoring. A supplier must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the supplier must take additional samples in the distribution system the following day at the locations required by subsection (b)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
 - ii) Monthly monitoring. A supplier must take a three-sample set each month in the distribution system. The supplier must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The supplier may use the results of additional monitoring conducted under subsection (b)(2)(B) of this Section to meet the requirement for monitoring in this subsection (b)(2)(A)(ii).
 - B) Additional monitoring. On each day following a routine sample

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monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the supplier must take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring.
 - i) Chlorite monitoring at the entrance to the distribution system required by subsection (b)(2)(A)(i) of this Section may not be reduced.
 - ii) Chlorite monitoring in the distribution system required by subsection (b)(2)(A)(ii) of this Section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subsection (b)(2)(A)(ii) of this Section has exceeded the chlorite MCL and the supplier has not been required to conduct monitoring under subsection (b)(2)(B) of this Section. The supplier may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subsection (b)(2)(A)(ii) of this Section exceeds the chlorite MCL or the supplier is required to conduct monitoring under subsection (b)(2)(B) of this Section, at which time the supplier must revert to routine monitoring.
- 3) Bromate.
 - A) Routine monitoring. A CWS or NTNCWS supplier using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. A supplier must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.
 - B) Reduced monitoring.

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- i) Until March 31, 2009, a supplier required to analyze for bromate may reduce monitoring from monthly to quarterly, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/ℓ based on representative monthly bromide measurements for one year. The supplier may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/ℓ based on representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/ℓ, the supplier must resume routine monitoring required by subsection (b)(3)(A) of this Section in the following month.
- ii) Beginning April 1, 2009, a Subpart B system supplier may no longer use the provisions of subsection (b)(3)(B)(i) of this Section to qualify for reduced monitoring. A supplier required to analyze for bromate may reduce monitoring from monthly to quarterly, if the supplier's running annual average bromate concentration is not greater than 0.0025 mg/ℓ based on monthly bromate measurements under subsection (b)(3)(A) of this Section for the most recent four quarters, with samples analyzed using USEPA OGWDW Methods, Method 302.0, Method 317.0 (rev. 2.0), ~~or~~ Method 326.0 (rev. 1.0), or Method 557 or USEPA Organic and Inorganic Methods, Method 321.8. If a supplier has qualified for reduced bromate monitoring under subsection (b)(3)(B)(i) of this Section, that supplier may remain on reduced monitoring as long as the running annual average of quarterly bromate samples not greater than 0.0025 mg/ℓ based on samples analyzed using USEPA OGWDW Methods, Method 302.0, Method 317.0 ~~(rev. 2.0)~~, ~~or~~ Method 326.0 ~~(rev. 1.0)~~, or Method 557 or USEPA Organic and Inorganic Methods, Method 321.8. If the running annual average bromate concentration is greater than 0.0025 mg/ℓ, the supplier must resume routine monitoring required by subsection (b)(3)(A) of this Section.

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- c) Monitoring requirements for disinfectant residuals.
- 1) Chlorine and chloramines.
- A) Routine monitoring. A CWS or NTNCWS supplier that uses chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521. A Subpart B system supplier may use the results of residual disinfectant concentration sampling conducted under Section 611.532 for unfiltered systems or Section 611.533 for systems that filter, in lieu of taking separate samples.
- B) Reduced monitoring. Monitoring may not be reduced.
- 2) Chlorine dioxide.
- A) Routine monitoring. A CWS, an NTNCWS, or a transient non-CWS supplier that uses chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the supplier must take samples in the distribution system the following day at the locations required by subsection (c)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
- B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the supplier must take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the supplier must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the supplier must take one

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sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring. Monitoring may not be reduced.
- d) Monitoring requirements for disinfection byproduct (DBP) precursors.
 - 1) Routine monitoring. A Subpart B system supplier that uses conventional filtration treatment (as defined in Section 611.101) must monitor each treatment plant for TOC not past the point of combined filter effluent turbidity monitoring and representative of the treated water. A supplier required to monitor under this subsection (d)(1) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, a system must monitor for alkalinity in the source water prior to any treatment. A supplier must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
 - 2) Reduced monitoring. A Subpart B system supplier with an average treated water TOC of less than 2.0 mg/ℓ for two consecutive years, or less than 1.0 mg/ℓ for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The supplier must revert to routine monitoring in the month following the quarter when the annual average treated water TOC greater than or equal to 2.0 mg/ℓ.
- e) Bromide. A supplier required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/ℓ based upon representative monthly measurements for one year. The supplier must continue bromide monitoring to remain on reduced bromate monitoring.
- f) Monitoring plans. Each supplier required to monitor under this Subpart I must

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develop and implement a monitoring plan. The supplier must maintain the plan and make it available for inspection by the Agency and the general public no later than 30 days following the applicable compliance dates in Section 611.380(b). A Subpart B system supplier that serves more than 3,300 persons must submit a copy of the monitoring plan to the Agency no later than the date of the first report required under Section 611.384. After review, the Agency may require changes in any plan elements. The plan must include at least the following elements:

- 1) Specific locations and schedules for collecting samples for any parameters included in this Subpart I;
- 2) How the supplier will calculate compliance with MCLs, MRDLs, and treatment techniques; and
- 3) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of Section 611.500, the sampling plan must reflect the entire distribution system.

BOARD NOTE: Derived from 40 CFR 141.132 ~~(2009)~~(2006).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- c) Suppliers must conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102, or in accordance with an alternative method approved by the Agency pursuant to Section 611.480 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):

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- 1) Total Coliform Fermentation Technique, as set forth in Standard Methods, 18th, 19th, 20th, or 21st ed., Methods 9221 A and B, as follows:
 - A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;
 - B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and
 - C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- 2) Total Coliform Membrane Filter Technique, as set forth in Standard Methods, 18th, 19th, 20th, or 21st ed., Methods 9222 A, B, and C.
- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 9221 D, as follows:
 - A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and
 - B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- 4) ONPG-MUG test: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert System.)
- 5) Colisure Test (Autoanalysis Colilert System). (The Colisure Test may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them

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for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods, Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) E*Colite® Test (Charm Sciences, Inc.).
- 7) m-ColiBlue24® Test (Hatch Company).
- 8) ~~Readycult® 2000 Readycult Coliforms 100 Presence/Absence Test.~~
- 9) ~~Membrane Filter Technique using Chromocult® Method Coliform Agar.~~
- 10) Colitag® Test.
- 11) Modified Colitag™ Method.

BOARD NOTE: ~~On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended note 1 to the table at corresponding 40 CFR 141.21(f)(3) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 9221 A, B, and D (as approved in 1999) or Method 9222 A, B, and C (as approved in 1997); and 9223 B (as approved in 1997). The Board has cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods) for Methods 9221 and 9223, since the cited versions of the methods appears in that reference. USEPA later added Method 9221 A, B, and D; Method 9222 A, B, and C; Method 9223 from the 21st edition of Standard Methods USEPA added Standard Methods, 21st ed., Methods 9221 A, B, and D; 9222 A, B, and C; and 9223 as an approved alternative methodsmethod in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Modified Colitag™ Method as an approved alternative method in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).~~

- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved." This statement maintains structural consistency with the federal regulations.
- e) Suppliers must conduct fecal coliform analysis in accordance with the following

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procedure:

- 1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
 - 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (the laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at $44.5 \pm 0.2^\circ \text{C}$ for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.
 - 3) EC medium is described in Standard Methods, 18th ed., 19th ed., and 20th ed.: Method 9221E.
 - 4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.
- f) Suppliers must conduct analysis of E. coli in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:
- 1) EC medium supplemented with $50 \mu\text{g}/\ell$ of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with $50 \mu\text{g}/\ell$ MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive

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culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at $44.5 \pm 2^\circ$ C for 24 ± 2 hours; or

- 2) Nutrient agar supplemented with $100 \mu\text{g}/\ell$ MUG (final concentration), as described in Standard Methods, 19th ed. and 20th ed.; Method 9222 G. This test is used to determine if a total coliform-positive sample, as determined by the MF technique, contains E. coli. Alternatively, Standard Methods, 18th ed.; Method 9221 B may be used if the membrane filter containing a total coliform-positive colony or colonies is transferred to nutrient agar, as described in Method 9221 B (paragraph 3), supplemented with $100 \mu\text{g}/\ell$ MUG. If Method 9221 B is used, incubate the agar plate at 35° Celsius for four hours, then observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.
- 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Appendix D of this Part. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a six-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.
- 4) The Colisure Test (Autoanalysis Colilert System).
- 5) The membrane filter method with MI agar.
- 6) The E*Colite® Test.
- 7) The m-ColiBlue24® Test.
- 8) ~~Readycult® 2000~~~~Readycult Coliforms 100 Presence/Absence Test.~~
- 9) ~~Membrane Filter Technique using~~ Chromocult® ~~Method~~ Coliform Agar.

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10) Colitag® Test.

11) ONPG-MUG Test: Standard Methods, 20th or 21st ed., Method 9223 B.

12) Modified Colitag™ Method.

BOARD NOTE: USEPA added Standard Methods, 20th or 21st ed., Method 9223 B and Standard Methods Online, Method 9223 B-97 as approved alternative methods for E. coli in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

- g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 ml, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.
- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009)~~, as added at ~~73 Fed. Reg. 31616 (June 3, 2008)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.531 Analytical Requirements

The analytical methods specified in this Section, or alternative methods approved by the Agency pursuant to Section 611.480, must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart L. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

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a) A supplier ~~must conduct analyses~~ ~~shall do~~ as follows:

- 1) ~~The supplier must conduct~~ ~~Conduct~~ analyses ~~for~~ pH in accordance with one of the methods listed at Section 611.611; and
- 2) ~~The supplier must conduct~~ ~~Conduct~~ analyses ~~for~~ total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102, as follows:

A) Total Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Total coliform fermentation technique: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- ii) Total coliform membrane filter technique: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 9222 A, B, and C.

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- iii) ONPG-MUG test (also known as the Autoanalysis Colilert System): Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 9223.

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods; Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 A, B, and C; 9222 A, B, and C; and 9223 as approved alternative methods for total coliform in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

B) Fecal Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Fecal coliform procedure: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 9221 E.

BOARD NOTE: A-1 broth may be held up to seven days in a tightly closed screwcap tube at 4° C (39° F).

- ii) Fecal Coliform Membrane Filter Procedure: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 9222 D.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 E and 9222 D as approved alternative methods for

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fecal coliforms in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Heterotrophic bacteria.
- i) Pour plate method: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- ii) SimPlate method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9215 B as an approved alternative method for heterotrophic bacteria in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

- D) Turbidity.
- BOARD NOTE: Styrene divinyl benzene beads (e.g., AMCO-AEPA-1 or equivalent) and stabilized formazin (e.g., Hach StablCal™ or equivalent) are acceptable substitutes for formazin.

- i) Nephelometric method: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 2130 B.
- ii) Nephelometric method: USEPA Environmental Inorganic Methods; Method 180.1 (rev.2.0).
- iii) GLI Method 2.
- iv) Hach FilterTrak Method 10133.
- v) Laser nephelometry (on-line): Mitchell Method M5271.

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vi) LED nephelometry (on-line): Mitchell Method M5331 or AMI Turbiwell Method.

vii) LED nephelometry (portable): Orion Method AQ4500.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9130 B as an approved alternative method for turbidity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Mitchell Method M5271 and Orion Method AQ4500 as approved alternative methods for turbidity in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added AMI Turbiwell Method as an approved alternative method for turbidity in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

E) Temperature: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 2550.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for total coliforms, fecal coliforms, heterotrophic bacteria, turbidity, and temperature at corresponding 40 CFR 141.74(a)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2130 B (as approved in 2001); Method 9215 B (as approved in 2000); Method 9221 A, B, and C (as approved in 1999); Method 9222 A, B, C, and D (as approved in 1997); and Method 9223 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 2130, Method 9215, Method 9221, Method 9222, and Method 9223 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 2130 B; Method 9215 B; Method 9221 A, B, C, and E; Method 9222 A, B, C, and D; and Method 9223 from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- b) A supplier must measure residual disinfectant concentrations with one of the following analytical methods:
- 1) Free chlorine.

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- A) Amperometric Titration.
- i) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-CI D.
 - ii) ASTM Method ~~D1253-08~~ D1253-03 or D1253-08.
- B) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-CI F.
- C) DPD Colimetric: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-CI G.
- D) Syringaldazine (FACTS): Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-CI H.
- E) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.
- F) Amperometric sensor: Palintest ChloroSense.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-CI D, F, G, and H; Method 4500-CIO₂ C and E as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

- 2) Total chlorine.
- A) Amperometric Titration:-
- i) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-CI D.
 - ii) ASTM Method ~~D1253-08~~ D1253-03 or D1253-08.

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- B) Amperometric Titration (low level measurement): Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-C1 E.
- C) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-C1 F.
- D) DPD Colimetric: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-C1 G.
- E) Iodometric Electrode: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-C1 I.
- F) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.
- G) Amperometric sensor: Palintest ChloroSense.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-C1 D, E, F, G, and I as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

- 3) Chlorine dioxide.
 - A) Amperometric Titration: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-C1 O₂ C or E.
 - B) DPD Method: Standard Methods, 18th, 19th or 20th ed.; Method 4500-C1 O₂ D.
 - C) Spectrophotometric: USEPA OGWDW Methods, Method 327.0 (rev. 1.1).
- 4) Ozone: Indigo Method: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-O₃ B.

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- 5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:
- A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
 - B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a 10-tube test.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO₂ C, D, and E and Method 4500-O₃ B as approved alternative methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for free chlorine, total chlorine, chlorine dioxide, and ozone at corresponding 40 CFR 141.74(a)(2) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-Cl D, E, F, G, and H (as approved in 2000); Method 4500-ClO₂ C and E (as approved in 2000); and Method 4500-O₃ B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 4500-Cl, Method 4500-ClO₂, and Method 4500-O₃ that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 4500-Cl D, E, F, G, and H; Method 4500-ClO₂ C and E; and Method 4500-O₃ B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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BOARD NOTE: Derived from 40 CFR 141.74(a) ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009)~~, ~~as added at 73 Fed. Reg. 31616 (June 3, 2008)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the following methods or an alternative method approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102.

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium ~~and arsenic~~ by USEPA Environmental Metals Method 200.7, ~~and arsenic by Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B~~ sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; and lead by ASTM Method D3559-96 D or D3559-03 D unless multiple in-furnace depositions are made.

- 1) Alkalinity.
 - A) Titrimetric.
 - i) ASTM Method D1067-92 B or D1067-02 B; or

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- ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 2320 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for alkalinity by titrimetric alkalinity in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2320 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 2320 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 2320 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Electrometric titration: USGS Methods: Method I-1030-85.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2320 B as an approved alternative method for alkalinity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

- 2) Antimony.

- A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods; Method 200.8 (rev. 5.3).

- B) Atomic absorption, hydride technique: ASTM Method D3697-92, ~~or~~ D3697-02, or D3697-07.

- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods; Method 200.9 (rev. 2.2).

- D) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed.; Method 3113 B.

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~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for antimony by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113-B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113-B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 3) Arsenic.

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by ~~Method Methods 200.7, 200.8, or Standard Methods, 18th, 19th, 20th, or 21st ed., 3120-B,~~ the arsenic must be in the pentavalent state to provide uniform signal response. ~~For methods 200.7 and 3120-B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of 100 µl of 30% hydrogen peroxide per 100 ml of solution.~~ For direct analysis of arsenic with ~~Method method~~ 200.8 using ultrasonic nebulization, samples and standards must contain one mg/l of sodium hypochlorite.

- A) ~~Inductively coupled plasma.~~

~~BOARD NOTE: Effective January 23, 2006, a supplier may no longer employ analytical methods using the ICP-AES technology because the detection limits for these methods are 0.008 mg/l or~~

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~~higher. This restriction means that the two ICP-AES methods (USEPA Environmental Metals Method 200.7 and Standard Methods, Method 3120 B) approved for use for the MCL of 0.05 mg/l may not be used for compliance determinations for the revised MCL of 0.010 mg/l. However, prior to the 2005 through 2007 compliance period, a supplier may have compliance samples analyzed with these less sensitive methods.~~

- ~~i) USEPA Environmental Metals Methods: Method 200.7; or~~
- ~~ii) Standard Methods, 18th, 19th, 20th, or 21st ed.: Method 3120 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for arsenic by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method for several other metals in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA, however, did not specifically add Method 2130 B as to arsenic in the June 3, 2008 action.~~

- ~~A)B)~~ Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).
- ~~B)C)~~ Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).
- ~~C)D)~~ Atomic absorption, furnace technique.

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- i) ASTM Method D2972-97 C, D2972-03 C, or D2972-08 C ~~or 2972-03 C~~; or
- ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for arsenic by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

~~D/E)~~ Atomic absorption, hydride technique.

- i) ASTM Method D2972-97 B, D2972-03 C, or D2972-08 B ~~or 2972-03 B~~; or
- ii) Standard Methods, 18th, 19th, or 21st ed., Method 3114 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for antimony by atomic absorption, hydride technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3114 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3114 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3114 B from the 21st edition of Standard Methods as an approved alternative~~

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~~method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- ~~E)F)~~ Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~: Method 200.5.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D2972-08 B and C as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).~~

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 4) Asbestos: Transmission electron microscopy: USEPA Asbestos ~~Method Methods~~-100.1 ~~and~~ USEPA Asbestos ~~Method Methods~~-100.2.

- 5) Barium.

A) Inductively coupled plasma.

- i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4)~~; or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B~~.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods);~~

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~~since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).
- C) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, or 21st ed., Method 3111 D.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by atomic absorption, direct aspiration technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 D (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as~~

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~~acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 D, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for barium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 6) Beryllium.

- A) Inductively coupled plasma.

- i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4);~~ or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for beryllium by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st~~

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~~edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).
- D) Atomic absorption, furnace technique.
- i) ASTM Method D3645-97 B or D3645-03 B; or
- ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for beryllium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Methods: Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for beryllium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM

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Method D3645-08 B as an approved alternative method for beryllium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 7) Cadmium.
- A) Inductively coupled plasma arc furnace: USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4).
 - B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).
 - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).
 - D) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cadmium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~: Method 200.5.

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BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for cadmium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

8) Calcium.

A) EDTA titrimetric.

- i) ASTM Method D511-93 A, ~~or D511-03 A,~~ or D511-09 A;
or
- ii) Standard Methods, 18th or 19th ed., ~~Method 3500-Ca D or Standard Methods, 20th or 21st ed.,~~ Method 3500-Ca B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for calcium by EDTA titrimetric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3500-Ca D (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3500-Ca that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3500-Ca B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) Atomic absorption, direct aspiration.

- i) ASTM Method D511-93 B, ~~or D511-03 B,~~ or D511-09 B;
or

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- ii) Standard Methods, 18th, 19th, or 21st ed.; Method 3111 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for calcium by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- C) Inductively coupled plasma.

- i) USEPA Environmental Metals Methods; Method 200.7 ([rev. 4.4](#)); or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 3120 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for calcium by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative~~

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~~method in appendix A to subpart C of CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) Ion chromatography: ASTM Method D6919-03.
- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~: Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Ca B and USEPA NERL Method 200.5 as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 9) Chromium.
 - A) Inductively coupled plasma.
 - i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4)~~; or
 - ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B~~.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for chromium by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods);~~

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~~since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).
- D) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for chromium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Methods: Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for chromium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

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~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

10) Copper.

A) Atomic absorption, furnace technique.

- i) ~~ASTM Method D1688-95 C₁ or D1688-02 C₁ or D1688-07 C₁; or~~
- ii) ~~Standard Methods, 18th, 19th, or 21st ed.; Method 3113 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) Atomic absorption, direct aspiration.

- i) ~~ASTM Method D1688-95 A₁ or D1688-02 A₁ or D1688-07 A₁; or~~
- ii) ~~Standard Methods, 18th, 19th, or 21st ed.; Method 3111 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods~~

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~~Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- C) Inductively coupled plasma.
- i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4);~~ or
 - ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, ~~Method 200.8 (rev. 5.3).~~
- E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, ~~Method 200.9 (rev. 2.2).~~

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- F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES); USEPA ~~NERL Methods~~; Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as an approved alternative method for copper in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D1688-07 A and C as approved alternative methods for copper in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 11) Conductivity; Conductance.

- A) ASTM Method D1125-95(1999) A; or
- B) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 2510 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2510 B as an approved alternative method for conductivity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for conductivity by conductance in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2510 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 2510 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 2510 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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12) Cyanide.

A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.; Method 4500-CN C), followed by spectrophotometric, amenable.

i) ASTM Method D2036-98 B or 2036-06 B; or

~~BOARD NOTE: USEPA added ASTM Method 2036-06 A as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-CN G.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by spectrophotometric, amenable, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN G (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-CN that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN G from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.; Method 4500-CN C), followed by spectrophotometric, manual.

i) ASTM Method D2036-98 A or D2036-06 A~~2036-06 A~~;

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- ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-CN E; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by spectrophotometric, manual, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN E (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-CN that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- iii) USGS Methods; Method I-3300-85.

- C) Spectrophotometric, semiautomated: USEPA Environmental Inorganic Methods; Method 335.4 (rev. 1.0).

- D) Selective electrode: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-CN F.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by selective electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN F (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-CN that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- E) UV/Distillation/Spectrophotometric: Kelada 01.
- F) Microdistillation/Flow Injection/Spectrophotometric:
QuickChem 10-204-00-1-X.
- G) Ligand exchange and amperometry.
 - i) ASTM Method D6888-03.
 - ii) OI Analytical Method OIA-1677 DW.

H) Gas chromatography-mass spectrometry headspace: Method ME355.01.

BOARD NOTE: USEPA added ASTM Method D2036-06 A and Standard Methods, 21st ed., Methods 4500-CNE, F, and G as approved alternative methods for cyanide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Method ME355.01 as an approved alternative method for cyanide in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

13) Fluoride.

- A) Ion Chromatography.
 - i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);
 - ii) ASTM Method D4327-97 or D4327-03; or
 - iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online

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~~(at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th, 19th, 20th, or 21st ed.~~;~~ Method 4500-F⁻ B and D.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by manual distillation, colorimetry SPADNS, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-F⁻ B and D (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ B and D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- C) Manual electrode.

- i) ASTM Method D1179-93 B, D1179-99 B, or D1179-04 B;
or

~~BOARD NOTE: USEPA added ASTM Method D1179-04 B as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-F⁻ C.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by manual electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-F⁻ C (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) Automated electrode: Technicon Methods, Method 380-75WE.

- E) Automated alizarin.

- i) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-F⁻ E; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by automated alizarin in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-F⁻ E (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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ii) Technicon Methods, ~~21st~~ Method 129-71W.

F) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500⁺ B, C, D, and E and ASTM Method D1179-04 B as approved alternative methods for fluoride in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).~~

14) Lead.

A) Atomic absorption, furnace technique.

i) ASTM Method D3559-96 D, ~~or D3559-03 D,~~ or D3559-08;
or

ii) Standard Methods, 18th, 19th, or 21st ed., ~~21st~~ Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for lead by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative~~

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~~method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, ~~Method 200.8~~ (rev. 5.3).
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, ~~Method 200.9~~ (rev. 2.2).
- D) Differential Pulse Anodic Stripping Voltammetry: Palintest Method 1001.
- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~; Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for lead in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3559-08 D as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

15) Magnesium.

- A) Atomic absorption.
 - i) ASTM Method D511-93 B, ~~or~~ D511-03 B, or D511-09 B;
or
 - ii) Standard Methods, 18th, 19th, or 21st ed., ~~Method 3111 B~~.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for magnesium by atomic absorption in the table at corresponding 40 CFR~~

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~~141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) Inductively coupled plasma.

- i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4)~~; or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for magnesium by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

C) Complexation titrimetric.

- i) ASTM Method D511-93 A, ~~or D511-03 A~~, or D511-09 A; or

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- ii) Standard Methods, 18th or 19th ed. ~~Method 3500-Mg E or Standard Methods, 20th or 21st ed. Method 3500-Mg B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for magnesium by complexation titrimetric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3500-Mg B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3500-Mg that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3500-Mg B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) Ion chromatography: ASTM Method D6919-03.
- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Mg B and USEPA NERL Method 200.5 as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).~~

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 16) Mercury.

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- A) Manual cold vapor technique.
- i) USEPA Environmental Metals Methods, ~~Method 245.1 (rev. 3.0)~~;
 - ii) ASTM Method D3223-97 or D3223-02; or
 - iii) Standard Methods, 18th, 19th, or 21st ed., ~~Method 3112 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for mercury by manual cold vapor technique in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3112 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3112 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3112 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Automated cold vapor technique: USEPA Inorganic Methods, ~~Method 245.2.~~
- C) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, ~~Method 200.8 (rev. 5.3).~~

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3112 B as an approved alternative method for mercury in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).~~

17) Nickel.

- A) Inductively coupled plasma.

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- i) USEPA Environmental Metals Methods, ~~Method 200.7 (rev. 4.4)~~; or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method 3120 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, ~~Method 200.8 (rev. 5.3)~~.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, ~~Method 200.9 (rev. 2.2)~~.
- D) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, or 21st ed., ~~Method 3111 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by atomic absorption, direct aspiration technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as~~

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~~acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed.; ~~Method 3113 B.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~; Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for nickel in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 18) Nitrate.

- A) Ion chromatography.

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- i) USEPA Environmental Inorganic Methods, Method 300.0 ([rev. 2.1](#)) or [USEPA Organic and Inorganic Methods, Method 300.1 \(rev. 1.0\)](#);
- ii) ASTM Method D4327-97 or D4327-03;
- iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

- i) USEPA Environmental Inorganic Methods, Method 353.2 ([rev. 2.0](#));
- ii) ASTM Method D3867-90 A; or
- iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-NO₃⁻ F.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by~~

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~~automated cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻F (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

C) Ion selective electrode.

- i) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-NO₃⁻ D; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by ion selective electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- ii) Technical Bulletin 601.

D) Manual cadmium reduction.

- i) ASTM Method D3867-90 B; or

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- ii) Standard Methods, 18th, 19th, 20th, or 21st ed. ~~Method 4500-NO₃⁻ E.~~

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by manual cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

- F) Reduction-colorimetric: Syssta Easy (1-Reagent).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500-NO₃⁻ D, E, and F as approved alternative methods for nitrate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Syssta Easy (1-Reagent) as an approved alternative method for nitrate in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348).

- 19) Nitrite.

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- A) Ion chromatography.
- i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);
 - ii) ASTM Method D4327-97 or D4327-03;
 - iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~
 - iv) Waters Test Method B-1011, available from Millipore Corporation.
- B) Automated cadmium reduction.
- i) USEPA Environmental Inorganic Methods, Method 353.2 (rev. 2.0);
 - ii) ASTM Method D3867-90 A; or
 - iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-NO₃⁻ F.

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~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by automated cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻-F (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻-F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

C) Manual cadmium reduction.

- i) ASTM Method D3867-90 B; or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-NO₃⁻-E.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by manual cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻-E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻-E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

D) Spectrophotometric: Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4500-NO₂⁻-B.

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~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by spectrophotometric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₂⁻-B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₂⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₂⁻-B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

- F) Reduction-colorimetric: Systea Easy (1-Reagent).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B, 4500-NO₃⁻ E and F; and 4500-NO₂⁻ B as approved alternative methods for nitrite in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Systea Easy (1-Reagent) as an approved alternative method for nitrite in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348).

- 20) Orthophosphate (unfiltered, without digestion or hydrolysis).

- A) Automated colorimetric, ascorbic acid.

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- i) USEPA Environmental Inorganic Methods, Method 365.1 (rev. 2.0); or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-P F.

~~BOARD NOTE: USEPA added Method 4500-P F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA also added Method 4500-P F (as approved in 1999) as available from Standard Methods Online (at www.standardmethods.org). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-P F that appears in the printed volume is the 1999 version available from the online source.~~

B) Single reagent colorimetric, ascorbic acid.

- i) ASTM Method D515-88 A; or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-P E.

~~BOARD NOTE: USEPA added Method 4500-P E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA also added Method 4500-P E (as approved in 1999) as available from Standard Methods Online (at www.standardmethods.org). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-P E that appears in the printed volume is the 1999 version available from the online source.~~

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- C) Colorimetric, phosphomolybdate: USGS Methods; Method I-1601-85.
- D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods; Method I-2601-90.
- E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods; Method I-2598-85.
- F) Ion Chromatography.
- i) USEPA Environmental Inorganic Methods: Method 300.0 ([rev. 2.1](#)) or [USEPA Organic and Inorganic Methods](#), Method 300.1 ([rev. 1.0](#));
- ii) ASTM Method D4327-97 or D4327-03; or
- iii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 4110 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for orthophosphate by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- G) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for orthophosphate to add capillary ion

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electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B, 4500-P E and F as approved alternative methods for orthophosphate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

- 21) pH: electrometric.
- A) USEPA Inorganic Methods, Method 150.1 or Method 150.2;
 - B) ASTM Method D1293-95 or D1293-99; or
 - C) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-H⁺ B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-H⁺ B as an approved alternative method for pH in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for pH by electrometric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-H⁺ B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-H⁺ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-H⁺ B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 22) Selenium.
- A) Atomic absorption, hydride.

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- i) ASTM Method D3859-98 A, ~~or~~ D3859-03 A, or D3859-08 A; or
- ii) Standard Methods, 18th, 19th, or 21st ed., ~~or~~ Method 3114 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for selenium by atomic absorption, hydride, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3114 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3114 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3114 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, ~~or~~ Method 200.8 (rev. 5.3).
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, ~~or~~ Method 200.9 (rev. 2.2).
- D) Atomic absorption, furnace technique.

- i) ASTM Method D3859-98 B, ~~or~~ D3859-03 B, or D3859-08 B; or
- ii) Standard Methods, 18th, 19th, or 21st ed., ~~or~~ Method 3113 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for selenium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as~~

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~~approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3114 B and USEPA NERL Method 200.5 as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3859-08 A and B as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).~~

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

23) Silica.

- A) Colorimetric, molybdate blue: USGS Methods, Method I-1700-85.
- B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods, Method I-2700-85.
- C) Colorimetric: ASTM Method D859-94, D859-00, or D859-05.

~~BOARD NOTE: USEPA added ASTM Method D859-05 as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- D) Molybdosilicate: Standard Methods, 18th or 19th ed.; Method 4500-Si D or Standard Methods, 20th or 21st ed.; Method 4500-SiO₂ C.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by molybdosilicate in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-SiO₂-C (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-SiO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂-C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- E) Heteropoly blue: Standard Methods, 18th or 19th ed.; Method 4500-Si E or Standard Methods, 20th or 21st ed.; Method 4500-SiO₂ D.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by heteropoly blue in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-SiO₂-D (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-SiO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂-D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- F) Automated method for molybdate-reactive silica: Standard Methods, 18th or 19th ed.; Method 4500-Si F or Standard Methods, 20th or 21st ed.; Method 4500-SiO₂ E.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by automated method for molybdate reactive silica in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-SiO₂ E (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-SiO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- G) Inductively coupled plasma.
- i) USEPA Environmental Metals Methods; Method 200.7 (rev. 4.4); or
- ii) Standard Methods, 18th, 19th, 20th, or 21st ed.; Method 3120 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by inductively coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative~~

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~~method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- H) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

BOARD NOTE: USEPA added ASTM Method D859-05, Standard Methods, 21st ed.; Methods 3120 B and 4500-SiO₂ C, D, and E; and USEPA NERL Method 200.5 as approved alternative methods for silica in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

24) Sodium.

- A) Inductively coupled plasma: USEPA Environmental Metals Methods;~~;~~ Method 200.7 (rev. 4.4).
- B) Atomic absorption, direct aspiration: Standard Methods, 18th, 19th, or 21st ed.~~;~~ Method 3111 B.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for sodium by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- C) Ion chromatography: ASTM Method D6919-03.
- D) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods~~: Method 200.5.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for sodium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).~~

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 25) Temperature; thermometric: Standard Methods, 18th, 19th, 20th, or 21st ed. ~~;~~ Method 2550.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for temperature by thermometric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2550 (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 2550 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 2550 from the 21st edition of Standard Methods. USEPA added Standard Methods, 21st ed., Method 2550 as an approved alternative method for temperature in appendix A to subpart C; ~~added~~ on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- 26) Thallium.

- A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods ~~;~~ Method 200.8 (rev. 5.3).
- B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods ~~;~~ Method 200.9 (rev. 2.2).

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- b) Sample collection for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4° C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 are followed.

- 1) Antimony.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 2) Arsenic.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 3) Asbestos.
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).

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- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 4) Barium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 5) Beryllium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 6) Cadmium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 7) Chromium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

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- 8) Cyanide.
 - A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 9) Fluoride.
 - A) Preservative: None.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within one month.
- 10) Mercury.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.
- 11) Nickel.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 12) Nitrate, chlorinated.

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- A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 13) Nitrate, non-chlorinated.
- A) Preservative: Concentrated sulfuric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 14) Nitrite.
- A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 15) Selenium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 16) Thallium.
- A) Preservative: Concentrated nitric acid to pH less than 2.

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- B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- c) Analyses under this Subpart N must be conducted by laboratories that received approval from USEPA or the Agency. The Agency must certify laboratories to conduct analyses for antimony, arsenic (effective January 23, 2006), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:
- 1) It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and
 - 2) It achieves quantitative results on the analyses within the following acceptance limits:
 - A) Antimony: $\pm 30\%$ at greater than or equal to 0.006 mg/l.
 - B) Arsenic: $\pm 30\%$ at greater than or equal to 0.003 mg/l.
 - C) Asbestos: 2 standard deviations based on study statistics.
 - D) Barium: $\pm 15\%$ at greater than or equal to 0.15 mg/l.
 - E) Beryllium: $\pm 15\%$ at greater than or equal to 0.001 mg/l.
 - F) Cadmium: $\pm 20\%$ at greater than or equal to 0.002 mg/l.
 - G) Chromium: $\pm 15\%$ at greater than or equal to 0.01 mg/l.
 - H) Cyanide: $\pm 25\%$ at greater than or equal to 0.1 mg/l.
 - I) Fluoride: $\pm 10\%$ at 1 to 10 mg/l.
 - J) Mercury: $\pm 30\%$ at greater than or equal to 0.0005 mg/l.
 - K) Nickel: $\pm 15\%$ at greater than or equal to 0.01 mg/l.

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- L) Nitrate: $\pm 10\%$ at greater than or equal to 0.4 mg/l.
- M) Nitrite: $\pm 15\%$ at greater than or equal to 0.4 mg/l.
- N) Selenium: $\pm 20\%$ at greater than or equal to 0.01 mg/l.
- O) Thallium: $\pm 30\%$ at greater than or equal to 0.002 mg/l.

BOARD NOTE: Derived from 40 CFR 141.23(k) ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009)~~, as added at 73 Fed. Reg. 31616 (June 3, 2008).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

- a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:
 - 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.
 - 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.
 - 3) This subsection (a)(3) corresponds with 40 CFR 141.23(1)(3), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.
 - 4) This subsection (a)(4) corresponds with 40 CFR 141.23(1)(4), which authorizes the state to determine compliance and initiate enforcement action. This statement maintains structural consistency with USEPA rules.
- b) If the result of an analysis made under subsection (a) of this Section indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must report to the Agency within seven days and initiate three additional

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analyses at the same sampling point within one month.

- c) When the average of four analyses made pursuant to subsection (b) of this Section, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier must notify the Agency and give notice to the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.
- d) This subsection (d) corresponds with 40 CFR 141.23(o), which pertains to monitoring for the repealed old MCL for nitrate. This statement maintains structural consistency with USEPA rules.
- e) This subsection (e) corresponds with 40 CFR 141.23(p), which pertains to the use of existing data up until a date long since expired. This statement maintains structural consistency with USEPA rules.
- f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102, or alternative methods approved by the Agency pursuant to Section 611.480.
 - 1) Fluoride: The methods specified in Section 611.611(c) must apply for the purposes of this Section.
 - 2) Iron.
 - A) Standard Methods.
 - i) Method 3111 B, 18th, 19th, or 21st ed.;
 - ii) Method 3113 B, 18th, 19th, or 21st ed.;
 - iii) Method 3120 B, 18th, 19th, 20th, or 21st ed.

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~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for iron in the table at 40 CFR 143.4(b) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B, Method 3113 B, and Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 3111, Method 3113, and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111 B, Method 3113 B, and Method 3120 B from the 21st edition of Standard Methods as approved alternative methods in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) USEPA Environmental Metals Methods.

- i) Method 200.7 ([rev. 4.4](#)); or
- ii) Method 200.9 ([rev. 2.2](#)).

C) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141; ~~added~~ on June 3, 2008 (at 73 Fed. Reg. 31616).

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for iron in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

3) Manganese.

A) Standard Methods.

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- i) Method 3111 B, 18th, 19th, or 21st ed.;
- ii) Method 3113 B, 18th, 19th, or 21st ed.; or
- iii) Method 3120 B, 18th, 19th, 20th, or 21st ed.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for manganese in the table at 40 CFR 143.4(b) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B, Method 3113 B, and Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 3111, Method 3113, and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111 B, Method 3113 B, and Method 3120 B from the 21st edition of Standard Methods as approved alternative methods in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) USEPA Environmental Metals Methods.

- i) Method 200.7 ([rev. 4.4](#));
- ii) Method 200.8 ([rev. 5.3](#)); or
- iii) Method 200.9 ([rev. 2.2](#)).

C) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for manganese in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

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~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

4) Zinc.

A) Standard Methods.

- i) Method 3111 B, 18th, 19th, or 21st ed.; or
- ii) Method 3120 B, 18th, 19th, 20th, or 21st ed.

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for zinc in the table at 40 CFR 143.4(b) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B and Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 3111 and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111 B, Method 3113 B, and Method 3120 B from the 21st edition of Standard Methods as approved alternative methods in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

B) USEPA Environmental Metals Methods.

- i) Method 200.7 (rev. 4.4); or
- ii) Method 200.8 (rev. 5.3).

C) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA ~~NERL Methods:~~ Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B and 3120 B and USEPA NERL Method 200.5 as approved

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alternative methods for zinc in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

~~BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

BOARD NOTE: The provisions of subsections (a) through ~~(e)(f)~~ of this Section derive from 40 CFR 141.23(l) through (p) ~~(2009)(2007)~~. Subsections (f)(2) through (f)(4) of this Section relate exclusively to additional State requirements. The Board retained subsection (f) of this Section to set forth methods for the inorganic contaminants for which there is a State-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) ~~(2007)~~ and appendix A to subpart C of 40 CFR 141 (2009), ~~as added at 73 Fed. Reg. 31616 (June 3, 2008)~~, for secondary MCLs.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential must be conducted using the methods listed in this Section ~~or by alternative methods as approved by the Agency pursuant to Section 611.480~~. All methods are from USEPA Organic Methods, unless otherwise indicated. All methods are incorporated by reference in Section 611.102. Other required analytical test procedures germane to the conduct of these analyses are contained in the USEPA document, "Technical Notes of Drinking Water Methods," incorporated by reference in Section 611.102.

Volatile Organic Chemical Contaminants (VOCs).

Contaminant	Analytical Methods
Benzene	502.2 <u>(rev. 2.1)</u> , 524.2 <u>(rev. 4.1)</u> , USEPA <u>OGWDW Methods, Method 524.3 (rev. 1.0)</u>
Carbon tetrachloride	502.2 <u>(rev. 2.1)</u> , 524.2 <u>(rev. 4.1)</u> , USEPA

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Chlorobenzene	OGWDW Methods, Method 524.3 (rev. 1.0), 551.1 (rev. 1.0) 502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
1,2-Dichlorobenzene	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
1,4-Dichlorobenzene	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
1,2-Dichloroethane	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
cis-Dichloroethylene	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
trans-Dichloroethylene	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
Dichloromethane	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
1,2-Dichloropropane	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)
Ethylbenzene	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0)

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Styrene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)
Tetrachloroethylene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)
1,1,1-Trichloroethane	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)
Trichloroethylene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)
Toluene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)
1,2,4-Trichlorobenzene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)
1,1-Dichloroethylene	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)
1,1,2-Trichloroethane	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)
Vinyl chloride	502.2 (rev. 2.1), 524.2 (rev. 4.1), USEPA OGWDW Methods , Method 524.3 (rev. 1.0)

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Xylenes (total) 502.2 ([rev. 2.1](#)), 524.2 ([rev. 4.1](#)), USEPA OGWDW Methods, Method 524.3 ([rev. 1.0](#))

BOARD NOTE: USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for all of the VOCs in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

Synthetic Organic Chemical Contaminants (SOCs).

Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin) 2,4-D	Dioxin and Furan Method 1613 (rev. B) 515.2 (rev. 1.1), 555 (rev. 1.0), 515.1 (rev. 4.0), USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0), USEPA OGWDW Methods, Method 515.4 (rev. 1.0), ASTM Method D5317-93 or D5317-98
2,4,5-TP (Silvex)	515.2 (rev. 1.1), 555 (rev. 1.0), 515.1 (rev. 4.0), USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0), USEPA OGWDW Methods, Method 515.4 (rev. 1.0), ASTM Method D5317-93 or D5317-98
Alachlor	505 (rev. 2.1) ¹ , 507 (rev. 2.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), 551.1 (rev. 1.0)

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Atrazine	505 (rev. 2.1) ¹ , 507 (rev. 2.1) , 508.1 (rev. 2.1) , 525.2 (rev. 2.0) , 551.1 (rev. 1.0) , Syngenta AG-625 ²
Benzo(a)pyrene	525.2 (rev. 2.0) , 550, 550.1
Carbofuran	531.1 (rev. 3.1) , USEPA OGWDW Methods, Method 531.2 (rev. 1.0), Standard Methods, 18th ed. Supplement, 19th ed., or 20th ed.; Method 6610 or Standard Methods 21st ed. or Standard Methods Online; Method 6610 B-04
Chlordane	505 (rev. 2.1) , 508 (rev. 3.1) , 508.1 (rev. 2.1) , 525.2 (rev. 2.0)
Dalapon	515.1 (rev. 4.0) , 552.1 (rev. 1.0) , 552.2 (rev. 1.0) , USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0), USEPA OGWDW Methods, Method 515.4 (rev. 1.0), OGWDW Methods, Method 552.3 (rev. 1.0), and 557; and Standard Methods, 21st ed., Method 6640 B
Di(2-ethylhexyl)adipate	506 (rev. 1.1) , 525.2 (rev. 2.0)
Di(2-ethylhexyl)phthalate	506 (rev. 1.1) , 525.2 (rev. 2.0)

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Dibromochloropropane (DBCP)	504.1 (rev. 1.1), USEPA OGWDW Methods, Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)
Dinoseb	515.1 (rev. 4.0), 515.2 (rev. 1.1), USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0) , USEPA OGWDW Methods, Method 515.4 (rev. 1.0) , 555 (rev. 1.0)
Diquat	USEPA NERL Method 549.2 (rev. 1.0) 549.1
Endothall	548.1 (rev. 2.0)
Endrin	505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), 551.1 (rev. 1.0)
Ethylene dibromide Dibromide (EDB)	504.1 (rev. 1.1), USEPA OGWDW Methods, Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)
Glyphosate	547, Standard Methods, 18 th ed., 19 th ed., or 20 th ed.; Method 6651
Heptachlor	505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), 551.1 (rev. 1.0)
Heptachlor Epoxide	505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), 551.1 (rev. 1.0)
Hexachlorobenzene	505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), 551.1 (rev. 1.0)

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Hexachlorocyclopentadiene	505 (rev. 2.1) , 508 (rev. 3.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0) , 551.1 (rev. 1.0)
Lindane	505 (rev. 2.1) , 508 (rev. 3.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0) , 551.1 (rev. 1.0)
Methoxychlor	505 (rev. 2.1) , 508 (rev. 3.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0) , 551.1 (rev. 1.0)
Oxamyl	531.1 (rev. 3.1) ; USEPA OGWDW Methods, Method 531.2 (rev. 1.0) ; Standard Methods, 18th ed. Supplement, 19th ed., or 20th ed.; Method 6610; or Standard Methods 21st ed.; Method 6610 B; or Standard Methods Online; Method 6610 B-04
PCBs (measured for compliance purposes as decachlorobiphenyl decachlorobiphenyl)	508A (rev. 1.0)
PCBs (qualitatively identified as Aroclors)	505 (rev. 2.1) , 508 (rev. 3.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0)
Pentachlorophenol	515.1 (rev. 4.0) , 515.2 (rev. 1.1) , 525.2 (rev. 2.0) , 555 (rev. 1.0) , USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0) , USEPA OGWDW Methods, Method 515.4 (rev. 1.0) , ASTM Method D5317-93 or D5317-98(2003)

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Picloram	515.1 (rev. 4.0) , 515.2, (rev. 1.1) 555 (rev. 1.0) , USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0) , USEPA OGWDW Methods, Method 515.4 (rev. 1.0) , ASTM Method D5317-93 or D5317-98(2003)
Simazine	505 (rev. 2.1) ¹ , 507 (rev. 2.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0) , 551.1 (rev. 1.0) 551.2
Toxaphene	505 (rev. 2.1) , 508 (rev. 2.1) , 508.1 (rev. 2.0) , 525.2 (rev. 2.0) , 508.1

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 6610 B and Standard Methods Online, Method 6610 B-04 as approved alternative methods for carbofuran and oxamyl on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for dibromochloropropane and ethylene dibromide in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA approved Standard Methods, 21st ed., Method 6640 B and Standard Methods Online, Method 6640 B-01 and USEPA OGWDW Methods, Method 557 as approved alternative methods for dalapon in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295). Since the version of Method 6640 that appears in Standard Methods Online is the same as that which appears in Standard Methods, 21st ed., the Board has cited only to Standard Methods, 21st ed.

Total Trihalomethanes (TTHMs).

Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2 (rev. 2.1) , 524.2 (rev. 4.1) , USEPA OGWDW Methods, Method 524.3 (rev. 1.0) , 551.1 (rev. 1.0)

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BOARD NOTE: USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for total trihalomethane in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

State-Only MCLs (for which a method is not listed above).

Contaminant	Analytical Methods
Aldrin	505 <u>(rev. 2.1)</u> , 508 <u>(rev. 3.1)</u> , 508.1 <u>(rev. 2.0)</u> , 525.2 <u>(rev. 2.0)</u>
DDT	505 <u>(rev. 2.1)</u> , 508 <u>(rev. 3.1)</u>
Dieldrin	505 <u>(rev. 2.1)</u> , 508 <u>(rev. 3.1)</u> , 508.1 <u>(rev. 2.0)</u> , 525.2 <u>(rev. 2.0)</u>

¹ denotes that, for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

² denotes that Syngenta Method AG-625 may not be used for the analysis of atrazine in any system where chlorine dioxide is used for drinking water treatment. In samples from all other systems, any result for atrazine generated by Syngenta Method AG-625 that is greater than one-half the maximum contaminant level (MCL) (in other words, greater than 0.0015mg/l or 1.5 µg/l) must be confirmed using another approved method for this contaminant and should use additional volume of the original sample collected for compliance monitoring. In instances where a result from Syngenta Method AG-625 triggers such confirmatory testing, the confirmatory result is to be used to determine compliance.

BOARD NOTE: Derived from 40 CFR 141.24(e) ~~(2007)~~ and appendix A to subpart C of 40 CFR 141 (2009), as ~~amended~~ at 7473 Fed. Reg. 38348 (August 3, 2009) and 75 Fed. Reg. 32295 (June 8, 2010) ~~31616 (June 3, 2008)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

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Section 611.680 Sampling, Analytical, and other Requirements

- a) Required monitoring.
 - 1) A CWS supplier that serves a population of 10,000 or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process must analyze for TTHMs in accordance with this Subpart P.
 - 2) For the purpose of this Subpart P, the minimum number of samples required to be taken by the supplier must be based on the number of treatment plants used by the supplier. However, the Agency shall, by a SEP issued pursuant to Section 611.110, provide that multiple wells drawing raw water from a single aquifer be considered one treatment plant for determining the minimum number of samples.
 - 3) All samples taken within an established frequency must be collected within a 24-hour period.
- b) A CWS supplier that serves 10,000 or more individuals.
 - 1) For a CWS supplier utilizing surface a water source in whole or in part, and for a CWS supplier utilizing only a groundwater source, except as provided in Section 611.683, analyses for TTHMs must be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples must be taken at locations within the distribution system reflecting the maximum residence time (MRT) of the water in the system. The remaining 75 percent must be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter must be arithmetically averaged and reported to the Agency within 30 days after the supplier's receipt of such results. All samples collected must be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.
 - 2) Upon application by a CWS supplier, the Agency must, by a SEP issued

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pursuant to Section 611.110, reduce the monitoring frequency required by subsection (b)(1) to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the MRT of the water in the system, if the Agency determines that the data from at least one year of monitoring in accordance with subsection (b)(1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.

- 3) If at any time during which the reduced monitoring frequency prescribed under this subsection (b) applies, the results from any analysis exceed 0.10 mg/l TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the CWS supplier makes any significant change to its source of water or treatment program, the supplier must immediately begin monitoring in accordance with the requirements of subsection (b)(1), which monitoring must continue for at least one+ year before the frequency may be reduced again. The Agency must, by a SEP issued pursuant to Section 611.110, require monitoring in excess of the minimum frequency where it is necessary to detect variations of TTHM levels within the distribution system.

BOARD NOTE: Subsections (a) and (b) of this Section are derived from 40 CFR 141.30(a) and (b) ~~(2009)(2002)~~, modified to remove the limitation regarding addition of disinfectant.

- c) Surface water sources for a CWS supplier that serves fewer than 10,000 individuals. Suppliers must have submitted at least one initial sample per treatment plant for analysis or analytical results from a certified laboratory for MRT concentration taken between May 1, 1990, and October 31, 1990. After written request by the supplier and the determination by the Agency that the results of the sample indicate that the CWS supplier is not likely to exceed the MCL, the CWS must continue to submit one annual sample per treatment plant for analysis or analytical results from a certified laboratory to the Agency taken between May 1 and October 31 of succeeding years. If the sample exceeds the MCL, the CWS must submit to the Agency samples in accordance with the sampling frequency specified in subsection (b) of this Section.

BOARD NOTE: This is an additional State requirement.

- d) Groundwater sources for a CWS supplier that serves fewer than 10,000

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individuals. Suppliers are not required to submit samples for THM analysis under this Subpart P.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

- a) The methods specified below, or alternative methods approved by the Agency pursuant to Section 611.480, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.
 - 1) Gross Alpha and Beta.
 - A) Standard Methods.
 - i) Method 302, 13th ed.; or
 - ii) Method 7110 B, 17th, 18th, 19th, 20th, or 21st ed.;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for gross alpha and beta by evaporation in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

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- B) USEPA Interim Radiochemical Methods: ~~pagespage~~ 1-3;
- C) USEPA Radioactivity Methods, ~~Method~~ 900.0;
- D) USEPA Radiochemical Analyses: ~~pagespage~~ 1-5;
- E) USEPA Radiochemistry Methods ~~Procedures, Method~~ 00-01; or
- F) USGS Methods, ~~Method~~ R-1120-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7110 B as an approved alternative method for gross alpha and beta in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

2) Gross Alpha.

- A) Standard Methods, 18th, 19th, 20th, or 21st ed., ~~Method~~ 7110 C; or

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for gross alpha by coprecipitation in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7110 C (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7110 C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) USEPA Radiochemistry ~~Procedures, Methods~~ Method 00-02.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7110 C as an approved alternative method for gross alpha in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

3) Radium-226.

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- A) ASTM Methods.
- i) Method D2460-97 or D2460-07; or
 - ii) Method D3454-97 or D3454-05;
- B) New York Radium Method;
- C) Standard Methods.
- i) Method 304, 13th ed.;
 - ii) Method 305, 13th ed.;
 - iii) Method 7500-Ra B, 17th, 18th, 19th, 20th, or 21st ed.; or
 - iv) Method 7500-Ra C, 17th, 18th, 19th, 20th, or 21st ed.;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for radium-226 in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-Ra B and C (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-Ra that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Ra B and C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- D) EML Procedures~~USDOE~~ Manual (27th or 28th ed.); Method Ra-04;
- E) USEPA Interim Radiochemical Methods: pages 13-15 or and 16-23;
- F) USEPA Radioactivity Methods; Methods 903.0, 903.1;

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- G) USEPA Radiochemical Analyses, ~~pages: page~~ 19-32;
- H) USEPA Radiochemistry ~~Procedures, Method~~ ~~Methods: Methods~~ Ra-03 ~~or~~; Ra-04; or
- I) USGS Methods.
 - i) Method R-1140-76; or
 - ii) Method R-1141-76.
- J) Georgia Radium Method.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7500-Ra B and C as approved alternative methods for radium-226 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D2460-07 and D3454-05 as approved alternative methods for radium-226 in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).~~

- 4) Radium-228.
 - A) Standard Methods, 17th, 18th, 19th, 20th, or 21st ed. ~~;~~ Method 7500-Ra D;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for radium-228 by radiochemical in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-Ra D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-Ra that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Ra D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~
 - B) New York Radium Method;

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- C) USEPA Interim Radiochemical Methods, ~~pages:—page~~ 24-28;
- D) USEPA Radioactivity Methods, ~~;~~ Method 904.0;
- E) USEPA Radiochemical Analyses, ~~pages:—page~~ 19-32;
- F) USEPA Radiochemistry ~~Procedures, Methods:~~ Method Ra-05;
- G) USGS Methods, ~~;~~ Method R-1142-76;
- H) New Jersey Radium Method; or
- I) Georgia Radium Method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-Ra D as an approved alternative method for radium-228 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

5) Uranium.

- A) Standard Methods, 17th, 18th, 19th, 20th, or 21st ed., ~~;~~ Method 7500-U C;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for uranium by radiochemical and alpha spectrometry in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-U C (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-U that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-U B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) Standard Methods, 20th ed., ~~;~~ Method 3125;

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- C) ASTM Methods.
- i) Method D2907-97;
 - ii) Method D3972-97 or D3972-02;
 - iii) Method D5174-97, ~~or~~ D5174-02, or D5174-07; or
 - iv) Method D5673-03 or Method 5673-05;

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- D) USEPA Radioactivity Methods, ~~;~~ Methods 908.0, 908.1;
- E) USEPA Environmental Metals Methods, ~~;~~ Method 200.8 (rev. 5.3);
- F) USEPA Radiochemical Analyses, pages: ~~page~~ 33-48;
- G) USEPA Radiochemistry Procedures, Methods: Method 00-07;
- H) EML Procedures ~~USDOE~~ Manual (27th or 28th ed.); Method U-02 or U-04; or
- I) USGS Methods.
- i) Method R-1180-76;
 - ii) Method R-1181-76; or
 - iii) Method R-1182-76.

BOARD NOTE: If uranium (U) is determined by mass, a conversion factor of 0.67 pCi/ μ g of uranium must be used. This conversion factor is based on the 1:1 activity ratio of ^{234}U and ^{238}U that is characteristic of naturally occurring uranium.

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BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-U C and ASTM D5673-05 as approved alternative methods for uranium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D5174-07 as an approved alternative method for uranium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

6) Radioactive Cesium.

A) ASTM Methods.

- i) Method D2459-72; or
- ii) Method D3649-91, ~~or~~ D3649-98a, or D3649-06;

B) Standard Methods.

- i) Method 7120, 19th, 20th, or 21st ed.; or
- ii) Method 7500-Cs B, 17th, 18th, 19th, 20th, or 21st ed.;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for radioactive cesium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7120 (as approved in 1997) and Method 7500-Cs B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 7120 and Method 7500-Cs that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7120 and Method 7500-Cs B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

C) EML Procedures USDOE Manual (27th or 28th ed.); Method 4.5.2.3;D) USEPA Interim Radiochemical Methods, pages:--page 4-5;

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- E) USEPA Radioactivity Methods, ~~Methods 901.0, 901.1;~~
- F) USEPA Radiochemical Analyses, ~~pages: page 92-95;~~ or
- G) USGS Methods.
 - i) Method R-1110-76; or
 - ii) Method R-1111-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120 and 7500-Cs B as approved alternative methods for radioactive cesium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3649-06 as an approved alternative method for radioactive cesium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

- 7) Radioactive Iodine.
 - A) ASTM Methods.
 - i) D3649-91, ~~or~~ D3649-98a, or D3649-06; or
 - ii) D4785-93, ~~or~~ D4785-98, or D4785-08;
 - B) Standard Methods.
 - i) Method 7120, 19th, 20th, or 21st ed.;
 - ii) Method 7500-I B, 17th, 18th, 19th, 20th, or 21st ed.;
 - iii) Method 7500-I C, 17th, 18th, 19th, 20th, or 21st ed.; or
 - iv) Method 7500-I D, 17th, 18th, 19th, 20th, or 21st ed.;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for radioactive iodine in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard

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~~Methods Online (at www.standardmethods.org), Method 7120 (as approved in 1997) and Method 7500-I B, C, and D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 7120 and Method 7500-I that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7500-I B, C, and D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- C) ~~EML Procedures~~ USDOE Manual (27th or 28th ed.); Method 4.5.2.3;
- D) USEPA Interim Radiochemical Methods; pages 6-8 or; 9-12;
- E) USEPA Radiochemical Analyses; pages 92-95; or
- F) USEPA Radioactivity Methods; Methods 901.1 or; 902.0.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120 and 7500-I B, C, and D as approved alternative methods for radioactive iodine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3649-06 and D4785-08 as approved alternative methods for radioactive iodine in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

8) Radioactive Strontium-89 & 90.

- A) Standard Methods.
 - i) Method 303, 13th ed.; or
 - ii) Method 7500-Sr B, 17th, 18th, 19th, 20th, or 21st ed.;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 41200), USEPA amended the entry for radioactive~~

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~~strontium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-Sr B (as approved in 2001). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-Sr that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Sr B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- B) ~~EML Procedures~~ USDOE Manual (27th or 28th ed.), Method Sr-01 or Sr-02.
- i) ~~Method Sr-01; or~~
- ii) ~~Method Sr-02;~~
- C) USEPA Interim Radiochemical Methods, ~~pages:—page 29-33;~~
- D) USEPA Radioactivity Methods, ~~—~~ Method 905.0;
- E) USEPA Radiochemical Analyses, ~~pages:—page 65-73;~~
- F) USEPA Radiochemistry ~~Procedures, Methods:~~ Method Sr-04; or
- G) USGS Methods, ~~—~~ Method R-1160-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-Sr B as an approved alternative method for radioactive strontium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

9) Tritium.

- A) ASTM Methods: Method D4107-91, ~~—or~~ D4107-98, or D4107-08;

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- B) Standard Methods.
- i) Method 306, 13th ed.; or
 - ii) Method 7500-³H B, 17th, 18th, 19th, 20th, or 21st ed.;

~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for tritium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org); Method 7500-³H B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-³H that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-³H B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

- C) USEPA Interim Radiochemical Methods, ~~pages:—page 34-37~~;
- D) USEPA Radioactivity Methods, ~~—~~ Method 906.0;
- E) USEPA Radiochemical Analyses, ~~pages:—page 87-91~~;
- F) USEPA Radiochemistry ~~Procedures, Methods:~~ Method H-02; or
- G) USGS Methods, ~~—~~ Method R-1171-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-³H B as an approved alternative method for tritium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D4107-08 as an approved alternative method for tritium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

- 10) Gamma Emitters.

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- A) ASTM Methods.
- i) Method D3649-91, ~~or D3649-98a,~~ or D3649-06; or
 - ii) Method D4785-93, ~~or D4785-00a,~~ or D4785-08;
- B) Standard Methods.
- i) Method 7120, 19th, 20th, or 21st ed.;
 - ii) Method 7500-Cs B, 17th, 18th, 19th, 20th, or 21st ed.; or
 - iii) Method 7500-I B, 17th, 18th, 19th, 20th, or 21st ed.;
- ~~BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for gamma emitters in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7120 (as approved in 1997), Method 7500-Cs B (as approved in 2000), and Method 7500-I B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 7120, Method 7500-Cs, and Method 7500-I that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7150, Method 7500-Cs B, and Method 7500-I B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~
- C) ~~EML Procedures~~ USDOE Manual (27th or 28th ed.); Method Ga-01-R;
- D) USEPA Radioactivity Methods; Methods 901.0, 901.1, or 902.0;
- E) USEPA Radiochemical Analyses, ~~pages: page 92-95~~; or
- F) USGS Methods; Method R-1110-76.

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BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120, 7500-Cs B, and 7500-I B as approved alternative methods for gamma emitters in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3649-08 and D4785-08 as approved alternative methods for tritium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

- b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
- 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," available from NTIS.
 - 2) EML Procedures~~HASL Procedure~~ Manual (27th or 28th ed.), ~~HASL-300~~, available from USDOE, EMLERDA Health and Safety Laboratory.
- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ , where σ is the standard deviation of the net counting rate of the sample).
- 1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

Contaminant	Detection Limit
Gross alpha particle activity	3 pCi/l
Radium-226	1 pCi/l
Radium-228	1 pCi/l
Uranium	1 µg/l

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (2009)~~(2007)~~.

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- 2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/ℓ
Strontium-89	10 pCi/ℓ
Strontium-90	2 pCi/ℓ
Iodine-131	1 pCi/ℓ
Cesium-134	10 pCi/ℓ
Gross beta	4 pCi/ℓ
Other radionuclides	1/10 of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C ~~(2009)~~(2007).

- d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 ~~(2007)~~ and appendix A to subpart C of 40 CFR 141 (2009), as added at 73 Fed. Reg. 31616 (June 3, 2008).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART S: GROUNDWATER RULE

Section 611.802 Groundwater Source Microbial Monitoring and Analytical Methods

- a) Triggered source water monitoring.
- 1) General requirements. A GWS supplier must conduct triggered source water monitoring if the following conditions exist:
- A) The supplier does not provide at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for each groundwater source; and

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- B) The supplier is notified that a sample collected pursuant to Section 611.521 is total coliform-positive, and the sample is not invalidated by the Agency pursuant to Section 611.523.
- 2) Sampling requirements. A GWS supplier must collect, within 24 hours after notification of the total coliform-positive sample, at least one groundwater source sample from each groundwater source in use at the time the total coliform-positive sample was collected pursuant to Section 611.521, except as provided in subsection (a)(2)(B) of this Section.
- A) The Agency may, by a SEP issued pursuant to Section 611.110, extend the 24-hour time limit on a case-by-case basis if it determines that the supplier cannot collect the groundwater source water sample within 24 hours due to circumstances beyond the supplier's control. In the case of an extension, the Agency must specify how much time the supplier has to collect the sample.
- B) If approved by the Agency, a supplier with more than one groundwater source may meet the requirements of this subsection (a)(2) by sampling a representative groundwater source or sources. If directed by the Agency by a SEP issued pursuant to Section 611.110, the supplier must submit for Agency approval a triggered source water monitoring plan that identifies one or more groundwater sources that are representative of each monitoring site in the system's sample siting plan pursuant to Section 611.521 and that the system intends to use for representative sampling pursuant to this subsection (a).
- C) A GWS supplier that serves 1,000 or fewer people may use a repeat sample collected from a groundwater source to meet both the requirements of Section 611.522 and to satisfy the monitoring requirements of subsection (a)(2) of this Section for that groundwater source only if the Agency approves the use of *E. coli* as a fecal indicator for source water monitoring pursuant to this subsection (a) by a SEP issued pursuant to Section 611.110. If the repeat sample collected from the groundwater source is *E. coli* positive, the system must comply with subsection (a)(3) of this Section.

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- 3) Additional requirements. If the Agency does not require corrective action pursuant to Section 611.803(a)(2) for a fecal indicator-positive source water sample collected pursuant to subsection (a)(2) of this Section that is not invalidated pursuant to subsection (d) of this Section, the system must collect five additional source water samples from the same source within 24 hours after being notified of the fecal indicator-positive sample.
- 4) Consecutive and wholesale systems.
 - A) In addition to the other requirements of this subsection (a), a consecutive GWS supplier that has a total coliform-positive sample collected pursuant to Section 611.521 must notify the wholesale systems within 24 hours after being notified of the total coliform-positive sample.
 - B) In addition to the other requirements of this subsection (a), a wholesale GWS supplier must comply with the following requirements:
 - i) A wholesale GWS supplier that receives notice from a consecutive system it serves that a sample collected pursuant to Section 611.521 is total coliform-positive must, within 24 hours after being notified, collect a sample from its groundwater sources pursuant to subsection (a)(2) of this Section and analyze it for a fecal indicator pursuant to subsection (c) of this Section.
 - ii) If the sample collected pursuant to subsection (a)(4)(B)(i) of this section is fecal indicator-positive, the wholesale GWS supplier must notify all consecutive systems served by that groundwater source of the fecal indicator source water positive within 24 hours of being notified of the groundwater source sample monitoring result and must meet the requirements of subsection (a)(3) of this Section.
- 5) Exceptions to the triggered source water monitoring requirements. A GWS supplier is not required to comply with the source water monitoring requirements of subsection (a) of this Section if either of the following conditions exists:

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- A) The Agency determines, and documents in writing, by a SEP issued pursuant to Section 611.110, that the total coliform-positive sample collected pursuant to Section 611.521 is caused by a distribution system deficiency; or
 - B) The total coliform-positive sample collected pursuant to Section 611.521 is collected at a location that meets Agency criteria for distribution system conditions that will cause total coliform-positive samples.
- b) Assessment source water monitoring. If directed by the Agency by a SEP issued pursuant to Section 611.110, a GWS supplier must conduct assessment source water monitoring that meets Agency-determined requirements for such monitoring. A GWS supplier conducting assessment source water monitoring may use a triggered source water sample collected pursuant to subsection (a)(2) of this Section to meet the requirements of subsection (b) of this Section. Agency-determined assessment source water monitoring requirements may include the following:
- 1) Collection of a total of 12 groundwater source samples that represent each month the system provides groundwater to the public;
 - 2) Collection of samples from each well, unless the system obtains written Agency approval to conduct monitoring at one or more wells within the GWS that are representative of multiple wells used by that system and which draw water from the same hydrogeologic setting;
 - 3) Collection of a standard sample volume of at least 100 ml for fecal indicator analysis, regardless of the fecal indicator or analytical method used;
 - 4) Analysis of all groundwater source samples using one of the analytical methods listed in subsection (c)(2) of this Section for the presence of *E. coli*, enterococci, or coliphage;
 - 5) Collection of groundwater source samples at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment; and

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- 6) Collection of groundwater source samples at the well itself, unless the system's configuration does not allow for sampling at the well itself and the Agency approves an alternate sampling location by a SEP issued pursuant to Section 611.110 that is representative of the water quality of that well.
- c) Analytical methods.
- 1) A GWS supplier subject to the source water monitoring requirements of subsection (a) of this Section must collect a standard sample volume of at least 100 ml for fecal indicator analysis, regardless of the fecal indicator or analytical method used.
 - 2) A GWS supplier must analyze all groundwater source samples collected pursuant to subsection (a) of this Section using one of the analytical methods listed in subsections (c)(2)(A) through (c)(2)(C) of this Section, or alternative methods approved by the Agency pursuant to Section 611.480, subject to the limitations of subsection (c)(2)(D) of this Section, for the presence of *E. coli*, enterococci, or coliphage:
 - A) *E. coli*:
 - i) Autoanalysis Colilert System, Standard Methods, 20th or 21st ed., Method 9223 B.
 - ii) Colisure Test, Standard Methods, 20th or 21st ed., Method 9223 B.
 - iii) Membrane Filter Method with MI Agar, USEPA Method 1604.
 - iv) m-ColiBlue24 Test.
 - v) E*Colite Test.
 - vi) EC-MUG, Standard Methods, 20th ed., Method 9221 F.
 - vii) NA-MUG, Standard Methods, 20th ed., Method 9222 G.

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- viii) Colilert-18, Standard Methods, 20th or 21st ed., Method 9223 B9222-G.
- ix) Readycult® 2007.
- x) Modified Colitag™ Method.
- xi) Chromocult® Method.

BOARD NOTE: EC-MUG (Standard Methods, Method 9221F) or NA-MUG (Standard Methods, Method 9222G) can be used for E. coli testing step, as described in Section 611.526(f)(1) or (f)(2)611.526(a) or (b) after use of Standard Methods, Method 9221 B, 9221 D, 9222 B, or 9222 C. USEPA added Standard Methods, 21st ed., Method 9223 B as an approved alternative method for E. coli on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Readycult® 2007, Modified Colitag™ Method, and Chromocult® Method as approved alternative methods for E. coli on June 8, 2010 (at 75 Fed. Reg. 32295). ~~On June 3, 2008 (at 73 Fed. Reg. 31616), USEPA added appendix A to subpart C of 40 CFR 141, which authorized alternative methods to those listed for E. coli by Colilert and Colisure and added Colilert-18 in the table at corresponding 40 CFR 141.402(c)(2) to allow the use of the 21st edition of Standard Methods for the Examination of Water and Wastewater and Standard Methods Online (at www.standardmethods.org), Method 9223 B (as approved in 1997). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 9223 B that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA also added the version of Method 9223 B that appears in the 20th edition of Standard Methods as to Colilert-18.~~

B) Enterococci:

- i) Multiple-Tube Technique, Standard Methods, 20th ed., Method 9230 B or Standard Methods Online, Method 9230 B-04.

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~~BOARD NOTE: On June 3, 2008 (at 73 Fed. Reg. 31616), USEPA added appendix A to subpart C of 40 CFR 141, which authorized alternative methods to those listed for enterococci by multiple tube technique at corresponding 40 CFR 141.402(c)(2) to allow the use of the Standard Methods Online (at www.standardmethods.org), Method 9230 B (as approved in 2004).~~

- ii) Membrane Filter Technique, Standard Methods, 20th ed., Method 9230 C, and USEPA Method 1600.

BOARD NOTE: The holding time and temperature for groundwater samples are specified in subsection (c)(2)(D) of this Section, rather than as specified in Section 8 of USEPA Method 1600.

- iii) Enterolert.

BOARD NOTE: Medium is available through IDEXX Laboratories, Inc., at the address set forth in Section 611.102(b). Preparation and use of the medium must be as set forth in the article that embodies the method as incorporated by reference in Section 611.102(b).

BOARD NOTE: USEPA added Standard Methods Online, Method 9230 B-04 as an approved alternative method for enterococci on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Coliphage:

- i) Two-Step Enrichment Presence-Absence Procedure, USEPA Method 1601.
- ii) Single Agar Layer Procedure, USEPA Method 1602.

- D) Limitation on methods use. The time from sample collection to initiation of analysis may not exceed 30 hours. The GWS supplier is encouraged but is not required to hold samples below 10°C during transit.

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- d) Invalidation of a fecal indicator-positive groundwater source sample.
 - 1) A GWS supplier may obtain Agency invalidation of a fecal indicator-positive groundwater source sample collected pursuant to subsection (a) of this Section only under either of the following conditions:
 - A) The supplier provides the Agency with written notice from the laboratory that improper sample analysis occurred; or
 - B) The Agency determines and documents in writing by a SEP issued pursuant to Section 611.110 that there is substantial evidence that a fecal indicator-positive groundwater source sample is not related to source water quality.
 - 2) If the Agency invalidates a fecal indicator-positive groundwater source sample, the GWS supplier must collect another source water sample pursuant to subsection (a) of this Section within 24 hours after being notified by the Agency of its invalidation decision, and the supplier must have it analyzed for the same fecal indicator using the analytical methods in subsection (c) of this Section. The Agency may extend the 24-hour time limit on a case-by-case basis if the supplier cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Agency must specify how much time the system has to collect the sample.
- e) Sampling location.
 - 1) Any groundwater source sample required pursuant to subsection (a) of this Section must be collected at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment.
 - 2) If the supplier's system configuration does not allow for sampling at the well itself, it may collect a sample at an Agency-approved location to meet the requirements of subsection (a) of this Section if the sample is representative of the water quality of that well.

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- f) New sources. If directed by the Agency by a SEP issued pursuant to Section 611.110, a GWS supplier that places a new groundwater source into service after November 30, 2009 must conduct assessment source water monitoring pursuant to subsection (b) of this Section. If directed by the SEP, the system must begin monitoring before the groundwater source is used to provide water to the public.
- g) Public Notification. A GWS supplier with a groundwater source sample collected pursuant to subsection (a) or (b) of this Section that is fecal indicator-positive and which is not invalidated pursuant to subsection (d) of this Section, including a consecutive system supplier served by the groundwater source, must conduct public notification pursuant to Section 611.902.
- h) Monitoring Violations. A failure to meet the requirements of subsections (a) through (f) of this Section is a monitoring violation that requires the GWS supplier to provide public notification pursuant to Section 611.904.

BOARD NOTE: Derived from 40 CFR 141.402 ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009)~~, as added at 73 Fed. Reg. 31616 (June 3, 2008).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section 611.925 Subpart Y Compliance Monitoring Location Recommendations

- a) A supplier's IDSE report must include its recommendations and justification for where and during what months it will conduct TTHM and HAA5 monitoring for Subpart Y of this Part. The supplier must base its recommendations on the criteria set forth in subsections (b) through (e) of this Section.
- b) The supplier must select the number of monitoring locations specified in the applicable of subsections (b)(1) through (b)(13) of this Section, subject to the limitations of subsections (b)(14) and (b)(15) of this Section. The supplier will use these recommended locations as Subpart Y routine compliance monitoring locations, unless the Agency requires different or additional locations. The supplier should distribute locations throughout the distribution system to the extent possible.

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- 1) A Subpart B system supplier that serves fewer than 500 persons must annually collect samples from two monitoring locations: one sample from the highest TTHM location and one sample from the highest HAA5 location.
- 2) A Subpart B system supplier that serves 500 to 3,300 persons must quarterly collect samples from two monitoring locations: one sample from the highest TTHM location and one sample from the highest HAA5 location.
- 3) A Subpart B system supplier that serves 3,301 to 9,999 persons must quarterly collect samples from two monitoring locations: one sample from the highest TTHM location and one sample from the highest HAA5 location.
- 4) A Subpart B system supplier that serves 10,000 to 49,999 persons must quarterly collect samples from four monitoring locations: two samples from the highest TTHM locations, one sample from the highest HAA5 location, and one sample from an existing Subpart I compliance location.
- 5) A Subpart B system supplier that serves 50,000 to 249,999 persons must quarterly collect samples from eight monitoring locations: three samples from the highest TTHM location, three samples from the highest HAA5 locations, and two samples from existing Subpart I compliance locations.
- 6) A Subpart B system supplier that serves 250,000 to 999,999 persons must quarterly collect samples from 12 monitoring locations: five samples from the highest TTHM location, four samples from the highest HAA5 locations, and three samples from existing Subpart I compliance locations.
- 7) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons must quarterly collect samples from 16 monitoring locations: six samples from the highest TTHM location, six samples from the highest HAA5 locations, and four samples from existing Subpart I compliance locations.
- 8) A Subpart B system supplier that serves more than 5,000,000 persons must quarterly collect samples from 20 monitoring locations: eight samples from the highest TTHM location, seven samples from the highest

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HAA5 locations, and five samples from existing Subpart I compliance locations.

- 9) A groundwater system supplier that serves fewer than 500 persons must annually collect samples from two monitoring locations: one sample from the highest TTHM location and one sample from the highest HAA5 location.
- 10) A groundwater system supplier that serves 500 to 9,999 persons must annually collect samples from two monitoring locations: one sample from the highest TTHM location and one sample from the highest HAA5 location.
- 11) A groundwater system supplier that serves 10,000 to 99,999 persons must quarterly collect samples from four monitoring locations: two samples from the highest TTHM locations, one sample from the highest HAA5 location, and one sample from an existing Subpart I compliance location.
- 12) A groundwater system supplier that serves 100,000 to 499,999 persons must quarterly collect samples from six monitoring locations: three samples from the highest TTHM locations, two samples from the highest HAA5 locations, and one sample from an existing Subpart I compliance location.
- 13) A groundwater system supplier that serves more than 500,000 persons must quarterly collect samples from eight monitoring locations: three samples from the highest TTHM locations, three samples from the highest HAA5 locations, and two samples from existing Subpart I compliance locations.
- 14) The supplier must monitor during the month of highest DBP concentrations.
- 15) A supplier on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for a Subpart B system supplier that serves 500 to 3,300 persons. A groundwater system supplier that serves 500 to 9,999 persons which is on annual monitoring must take dual sample sets at each monitoring location. Any other~~A~~ supplier that is on annual monitoring or which is~~and~~ a Subpart B system supplier that serves

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500 to 3,300 persons is required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For a supplier that serves fewer than 500 people, only ~~Only~~ one location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location and month, ~~if monitored annually.~~

- c) The supplier must recommend Subpart Y compliance monitoring locations based on standard monitoring results, system-specific study results, and Subpart I compliance monitoring results. The supplier must follow the protocol in subsections (c)(1) through (c)(8) of this Section. If required to monitor at more than eight locations, the supplier must repeat the protocol as necessary. If the supplier does not have existing Subpart I compliance monitoring results or if the supplier does not have enough existing Subpart I compliance monitoring results, the supplier must repeat the protocol, skipping the provisions of subsections (c)(3) and (c)(7) of this Section as necessary, until the supplier has identified the required total number of monitoring locations.
- 1) The location with the highest TTHM LRAA not previously selected as a Subpart Y monitoring location.
 - 2) The location with the highest HAA5 LRAA not previously selected as a Subpart Y monitoring location.
 - 3) The existing Subpart I average residence time compliance monitoring location (maximum residence time compliance monitoring location for a groundwater system) with the highest HAA5 LRAA not previously selected as a Subpart Y monitoring location.
 - 4) The location with the highest TTHM LRAA not previously selected as a Subpart Y monitoring location.
 - 5) The location with the highest TTHM LRAA not previously selected as a Subpart Y monitoring location.
 - 6) The location with the highest HAA5 LRAA not previously selected as a Subpart Y monitoring location.

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- 7) The existing Subpart I average residence time compliance monitoring location (maximum residence time compliance monitoring location for a groundwater system) with the highest TTHM LRAA not previously selected as a Subpart Y monitoring location.
- 8) The location with the highest HAA5 LRAA not previously selected as a Subpart Y monitoring location.
- d) The supplier may recommend locations other than those specified in subsection (c) of this Section if the supplier includes a rationale for selecting other locations. If the Agency approves the alternative locations, the supplier must monitor at these locations to determine compliance under Subpart Y of this Part.
- e) The supplier's recommended schedule must include Subpart Y monitoring during the peak historical month for TTHM and HAA5 concentration, unless the Agency approves another month. Once the supplier has identified the peak historical month, and if the supplier is required to conduct routine monitoring at least quarterly, the supplier must schedule Subpart Y compliance monitoring at a regular frequency of every 90 or fewer days.

BOARD NOTE: Derived from 40 CFR 141.605 ~~(2009)~~(2006).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section 611.971 Routine Monitoring

- a) Monitoring.
 - 1) If a supplier submitted an IDSE report, it must begin monitoring at the locations and during the months that the supplier has recommended in its IDSE report submitted pursuant to Section 611.925, following the schedule set forth in Section 611.970(c), unless the Agency, by a SEP issued pursuant to Section 611.110, requires other locations or additional locations after its review. If the supplier submitted a 40/30 certification pursuant to Section 611.923, it qualified for a very small system waiver pursuant to Section 611.924, or it is a NTNCWS that serves fewer than 10,000 persons, the supplier must monitor at the locations and on the dates

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identified in its monitoring plan as described in Section 611.382(f), updated as required by Section 611.972.

- 2) The supplier must monitor at no fewer than the number of locations identified in the applicable of subsections (a)(2)(A) through (a)(2)(M) of this Section, subject to the limitations of subsections (a)(2)(N) and (a)(2)(O) of this Section.
 - A) A Subpart B system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.
 - B) A Subpart B system supplier that serves 500 to 3,300 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.
 - C) A Subpart B system supplier that serves 3,301 to 9,999 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.
 - D) A Subpart B system supplier that serves 10,000 to 49,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.
 - E) A Subpart B system supplier that serves 50,000 to 249,999 persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.
 - F) A Subpart B system supplier that serves 250,000 to 999,999 persons must monitor quarterly at 12 distribution system monitoring locations during each monitoring period.
 - G) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons must monitor quarterly at 16 distribution system monitoring locations during each monitoring period.
 - H) A Subpart B system supplier that serves 5,000,000 or more persons must monitor quarterly at 20 distribution system monitoring locations during each monitoring period.

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- I) A groundwater system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.
- J) A groundwater system supplier that serves 500 to 9,999 persons must monitor annually at two distribution system monitoring locations during each monitoring period.
- K) A groundwater system supplier that serves 10,000 to 99,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.
- L) A groundwater system supplier that serves 100,000 to 499,999 persons must monitor quarterly at six distribution system monitoring locations during each monitoring period.
- M) A groundwater system supplier that serves 500,000 or more persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.
- N) The supplier must monitor during month of highest DBP concentrations.
- O) A supplier on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for a Subpart B system supplier that serves 500 to 3,300. A groundwater system supplier that serves 500 to 9,999 persons which is on annual monitoring must take dual sample sets at each monitoring location. Any otherA-supplier that is on annual monitoring or which is a Subpart B system supplier that serves 500 to 3,300 is required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For a supplier that serves fewer than 500 people, only~~Only~~ one location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location ~~(and month, if monitored annually).~~

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- 3) If a supplier is an undisinfected system that begins using a disinfectant other than UV light after the dates set forth in Subpart W of this Part for complying with the IDSE requirements, the supplier must consult with the Agency to identify compliance monitoring locations for this Subpart Y. The supplier must then develop a monitoring plan pursuant to Section 611.972 that includes those monitoring locations.
- b) Analytical methods. A supplier must use an approved method listed in Section 611.381 for TTHM and HAA5 analyses in this Subpart Y. Analyses must be conducted by laboratories that have received certification by USEPA or the Agency as specified in Section 611.381.

BOARD NOTE: Derived from 40 CFR 141.621 ~~(2009)~~(2006).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section 611.1004 Source Water Monitoring Requirements: Analytical Methods

- a) Cryptosporidium. A supplier must analyze for Cryptosporidium using USEPA OGWDW Methods, Method 1623 (05) or USEPA OGWDW Methods, Method 1622 (05), ~~or alternative methods approved by the Agency pursuant to Section 611.480~~, each incorporated by reference in Section 611.102, or alternative methods approved by the Agency pursuant to Section 611.480.
 - 1) The supplier must analyze at least a 10 ℓ sample or a packed pellet volume of at least 2 mℓ as generated by the methods listed in subsection (a) of this Section. A supplier unable to process a 10 ℓ sample must analyze as much sample volume as can be filtered by two filters approved by USEPA for the methods listed in subsection (a) of this Section, up to a packed pellet volume of at least 2 mℓ.
 - 2) Matrix spike (MS) samples.
 - A) MS samples, as required by the methods in subsection (a) of this Section, must be spiked and filtered by a laboratory approved for Cryptosporidium analysis pursuant to Section 611.1005.

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- B) If the volume of the MS sample is greater than 10 ℓ, the supplier may filter all but 10 ℓ of the MS sample in the field, and ship the filtered sample and the remaining 10 ℓ of source water to the laboratory. In this case, the laboratory must spike the remaining 10 ℓ of water and filter it through the filter used to collect the balance of the sample in the field.
- 3) Flow cytometer-counted spiking suspensions must be used for MS samples and ongoing precision and recovery samples.
- b) E. coli. A supplier must use methods for enumeration of E. coli in source water approved in 40 CFR 136.3(a), ~~or alternative methods approved by the Agency pursuant to Section 611.480~~, incorporated by reference in Section 611.102, or alternative methods approved by the Agency pursuant to Section 611.480.
- 1) The time from sample collection to initiation of analysis may not exceed 30 hours, unless the supplier meets the condition of subsection (b)(2) of this Section.
- 2) The Agency may, by a SEP issued pursuant to Section 611.110, approve on a case-by-case basis the holding of an E. coli sample for up to 48 hours between sample collection and initiation of analysis if it determines that analyzing an E. coli sample within 30 hours is not feasible. E. coli samples held between 30 to 48 hours must be analyzed by the Autoanalysis Colilert System reagent version of Standard Methods, 18th, 19th, or 20th ed., Method 9223 B, as listed in 40 CFR 136.3(a), incorporated by reference in Section 611.102.
- 3) A supplier must maintain the temperature of its samples between 0°C and 10°C during storage and transit to the laboratory.
- 4) The supplier may use the membrane filtration, two-step procedure described in Standard Methods, 20th ed., Method 9222 D and G, incorporated by reference in Section 611.102.

BOARD NOTE: On June 3, 2008 (at 73 Fed. Reg. 31616), USEPA added appendix A to subpart C of 40 CFR 141 ~~of 40 CFR 141~~, which authorized alternative methods to those listed for E. coli by multiple-tube technique at corresponding 40 CFR 141.402(c)(2) to allow the use of Standard

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Methods for the Examination of Water and Wastewater, 20th ed., Method 9222 D and G.

- c) Turbidity. A supplier must use methods for turbidity measurement approved in Section 611.531(a).

BOARD NOTE: Derived from 40 CFR 141.704 ~~(2007)~~ and appendix A to 40 CFR 141 ~~(2009)~~, ~~as added at 73 Fed. Reg. 31616 (June 3, 2008)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART AA: AIRCRAFT DRINKING WATER RULE

Section 611.1100 Applicability and Compliance Date

- a) Applicability. The requirements of this Subpart AA constitute the NPDWRs for AWSs that are PWSs and that board only finished water for human consumption. AWSs are considered transient non-community non-CWSs. To the extent there is a conflict between the requirements in this Subpart AA and the regulatory requirements established elsewhere in this Part, this Subpart AA governs.
- b) Compliance Date. AWSs must comply, unless otherwise noted, with the requirements of this Subpart AA beginning October 19, 2011. Until this compliance date, air carriers remain subject to existing NPDWRs.

BOARD NOTE: Derived from 40 CFR 141.800, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009). AWSs are transient non-CWSs. Public Health regulates non-CWSs, including transient non-CWSs. DPH has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900.20(k)(2).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1101 Definitions

As used in this Subpart AA, the following terms have the given meanings:

"Air carrier" means a person who undertakes directly by lease, or other arrangement, to engage in air transportation. The air carrier is responsible for

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ensuring all of the aircraft it owns or operates that are PWSs comply with all provisions of this Subpart AA.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Aircraft water system" or "AWS" means an aircraft that qualifies as a PWS under the SDWA and the NPDWRs, as defined in Section 611.102. The components of an AWS include the water service panel, the filler neck of the aircraft finished water storage tank, and all finished water storage tanks, piping, treatment equipment, and plumbing fixtures within the aircraft that supply water for human consumption to passengers or crew.

"Aircraft Water System Operations and Maintenance Plan" or "AWSOMP" means the schedules and procedures for operating, monitoring, and maintaining an AWS that is included in an aircraft operation and maintenance program accepted by the Federal Aviation Administration.

BOARD NOTE: See Section 611.1104. The definition in corresponding 40 CFR 141.801, as added at 74 Fed. Reg. 53618 includes a parenthetical citation to "14 CFR 43, 14 CFR 91, 14 CFR 121."

"Finished water" means water that is introduced into the distribution system of a PWS and is intended for distribution and consumption without further treatment, except that treatment which is necessary to maintain water quality in the distribution system (e.g., supplemental disinfection, addition of corrosion control chemicals).

"Human consumption" means drinking, bathing, showering, hand washing, teeth brushing, food preparation, dishwashing, and maintaining oral hygiene.

"Self inspection" means an onsite review of the AWS, including the water service panel; the filler neck of the aircraft finished water storage tank; all finished water storage tanks, piping, treatment equipment, and plumbing fixtures; and a review of the aircraft operations, maintenance, monitoring, and recordkeeping for the purpose of evaluating the adequacy of such water system components and practices for providing safe drinking water to passengers and crew.

"Watering point" means the water supply, methods, and facilities used for the delivery of finished water to the aircraft. These facilities may include water trucks, carts, cabinets, and hoses.

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BOARD NOTE: Derived from 40 CFR 141.801, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009). The Board has not included definitions of "Agency" and "finished water" in this Section because nearly identical definitions of these terms appear in Section 611.102 (based on 40 CFR 141.2). AWSs are transient non-CWSs. Public Health regulates non-CWSs in Illinois. Public Health has incorporated this Part 611 into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900.20(k)(2).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1102 Coliform Sampling Plan

- a) Each air carrier under this Subpart AA must develop a Coliform Sampling Plan that identifies the following for each AWS owned or operated by the air carrier:
 - 1) Coliform sample collection procedures that are consistent with the requirements of Section 611.1103(a) and (b).
 - 2) Sample tap locations representative of the AWS, as specified in Section 611.1103(b)(2) and (b)(4).
 - 3) The frequency and number of routine coliform samples to be collected, as specified in Section 611.1103(b)(3).
 - 4) The frequency of routine disinfection and flushing, as specified in the AWSOMP pursuant to Section 611.1104.
 - 5) Procedures that the air carrier will use for communicating sample results promptly, so that the air carrier can assure that any required actions, including repeat and follow-up sampling, corrective action, and notification of passengers and crew, occur in a timely manner.
- b) Each air carrier must develop a Coliform Sampling Plan before April 19, 2011 for each aircraft with an AWS that meets the definition of a PWS.
- c) The Coliform Sampling Plan must be included in the AWSOMP required by Section 611.1104. The air carrier must include any subsequent changes to the Coliform Sampling Plan in the AWSOMP required in Section 611.1104.

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BOARD NOTE: Derived from 40 CFR 141.802, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1103 Coliform Sampling

- a) Analytical methodology. An air carrier must follow the sampling and analysis requirements set forth in this Section.
- 1) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
 - 2) An air carrier needs to determine only the presence or absence of total coliforms or E. coli; a determination of density of these organisms is not required.
 - 3) An air carrier must conduct analyses for total coliform and E. coli in accordance with the analytical methods approved in Section 611.526(c) and (f).
 - 4) The time from sample collection to initiation of analysis must not exceed 30 hours.

BOARD NOTE: USEPA included the following statement in corresponding 40 CFR 141.803(a)(4): "Systems are encouraged but not required to hold samples below 10°C during transit."
 - 5) The invalidation of a total coliform sample result can be made only by the Agency in accordance with Section 611.523(a)(1), (a)(2), or (a)(3) or by the certified laboratory in accordance with Section 611.523(b).
 - 6) Certified laboratories. For the purpose of determining compliance with this Subpart AA, samples may be considered only if they have been analyzed by a laboratory that is certified by the Agency, USEPA, or a sister state that is authorized by USEPA pursuant to 40 CFR 142 and 42 USC 300g-2.

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- b) Routine monitoring. The air carrier must determine the sampling frequency for each AWS based on the disinfection and flushing frequency recommended by the AWS manufacturer, when available, and the air carrier must identify the sampling frequency in the AWSOMP required by Section 611.1104.
- 1) Except as provided in subsection (b)(2) of this Section, the air carrier must collect two 100 mℓ total coliform routine samples at the frequency specified in the sampling plan specified in Section 611.1102 and in accordance with subsection (b)(3) of this Section;
- 2) The air carrier may collect one 100 mℓ total coliform routine sample at the frequency specified in the sampling plan in Section 611.1102 for aircraft with a removable or portable tank that is drained every day of passenger service, and the aircraft has only one tap. Aircraft that meet the requirements of this subsection (b)(2) need not comply with subsection (b)(4) of this Section.
- 3) Air carriers must perform routine monitoring for total coliform at a frequency corresponding to the frequency of routine disinfection and flushing that is specified in the table in this subsection (b)(3) (Routine Disinfection and Flushing and Routine Sample Frequencies) based on the minimum routine sample frequency. An air carrier must follow the disinfection and flushing frequency recommended by the AWS manufacturer, when available. Where the AWS manufacturer has not specified a recommended routine disinfection and flushing frequency, the air carrier must choose a frequency from the following table:

Routine Disinfection and Flushing
and Routine Sample Frequencies

<u>If the minimum routine disinfection and flushing per aircraft is as follows:</u>	<u>The required minimum frequency of routine samples per aircraft is as follows:</u>
<u>At least four times per year = At least once within every three-month period (quarterly)</u>	<u>At least once per year = At least once within every 12-month period (annually)</u>
<u>At least three times per year = At least once within every four-month period</u>	<u>At least twice per year = At least once within every six-month period (semi-annually)</u>

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<u>At least twice per year = At least once within every six-month period (semi-annually)</u>	<u>At least four times per year = At least once within every three-month period (quarterly)</u>
<u>At least once per year or less = At least once within every 12-month period (annually) or less</u>	<u>At least 12 times per year = At least once every month (monthly)</u>

- 4) The AWS supplier must take one sample from a lavatory and one from a galley; each sample must be analyzed for total coliform. If only one water tap is located in the AWS due to aircraft model type and construction, then the supplier may use a single tap to collect two separate 100 ml samples.
- 5) If any routine, repeat, or follow-up coliform sample is total coliform-positive, the air carrier must analyze that total coliform-positive culture medium to determine if E. coli is present.
- 6) Routine total coliform samples must not be collected within 72 hours after completing routine disinfection and flushing procedures.

c) Routine coliform sample results.

- 1) Negative routine coliform sample results. If all routine sample results are total coliform-negative, then the air carrier must maintain the routine monitoring frequency for total coliform, as specified in the Coliform Sampling Plan required by Section 611.1102.
- 2) Positive routine E. coli sample results. If any routine sample is E. coli-positive, the air carrier must perform all of the following:
 - A) Restrict public access. The air carrier must restrict public access to the AWS in accordance with subsection (d) of this Section as expeditiously as possible, but in no case later than 24 hours after the laboratory notifies the air carrier of the E. coli-positive result or discovery of the applicable failure, as specified in subsections (g) and (h) of this Section. All public access restrictions, including applicable public notification requirements, must remain in-place until the AWS has been disinfected and flushed and a complete set of follow-up samples is total coliform-negative;

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- B) Disinfect and flush. The air carrier must conduct disinfection and flushing in accordance with Section 611.1104(b)(2). If the AWS cannot be physically disconnected or shut off, or the flow of water otherwise prevented through the taps, then the air carrier must disinfect and flush the system no later than 72 hours after the laboratory notifies the air carrier of the E. coli-positive result or discovery of the applicable failure, as specified in subsections (g) and (h) of this Section; and
- C) Follow-up sampling. The air carrier must collect follow-up samples in accordance with subsection (e) of this Section. A complete set of follow-up sample results must be total coliform-negative before the air carrier provides water for human consumption from the AWS and returns to the routine monitoring frequency, as specified in the Coliform Sampling Plan required by Section 611.1102.
- 3) Positive routine total coliform sample results. If any routine sample is total coliform-positive and E. coli-negative, then the air carrier must perform at least one of the following three corrective actions and continue through with that action until a complete set of follow-up or repeat samples is total coliform-negative:
- A) Disinfect and flush. In accordance with Section 611.1104(b)(2), the air carrier must conduct disinfection and flushing of the system no later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive and E. coli-negative result. After disinfection and flushing is completed, the air carrier must collect follow-up samples in accordance with subsection (e) of this Section prior to providing water for human consumption from the AWS. A complete set of followup sample results must be total coliform-negative before the air carrier may return to the routine monitoring frequency specified in the sampling plan required by Section 611.1102;
- B) Restrict public access. In accordance with subsection (d) of this Section, the air carrier must restrict public access to the AWS as expeditiously as possible, but in no case later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive

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and E. coli-negative result or discovery of the applicable failure, as specified in subsections (f), (g), and (i) of this Section. All public access restrictions, including applicable public notification requirements, must remain in-place until the AWS has been disinfected and flushed, and a complete set of follow-up samples has been collected. The air carrier must conduct disinfection and flushing in accordance with Section 611.1104(b)(2). After disinfection and flushing is completed, the air carrier must collect follow-up samples in accordance with subsection (e) of this Section prior to providing water for human consumption from the AWS. A complete set of followup sample results must be total coliform-negative before the air carrier returns to the routine monitoring frequency specified in the sampling plan required by Section 611.1102; or

- C) Repeat sampling. The air carrier must collect three 100 ml repeat samples no later than 24 hours after the laboratory notifies the air carrier of the routine total coliform-positive and E. coli-negative result. Repeat samples must be collected and analyzed from three taps within the aircraft as follows: the tap which resulted in the total coliform-positive sample, one other lavatory tap, and one other galley tap. If fewer than three taps exist, then a total of three 100 ml samples must be collected and analyzed from the available taps within the AWS.
- i) If all repeat samples are total coliform-negative, then the air carrier must maintain the routine monitoring frequency for total coliform specified in the sampling plan in Section 611.1102.
- ii) If any repeat sample is E. coli-positive, the air carrier must perform all the corrective actions specified in subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section.
- iii) If any repeat sample is total coliform-positive and E. coli-negative, then the air carrier must perform the corrective actions specified in subsection (c)(3)(A) or (c)(3)(B) of this Section, and continue that action until a complete set of follow-up samples is total coliform-negative.

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- d) Restriction of public access. Restriction of public access to the AWS includes, but need not be limited to, the following:
- 1) Physically disconnecting or shutting off the AWS, where feasible, or otherwise preventing the flow of water through the taps;
 - 2) Providing public notification to passengers and crew in accordance with Section 611.1105;
 - 3) Providing alternatives to water from the AWS, such as bottled water for drinking and coffee or tea preparation; antiseptic hand gels or wipes that comply with the requirements of 21 CFR 333, incorporated by reference in Section 611.102, in the galleys and lavatories; and other feasible measures that reduce or eliminate the need to use the AWS during the limited period before public use of the AWS is unrestricted.
- e) Post disinfection and flushing follow-up sampling. Following corrective action disinfection and flushing, an air carrier must comply with post-disinfection and flushing follow-up sampling procedures that, at a minimum, consist of the following:
- 1) For each AWS, the air carrier must collect a complete set of total coliform follow-up samples consisting of two 100 ml total coliform samples at the same routine sample locations that are identified in subsections (b)(2) and (b)(4) of this Section.
 - 2) The air carrier must collect follow-up samples prior to providing water to the public for human consumption from the AWS.
 - 3) If a complete set of follow-up samples is total coliform-negative, the air carrier must return to the routine monitoring frequency for total coliform that is specified in the Coliform Sampling Plan required by Section 611.1102.
 - 4) If any follow-up sample is E. coli-positive, the air carrier must perform all the corrective actions that are specified in subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section.

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- 5) If any follow-up sample is total coliform-positive and E. coli-negative, the air carrier must restrict public access to the AWS in accordance with subsection (d) of this Section as expeditiously as possible, but in no case later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive and E. coli-negative result. All public access restrictions, including applicable public notification requirements, must remain in-place until the AWS has been disinfected and flushed in accordance with Section 611.1104(b)(2) and a complete set of follow-up samples is total coliform-negative. The air carrier must collect follow-up samples in accordance with subsection (e) of this Section. A complete set of follow-up sample results must be total coliform-negative before the air carrier provides water for human consumption from the AWS and returns to the routine monitoring frequency for coliform that is specified in the Coliform Monitoring Plan required by Section 611.1102.
- f) Failure to perform required routine disinfection and flushing or failure to collect required routine samples. If the air carrier fails to perform routine disinfection and flushing or fails to collect and analyze the required number of routine coliform samples, the air carrier must perform all the corrective actions that are specified in subsection (c)(3)(B) of this Section.
- g) Failure to collect repeat or follow-up samples. If the air carrier fails to collect and analyze the follow-up samples required as a result of an E. coli-positive result, then the air carrier must perform all the corrective actions specified in subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section. If the air carrier fails to collect and analyze the repeat samples or follow-up samples required as a result of a total coliform-positive and E. coli-negative result, then the air carrier must perform all the corrective actions that are specified in subsection (c)(3)(B) of this Section.
- h) Failure to board water from a safe watering point (E. coli-positive). The air carrier must perform all the corrective actions that are specified for the AWS in subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section when the air carrier becomes aware of an E. coli-positive event resulting from any of the following events:
- 1) Boarding water from a watering point not in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102;

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- 2) Boarding water that does not meet the NPDWRs applicable to transient non-CWS suppliers (Sections 611.301 (Revised MCLs for Inorganic Chemical Contaminants) and 611.325 (Microbiological Contaminants), to the extent that these provisions apply to a transient non-CWS); or
 - 3) Boarding water that is otherwise determined to be unsafe due to noncompliance with the procedures specified in the air carrier's AWSOMP pursuant to Section 611.1104(b)(6).
- i) Failure to board water from a safe watering point (non-E. coli-positive). The air carrier must perform all the corrective actions that are specified for the AWS in subsection (c)(3)(B) of this Section when the air carrier becomes aware of a non-E. coli-positive event resulting from any of the following events:
- 1) Boarding water from a watering point not in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102;
 - 2) Boarding water that does not meet the NPDWRs applicable to transient non-CWS suppliers (Sections 611.301 (Revised MCLs for Inorganic Chemical Contaminants) and 611.325 (Microbiological Contaminants), to the extent that these provisions apply to a transient non-CWS); or
 - 3) Boarding water that is otherwise determined to be unsafe due to noncompliance with the procedures specified in the air carrier's AWSOMP pursuant to Section 611.1104(b)(6).

BOARD NOTE: Derived from 40 CFR 141.803, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1104 Aircraft Water System Operations and Maintenance Plan

- a) Each air carrier must develop and implement an aircraft water system operation and maintenance plan (AWSOMP) for each AWS that it owns or operates. The air carrier must include this AWSOMP in a Federal Aviation Administration (FAA)-accepted air carrier operations and maintenance program.

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BOARD NOTE: Corresponding 40 CFR 141.804(a), as added at 74 Fed. Reg. 53618 includes a parenthetical citation to "14 CFR 43, 14 CFR 91, 14 CFR 121."

- b) Each AWSOMP must include the following information and procedures:
- 1) Watering point selection requirements. The AWSOMP must include information and procedures which ensure that all watering points are selected in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102.
 - 2) Procedures for disinfection and flushing. The AWSOMP must include information and procedures for disinfection and flushing of the AWS that ensure compliance with the following requirements:
 - A) The air carrier must conduct disinfection and flushing of the AWS in accordance with, or that is consistent with, the AWS manufacturer's recommendations. The air carrier may conduct disinfection and flushing more frequently, but not less frequently, than the manufacturer recommends.
 - B) The AWSOMP must identify the disinfection frequency, type of disinfecting agent, disinfectant concentration that must be used, and disinfectant contact time, and flushing volume or flushing time.
 - C) Where a recommended routine disinfection and flushing frequency is not specified by the AWS manufacturer, the air carrier must choose a disinfection and flushing, and corresponding monitoring, frequency specified in Section 611.1103(b)(3).
 - 3) Follow-up sampling. The AWSOMP must include the procedures for follow-up sampling that comply with Section 611.1103(e).
 - 4) Training requirements. Training for all personnel involved with the AWS operation and maintenance provisions of this Section must include, but is not limited to, the following information and procedures:
 - A) Boarding water procedures:

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- B) Sample collection procedures;
 - C) Disinfection and flushing procedures; and
 - D) Explanation of public health and safety reasons for the requirements of this Subpart AA.
- 5) Procedures for conducting self-inspections of the AWS. Procedures must include, but are not limited to, inspection of storage tank, distribution system, supplemental treatment, fixtures, valves, and backflow prevention devices.
- 6) Procedures for boarding water. The AWSOMP must include the following requirements and procedures for boarding water:
- A) Within the United States, the air carrier must board water from watering points in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102;
 - B) A description of how the water must be transferred from the watering point to the aircraft in a manner which ensures that the water will not become contaminated during the transfer;
 - C) A description of how the air carrier will ensure that water boarded outside the United States is safe for human consumption; and
 - D) A description of emergency procedures that meet the requirements in Section 611.1103(h) and (i), which must be used when the air carrier becomes aware that water was boarded to operate essential systems, such as toilets, but was boarded from a watering point that does not comply with the requirements of subpart E of 21 CFR 1240, incorporated by reference in Section 611.102; the boarded water does not meet NPDWRs applicable to transient non-CWS suppliers (Sections 611.301 (Revised MCLs for Inorganic Chemical Contaminants) and 611.325 (Microbiological Contaminants), to the extent that these provisions apply to a transient non-CWS); or the boarded water is otherwise unsafe.

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- 7) Coliform Sampling Plan. The air carrier must include the Coliform Sampling Plan prepared pursuant to Section 611.1102.
- 8) AWS disconnect/shut-off, or preventing flow of water through the taps statement. An explanation of whether the AWS can be physically disconnected or shut off, or the flow of water otherwise prevented through the taps to the crew and passengers.
- c) For existing aircraft, the air carrier must develop the AWSOMP required by this Section before April 19, 2011.
- d) For new aircraft, the air carrier must develop the AWSOMP required by this Section within the first calendar quarter of initial operation of the aircraft.
- e) Any changes to the AWSOMP must be included in the FAA-accepted air carrier operations and maintenance program.

BOARD NOTE: Derived from 40 CFR 141.804, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1105 Notification to Passengers and Crew

- a) An air carrier must give public notice that satisfies the requirements of this Section for each aircraft in any of the following situations:
 - 1) Public access to the AWS is restricted in response to a routine, repeat or follow-up total coliform-positive or E. coli-positive sample result obtained pursuant to Section 611.1103(d);
 - 2) A failure to perform required routine disinfection and flushing or failure to collect required routine samples as required by Section 611.1103(f);
 - 3) A failure to collect the required follow-up samples in response to a sample result that is E. coli-positive in accordance with Section 611.1103(g);

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- 4) A failure to collect the required repeat samples or a failure to collect the required follow-up samples in response to a sample result that is total coliform-positive and E. coli-negative as required by Section 611.1103(g);
 - 5) A failure to board water from a safe watering point (E. coli-positive), as such is determined pursuant to Section 611.1103(h);
 - 6) A failure to board water from a safe watering point (non-E. coli-positive), as such is determined pursuant to Section 611.1103(i); or
 - 7) USEPA, the Agency, a sister state that USEPA has authorized pursuant to 40 CFR 142 and 42 USC 300g-2 to administer the requirements of the ADWR, the air carrier, or the crew otherwise determines that notification is necessary to protect public health.
- b) Public notification must fulfill the following requirements:
- 1) The public notification must be displayed in a conspicuous way when printed or posted;
 - 2) The public notification must not contain overly technical language or very small print;
 - 3) The public notification must not be formatted in a way that defeats the purpose of the notice;
 - 4) The public notification must not contain language that nullifies the purpose of the notice; and
 - 5) The public notification must contain information in the appropriate languages regarding the importance of the notice, reflecting a good faith effort to reach the non-English-speaking segments of the population served, including, where applicable, an easily recognized symbol for non-potable water.
- c) Public notification given pursuant to subsection (a)(1) of this Section must fulfill the requirements of this subsection (c), in addition to those of subsection (b) of this Section:

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- 1) Public notification must include a prominently displayed, clear statement in each lavatory indicating that the water is non-potable and should not be used for drinking, food or beverage preparation, hand washing, teeth brushing, or any other consumptive use; and
- 2) A prominent notice in the galley directed at the crew that includes the following information:
 - A) A clear statement that the water is non-potable and should not be used for drinking, food or beverage preparation, hand washing, teeth brushing, or any other consumptive use;
 - B) A description of the violation or situation triggering the notice, including the contaminants of concern;
 - C) A statement describing when the violation or situation occurred that gave rise to the notice;
 - D) A description of any potential adverse health effects that could result from the violation or situation, as appropriate to fulfill the requirements of subsection (g) of this Section;
 - E) A description of the population at risk, including a description of sensitive subpopulations particularly vulnerable if exposed to the contaminant in the drinking water;
 - F) A description of what the air carrier is doing to correct the violation or situation; and
 - G) A description of when the air carrier expects to return the system to unrestricted public access.
- 3) If passenger access to the water system is physically prevented through disconnecting or shutting off the water, or the flow of water prevented through the taps, or if water is supplied only to lavatory toilets, and not to any lavatory or galley taps, then only the notice specified in subsection (c)(2) of this Section is required.

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- 4) An air carrier must initiate public notification when restriction of public access is initiated in accordance with Section 611.1103(d), and the air carrier must continue the public notification until the AWS is returned to unrestricted public access.
- d) Public notification given pursuant to subsections (a)(2), (a)(4), and (a)(6) of this Section must fulfill the requirements of this subsection (d), in addition to those of subsection (b) of this Section:
- 1) Public notification must include a prominently displayed, clear statement in each lavatory indicating that the water is non-potable and should not be used for drinking, food or beverage preparation, hand washing, teeth brushing, or any other consumptive use; and
 - 2) A prominent notice in the galley directed at the crew which includes:
 - A) A clear statement that the water is non-potable and should not be used for drinking, food or beverage preparation, hand washing, teeth brushing, or any other consumptive use;
 - B) A clear statement of the failure that gave rise to the requirement for public notification, i.e., that the air carrier does not know whether the water is contaminated because there was a failure to perform required routine disinfection and flushing; that there was a failure to perform required monitoring; that water was boarded from a watering point not in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102; that water was boarded which does not meet NPDWRs applicable to transient non-CWS suppliers; or that boarded water is otherwise determined to be unsafe due to noncompliance with the procedures specified in Section 611.1104(b)(6);
 - C) A statement describing when and where the unsafe water was boarded or when the specific monitoring or disinfection and flushing requirement was not met;
 - D) A description of any potential adverse health effects from exposure to waterborne pathogens that might be in the water, as appropriate to fulfill the requirements of subsection (g) of this Section;

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- boarded which does not meet NPDWRs applicable to transient non-CWS suppliers; or that water boarded is otherwise determined to be unsafe due to noncompliance with the procedures specified in Section 611.1104(b)(6);
- C) A description of the contaminants of concern;
- D) A statement describing when and where the unsafe water was boarded or when the specific monitoring requirement was not met;
- E) A description of any potential adverse health effects from the situation, as appropriate to fulfill the requirements of subsection (g) of this Section;
- F) A description of the population at risk, including a description of sensitive subpopulations particularly vulnerable if exposed to the contaminant in the drinking water;
- G) A statement indicating what the air carrier is doing to correct the situation; and
- H) When the air carrier expects to return the system to unrestricted public access.
- 3) If passenger access to the water system is physically prevented through disconnecting or shutting off the water, or the flow of water prevented through the taps, or if water is supplied only to lavatory toilets, and not to any lavatory or galley taps, then only the notice specified in subsection (e)(2) of this Section is required.
- 4) An air carrier must initiate public notification when restriction of public access is initiated in accordance with Section 611.1103(d), and the air carrier must continue the public notification until a complete set of required follow-up samples are total coliform-negative.
- f) Public notification given pursuant to subsection (a)(7) of this Section must fulfill the requirements of this subsection (f), in addition to those of subsection (b) of this Section:

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- 1) Notification must be in a form and manner reasonably calculated to reach all passengers and crew while on board the aircraft by using one or more of the following forms of delivery:
 - A) Broadcast over public announcement system on aircraft;
 - B) Posting of the notice in conspicuous locations throughout the area served by the AWS. These locations would normally be the galleys and in the lavatories of each aircraft requiring posting;
 - C) Hand delivery of the notice to passengers and crew; or
 - D) Another delivery method approved in writing by the Agency.
- 2) An air carrier must initiate public notification within 24 hours after being informed by USEPA, the Agency, or a sister state that USEPA has authorized pursuant to 40 CFR 142 and 42 USC 300g-2 to administer the requirements of the ADWR to undertake notification, and the air carrier must continue the public notification for the duration determined by USEPA, the Agency, or a sister state.
- g) In each public notice to the crew, air carriers must use the appropriate of the following standard health effects language in response to the situations described in subsections (a)(1) through (a)(6) of this Section.
 - 1) Health effects language to be used when public notice is initiated due to the detection of total coliforms only (not E. coli) as described in subsection (a)(1) of this Section:

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in [insert number of samples detected] samples collected, and this is a warning of potential problems. If human pathogens are present, they can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. These microbes may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

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- 2) Health effects language to be used when public notice is initiated due to any E. coli-positive routine, repeat, or follow-up sample as required by subsection (a)(1) of this Section:

E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. These microbes may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

- 3) Health effects language to be used when public notice is initiated due to a failure to conduct routine monitoring or routine disinfection and flushing as required by subsection (a)(2) of this Section; when there is a failure to conduct repeat or follow-up sampling as required by subsection (a)(4) of this Section; as required by subsection (a)(6) of this Section, when the air carrier becomes aware of a non-E. coli-positive event that is the result of water that was boarded from a watering point not in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102; that water was boarded which does not meet NPDWRs applicable to transient non-CWS suppliers; or that water boarded is otherwise determined to be unsafe due to noncompliance with the procedures specified in Section 611.1104(b)(6):

Because [use the appropriate of the following alternative statements: required monitoring and analysis was not conducted, required disinfection and flushing was not conducted, water was boarded from a watering point not in accordance with subpart E of 21 CFR 1240, or other appropriate explanation], we cannot be sure of the quality of the drinking water at this time. However, drinking water contaminated with human pathogens can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

- 4) Health effects language to be used when public notice is initiated due to a failure to conduct required follow-up monitoring in response to a sample

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result that is E. coli-positive, as required by subsection (a)(3) of this Section; or when the air carrier becomes aware of an E. coli-positive event that is the result of water which was boarded from a watering point not in accordance with subpart E of 21 CFR 1240, incorporated by reference in Section 611.102; or water was boarded that does not meet NPDWRs applicable to transient non-CWS suppliers; or water was boarded that is otherwise determined to be unsafe due to noncompliance with the procedures specified in Section 611.1104(b)(6), as required by subsection (a)(5) of this Section:

Because required follow-up monitoring and analysis was not conducted after the AWS tested positive for E. coli, we cannot be sure of the quality of the drinking water at this time. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. These microbes may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

or

Water was boarded that is contaminated with E. coli because [use the appropriate of the following alternative statements: water was boarded from a watering point not in accordance with subpart E of 21 CFR 1240, or other appropriate explanation]. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. These microbes may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

BOARD NOTE: Derived from 40 CFR 141.805, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 611.1106 Reporting Requirements

- a) The air carrier must comply with the following requirements regarding reporting of the development of the Coliform Sampling Plan, the AWSOMP, and the disinfection and flushing and coliform sampling frequencies.
- 1) Before April 19, 2011, the air carrier must report the following to the Agency:
- A) The air carrier must report that it has developed a Coliform Sampling Plan, as required by Section 611.1102, which covers each existing AWS, as well as report the frequency for routine coliform sampling identified in the Coliform Sampling Plan; and
- B) The air carrier must report to the Agency that it has developed its AWSOMP, as required by Section 611.1104, and report the frequency for routine disinfection and flushing.
- 2) For each new aircraft meeting the definition of an AWS that becomes operational after October 19, 2009, the air carrier must report the following to the Agency within the first calendar quarter of initial operation of the aircraft:
- A) The air carrier must report that it has developed a Coliform Sampling Plan, as required by Section 611.1102, as well as report the frequency for routine coliform sampling identified in the Coliform Sampling Plan; and
- B) The air carrier must report to the Agency that it has developed the AWSOMP, as required by Section 611.1104, and report the frequency for routine disinfection and flushing.
- b) The air carrier must report the following information to the Agency:
- 1) Before April 19, 2011, the air carrier must report a complete inventory of its aircraft that are PWSs. The inventory information required includes, at a minimum, the following information:

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- A) The unique aircraft identifier number;
 - B) The status (active or inactive) of any aircraft as an AWS, as defined in Section 611.1101;
 - C) The type and location of any supplemental treatment equipment installed on the AWS; and
 - D) Whether the AWS can be physically disconnected or shut off, or the flow of water prevented through the taps.
- 2) The air carrier must report no later than 10 days following the calendar month in which the change occurred any changes in aircraft inventory. Changes in inventory information include, at a minimum, the following information:
- A) Any change in the unique identifier number for any new aircraft, or for any aircraft removed from the air carrier's fleet;
 - B) Any change in status (active or inactive) of any aircraft as an AWS, as defined in Section 611.1101;
 - C) Any change to the type and location of any supplemental treatment equipment added to or removed from the AWS; and
 - D) Any change to whether the AWS can be physically disconnected or shut off, or the flow of water prevented through the taps.
- 3) The air carrier must report all sampling results no later than 10 calendar days following the monitoring period in which the sampling occurred. The monitoring period is based on the monitoring frequency identified in the Coliform Sampling Plan required by Section 611.1102. Routine disinfection and flushing events must be reported no later than 10 calendar days following the disinfection and flushing period in which the disinfection and flushing occurred. The disinfection and flushing period is based on the frequency identified in the AWSOMP required by Section 611.1104.

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- 4) The air carrier must report within 10 days after any event (e.g., notification of positive sample result by laboratory) that requires notification to passengers or crew, non-routine disinfection and flushing, or non-routine sampling, including information as to whether required notification was provided to passengers or crew or both.
- 5) The air carrier must report within 10 calendar days after discovery of any failure to comply with the monitoring or disinfection and flushing requirements of this Subpart AA.
- 6) The air carrier must report no later than 10 days following the end of a calendar month in which any changes occurred in disinfection and flushing and coliform sampling frequencies. Changes to an aircraft's routine coliform sampling frequency and routine disinfection and flushing frequency must be included in the AWSOMP that is included in the air carrier operations and maintenance program accepted by FAA as required by Section 611.1104.
- c) The air carrier must provide evidence to the Agency within 90 days after completion of a self-inspection required by Section 611.1108(b), including reporting whether the air carrier addressed all deficiencies as required by Section 611.1108(c). The air carrier must also report to the Agency within 90 days that any deficiency identified during a compliance audit conducted in accordance with Section 611.1108(a) has been addressed. If the air carrier has not addressed any deficiency within 90 days after identification of the deficiency, the report must also include a description of the deficiency, an explanation as to why the air carrier has not yet addressed the deficiency, and a schedule for addressing the deficiency as expeditiously as possible.
- d) All information required to be reported to the Agency under this Subpart AA must be in an electronic format established or approved by the Agency. If an air carrier is unable to report electronically, the air carrier may use an alternative approach that the Agency has approved.

BOARD NOTE: Derived from 40 CFR 141.806, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 611.1107 Recordkeeping Requirements

- a) The air carrier must keep records of bacteriological analyses for at least five years and must include the following information:
 - 1) The date, time, and place of sampling, and the name of the person who collected the sample;
 - 2) Identification of the sample as a routine, repeat, follow-up, or other special purpose sample;
 - 3) The date of the analysis;
 - 4) The laboratory and person responsible for performing the analysis;
 - 5) The analytical technique or method used; and
 - 6) The results of the analysis.
- b) The air carrier must keep records of any disinfection and flushing for at least five years and must include the following information:
 - 1) The date and time of the disinfection and flushing; and
 - 2) The type of disinfection and flushing (i.e., routine or corrective action).
- c) The air carrier must keep records of a self-inspection for at least 10 years and must include the following information:
 - 1) The completion date of the self-inspection; and
 - 2) Copies of any written reports, summaries, or communications related to the self-inspection.
- d) The air carrier must maintain sampling plans and make such plans available for review by the Agency upon request, including during compliance audits.
- e) The air carrier must maintain AWSOMPs in accordance with FAA requirements, and make such plans available for review by the Agency upon request, including during compliance audits.

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- f) The air carrier must keep copies of public notices to passengers and crew issued as required by this Subpart AA for at least three years after issuance.

BOARD NOTE: Derived from 40 CFR 141.807, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1108 Audits and Inspections

- a) The Agency may conduct routine compliance audits as deemed necessary in providing regulatory oversight to ensure proper implementation of the requirements in this Subpart AA. Compliance audits may include, but are not limited to the following:
- 1) Bacteriological sampling of AWSs;
 - 2) Reviews and audits of records as they pertain to AWS operations and maintenance such as log entries, disinfection and flushing procedures, and sampling results; and
 - 3) Observation of procedures involving the handling of finished water, watering point selection, boarding of water, operation, disinfection and flushing, and general maintenance and self-inspections of AWSs.
- b) Air carriers or their representatives must perform a self-inspection of all water system components for each AWS no less frequently than once every five years.
- c) The air carrier must address any deficiency identified during compliance audits or routine self-inspections within 90 days after identification of the deficiency, or where such deficiency is identified during extended or heavy maintenance, before the aircraft is put back into service. This includes any deficiency in the AWS's design, construction, operation, maintenance, or administration, as well as any failure or malfunction of any system component that has the potential to cause an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

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BOARD NOTE: Derived from 40 CFR 141.808, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1109 Supplemental Treatment

- a) Any supplemental drinking water treatment units installed onboard existing or new aircraft must be acceptable to FAA and FDA; and must be installed, operated, and maintained in accordance with the manufacturer's plans and specifications and FAA requirements.
- b) Water supplemental treatment and production equipment must produce water that meets the standards prescribed in this Part.

BOARD NOTE: Derived from 40 CFR 141.809, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 611.1110 Violations

An air carrier is in violation of this Subpart AA when, for any AWS it owns or operates, any of the following occurs:

- a) The air carrier fails to perform any of the requirements set forth in Sections 611.1103 and 611.1104;
- b) The air carrier has an E. coli-positive sample in any monitoring period (routine and repeat samples are used in this determination);
- c) The air carrier fails to provide notification to passengers and crew in accordance with Section 611.1105;
- d) The air carrier fails to comply with the reporting and recordkeeping requirements of this Subpart AA;
- e) The air carrier fails to conduct a self-inspection or address a deficiency in accordance with Section 611.1108; or

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- f) The air carrier fails to develop a Coliform Sampling Plan in accordance with Section 611.1102, or fails to have and follow an AWSOMP that is included in an FAA-accepted operation and maintenance program in accordance with Section 611.1104.

BOARD NOTE: Derived from 40 CFR 141.810, as added at 74 Fed. Reg. 53590 (Oct. 19, 2009).

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems

1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and (insert name of water supplier) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/l). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint; air; soil; household dust; food; certain types of pottery, porcelain, and pewter; and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination – like dirt and dust – that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

- A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.
- B) Lead is unusual among drinking water contaminants in that it seldom occurs

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naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass, and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes, and other plumbing materials to 8.0%.

- C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

- A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one gallon.
- B) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.
- C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.
- D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

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- i) (Insert the name or title of facility official if appropriate) at (insert phone number) can provide you with information about your facility's water supply; and
- ii) The Illinois Department of Public Health at 217-782-4977 or 312-814-2608 or the (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead.

BOARD NOTE: Derived from 40 CFR 141.85(a)(2) ~~(2009)(2002)~~. The Department of Public Health (Department) regulates non-community water supplies, including non-transient, non-community water supplies. The Department has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900.20(k)(2). Thus, the Board has included the notice language of 40 CFR 141.85(a)(2) ~~in~~ this Section for the purposes of facilitating federal review and authorization of the Illinois drinking water regulations.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.160	Amend
250.1910	Amend
250.1980	Amend
250.2450	Amend
250.2460	Amend
250.2470	Amend
250.2480	Amend
250.2490	Amend
250.2500	Amend
250.2610	Amend
250.2620	Amend
250.2630	Amend
250.2640	Amend
250.2650	Amend
250.2660	Amend
250.2670	Amend
250.2680	Amend
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: This Part establishes minimum standards for hospitals in Illinois, including design and construction standards for new hospitals and minimum construction standards for existing hospitals.

This proposed rulemaking amends two Sections in Subpart P, the six construction Sections in Subpart T, and all eight Sections in Subpart U. These Sections contain references to National Fire Protection Association building and life-safety codes, and other design standards, listed in Section 250.160 (Incorporated and Referenced Materials) in this Part. While that Section was brought up to date with comprehensive amendments in the spring of 2008, the citations in the corresponding construction Sections were not changed. Some of these Sections have not been amended or updated since the 1980s, making for huge discrepancies between them and Section 250.160, and with current construction standards.

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In each Section being amended, the dates of the NFPA Standards are being stricken, meaning that as new NFPA Standards are published in the future, the Department will have to amend only Section 250.160. Additionally, numerous technical, grammatical, and form changes are being made to bring the rules into conformity with current Secretary of State style requirements. Section 250.160 is being amended to add the Private Sewage Disposal Code (77 Ill. Adm. Code 905).

Additionally, statutory language from Public Act 96-0925, which requires hospitals to have policies for gaining access to locked bathroom doors, is being added to Section 250.2450 (Details).

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: 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.285	New	June 11, 2010; 34 Ill. Reg. 7858
250.290	New	June 11, 2010; 34 Ill. Reg. 7858
250.1090	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1300	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1305	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1830	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.310	Amend	June 18, 2010; 34 Ill. Reg. 8005
250.330	Amend	June 18, 2010; 34 Ill. Reg. 8005
250.130	Amend	October 8, 2010; 34 Ill. Reg.
250.260	Amend	October 8, 2010; 34 Ill. Reg.

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250.1030	Amend	October 8, 2010; 34 Ill. Reg.
250.1230	Amend	October 8, 2010; 34 Ill. Reg.

11) Statement of Statewide Policy Objectives: This rulemaking may create a State mandate under the State Mandates Act [30 ILCS 805].

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: Hospitals

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: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not known when the last two regulatory agendas were drafted.

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: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

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SUBPART D: PERSONNEL SERVICE

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

- Section
- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

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Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels

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250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210 Surgery
250.1220 Surgery Staff
250.1230 Policies & Procedures
250.1240 Surgical Privileges
250.1250 Surgical Emergency Care
250.1260 Operating Room Register and Records
250.1270 Surgical Patients
250.1280 Equipment
250.1290 Safety
250.1300 Operating Room
250.1305 Visitors in Operating Room
250.1310 Cleaning of Operating Room
250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

250.1510 Medical Records
250.1520 Reports

SUBPART M: FOOD SERVICE

Section

250.1610 Dietary Department Administration
250.1620 Facilities
250.1630 Menus and Nutritional Adequacy
250.1640 Diet Orders
250.1650 Frequency of Meals
250.1660 Therapeutic (Modified) Diets

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- 250.1670 Food Preparation and Service
- 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

- 250.1710 Housekeeping
- 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
- 250.1730 Insect and Rodent Control
- 250.1740 Laundry Service
- 250.1750 Soiled Linen
- 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

- 250.1810 Applicability of other Parts of these regulations
- 250.1820 Maternity and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for All Maternity Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1850 Rooming-In Care of Mother and Infant
- 250.1860 Special Programs
- 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

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- 250.1910 Maintenance
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- 250.1950 Grounds and Buildings Shall be Maintained
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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150

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days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See Section 250.2420.)
 - B) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329: (See Section 250.2480.)

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- i) ASHRAE Handbook of Fundamentals (2005);
 - ii) ASHRAE Handbook for HVAC Systems and Equipment (2004);
 - iii) ASHRAE Handbook-HVAC Applications (2003).
- C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) ~~No.~~ 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)
 - ii) ~~No.~~ 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)
 - iii) ~~No.~~ 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)
 - iv) ~~No.~~ 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)
 - v) ~~No.~~ 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - vi) ~~No.~~ 30 (1996): Flammable and Combustible Liquids Code; (See Section 250.1980.)
 - vii) ~~No.~~ 45 (1996): Standard on Fire Protection for Laboratories Using Chemicals;
 - viii) ~~No.~~ 54 (1999): National Fuel Gas Code;
 - ix) ~~No.~~ 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)

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- x) ~~No.~~ 72 (1999): National Fire Alarm Code;
- xi) ~~No.~~ 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)
- xii) ~~No.~~ 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)
- xiii) ~~No.~~ 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
- xiv) ~~No.~~ 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)
- xv) ~~No.~~ 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, 250.1910, 250.1980, 250.2460, 250.2480, 250.2490 and 250.2660.)
- xvi) ~~No.~~ 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
- xvii) ~~No.~~ 110 (1999): Standard for Emergency and Standby Power Systems;
- xviii) ~~No.~~ 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
- xix) ~~No.~~ 221 (1997): Standard for Fire Walls and Fire Barrier Walls;
- xx) ~~No.~~ 241 (1996): Standard for Safeguarding Construction, Alteration and Demolition Operations;
- xxi) ~~No.~~ 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and

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Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)

- xxii) ~~No.~~ 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Sixth Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)
- F) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)
- G) DOD Penetration Test Method MIL STD No. 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)
- H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2003), which may be

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obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 (703-237-8100).

- I) The International Code Council, International Building Code (2000), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)
 - J) American National Standards Institute, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American National Standards Institute, 25 West 433rd Street, 4th Floor, New York, New York 10036. (See Section 250.2420.)
 - K) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610. (See Section 250.315.)
 - L) Joint Commission on Accreditation of Healthcare Organizations, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. (See Section 250.1035.)
 - M) National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13th Street, NW, Suite 500 North, Washington DC 20005, or from www.qualityforum.org.
- 2) Federal Government Publications:
- A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for

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Infection Control in Health Care Personnel, 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)

- B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care Facilities: Recommendations – Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, MS K-95, Atlanta, Georgia 30333.
 - C) Department of Health and Human Services, United States Public Health Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
 - D) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333.
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
 - A) Hospital Licensing Act [210 ILCS 85].

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- B) Illinois Health Facilities Planning Act [20 ILCS 3960].
 - C) Medical Practice Act of 1987 [225 ILCS 60].
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
 - E) Pharmacy Practice Act of 1987 [225 ILCS 85].
 - F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
 - G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].
 - H) X-ray Retention Act [210 ILCS 90].
 - I) Safety Glazing Materials Act [430 ILCS 60].
 - J) Mental Health and Developmental Disabilities Code [405 ILCS 5].
 - K) Nurse Practice Act [225 ILCS 65].
 - L) Health Care Worker Background Check Act [225 ILCS 46].
 - M) MRSA Screening and Reporting Act [210 ILCS 83].
 - N) Hospital Report Card Act [210 ILCS 88].
 - O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].
 - P) Smoke Free Illinois Act [410 ILCS 82].
- 2) State of Illinois rules:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).

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- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).
- G) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693).
- H) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696).
- I) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- J) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940).
- K) Department of Public Health, Private Sewage Disposal Code (7 Ill. Adm. Code 905).
- L)~~K)~~ Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- M)~~L)~~ State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- N)~~M)~~ State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- O)~~N)~~ Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).

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~~P)Q)~~ 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 35 Ill. Reg. _____, effective _____)

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section 250.1910 Maintenance

~~The hospital shall have~~~~There shall be~~ an organized engineering and/or maintenance department under competent supervision. The requirements of NFPA ~~Standard No. 99 (1993)~~, "Health Care Facilities Code," shall apply in addition to the following:

- a) ~~The administrator shall be responsible~~~~Responsibility~~ for maintenance of the physical plant site, equipment and systems ~~and shall be vested in the administrator~~ ~~who~~ may delegate responsibility to the proper employees. Maintenance services shall be under the supervision of a qualified engineer or persons who have had commensurate experience in the maintenance of public or private plants, preferably hospitals.
- b) Personnel engaged in maintenance activities shall receive orientation and follow-up training, including training in principles of asepsis, cross-infection control, and safe practices.
- c) ~~The hospital shall have~~~~There shall be~~ an effective, organized, detailed preventive maintenance program. Written instructions for operating and maintaining equipment and the various mechanical, electrical, and other systems contained in the hospital shall be available to maintenance personnel.
- d) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, regulations, standards and requirements of local jurisdictions, the State Fire Marshal, and the Department of Public Health.
- e) Space and equipment shall be provided for the managerial activities of the supervisor of maintenance for repair work and for storage of maintenance materials. ~~Paints~~~~The storage of paints~~ and oils ~~shall not be stored~~ in patient areas

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~~shall not be permitted.~~

- f) The hospital structure and its component parts and facilities shall be kept in good repair and maintained with consideration for the safety and comfort of the occupants of the building. Mechanical and electrical equipment shall be maintained in good repair and operating condition at all times.
- g) Roads, walks, and parking areas shall be properly maintained. (Refer to Subpart T and Subpart U of this Part.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.1980 Fire and Safety

- a) Buildings and equipment shall be ~~so~~ maintained so as to prevent fire and other hazards to personal safety.
- b) Exits, stairways, doors, and corridors shall be kept free of obstructions.
- c) Flammable and combustible liquids shall be labeled, stored, handled and used in compliance with the requirements of ~~NFPA the National Fire Protection Association (NFPA) Standard No.30,~~ "Flammable and Combustible Liquids Code."
- d) Flammable and non-flammable gases shall be labeled, handled, and used in compliance with the requirements of NFPA ~~Standard No.99 (1993),~~ "Health Care Facilities Code." Separate storage for flammable and oxidizing gases shall be provided.
- e) A master fire plan, developed to suit the needs of the facility, and acceptable to the Department, shall be maintained.
- f) Fire regulations listing the fire stations, procedures, and staff emergency duties by title or position, shall be posted conspicuously on each floor at appropriate locations, and shall be available in each unit, section, and department.
- g) Employees shall be trained in procedures to be followed in the master fire plan.
- h) Fire drills shall be conducted at irregular intervals at least 12 times per year. A

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record shall be kept of the staff performance and results, and indicated corrective measures shall be made.

- i) Portable fire extinguishers, provided in accordance with NFPA ~~Standard No. 10 (1990)~~, "Installation of Portable Fire Extinguishers", shall be inspected at least annually, recharged or repaired as needed, and labeled with the dates of the last inspection.
- j) Sprinkler systems, fire hoses, fire detection and alarm devices, and other equipment for use in the fire safety program shall be connected and maintained in a fully functional condition at all times.
- k) Fire detection and protection systems shall be inspected no less than twice a year by a recognized competent authority. A written report of the inspection shall be kept on file at the hospital for at least three years following the date of inspection.
- l) The hospital shall maintain a procedure for reporting all accidents to patients, employees, or visitors to a designated administrative officer on a standard form adopted for ~~that~~ purpose, ~~all accidents to patients, staff employees, or visitors~~. The report shall include all pertinent information and shall be kept on file for not less than six years after the occurrence reported.
- m) The hospital shall maintain a procedure to investigate fires. A written report of the investigation containing all pertinent information shall be made. The report shall remain on file for not less than six years.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2450 Details

- a) Compartmentation, exits, automatic extinguishing systems, and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of ~~the NFPA 101 National Fire Protection Association Standard 101 (1994)~~, "Life Safety Code."
- b) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce

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the corridor width below the required minimum.

c) Doors

- 1) Doors to patient rooms shall not be lockable from inside the room.
- 2) Special Locking Arrangements: Electronic locking devices may be installed at specific locations to restrict egress or ingress for patient/staff safety or security, provided that each of the following is complied with and after receiving approval from the Department:
 - A) The facility shall~~must~~ submit a narrative to the Department providing a rationale for having a locked door in a required means of egress. The rationale shall~~must~~ relate to security issues.
 - B) The building shall~~must~~ be protected by a sprinkler or fire detection system approved by the Department.
 - C) All locking system components shall~~must~~ be U.L. listed.
 - D) Cross corridor, smoke, or control doors that are located in a required means of egress may only be secured only with electronic locks and automatic release devices. The use of only manual keys or tools only to unlock the door is not permitted.
 - E) Locked doors shall~~must~~ have continuous staff supervision (direct or electronic remote).
 - F) No other type of locking arrangement may be used in a required means of egress.
 - G) All locked doors shall~~must~~ release automatically with actuation of the fire alarm system.
 - H) All doors shall~~must~~ release automatically with loss of electrical power to the locking device.
 - I) All locks shall~~must~~ initiate an irreversible process that will release the lock within 15 seconds whenever a force of not more than 15

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pounds is continuously applied to the release device (lever type handle or panic bar) for a period of not more than ~~three~~ seconds. Relocking of such doors shall be by manual means only. Operation of the release device activates a sign in the vicinity of the door to assure those attempting to exit that the system is functional. Delays of up to 30 seconds may be acceptable based on the program narrative.

- J) Permanent signs ~~shall~~**must** be posted on locked doors that state: "Push until alarm sounds. Door will be opened in 15 seconds." Sign letters ~~shall~~**must** be at least ~~one~~ inch high with 1/8-inch stroke. Signs may be omitted for security reasons based on the Department's review of the hospital's written rationale.
 - K) Emergency lighting ~~shall~~**must** be provided at all locked door locations.
 - L) The local fire department ~~shall~~**must** be fully apprised of locked doors or units and all related details of the system.
 - M) Any discharge exit door may be locked against entry.
 - N) Additional electronic release of locked doors initiated from a staff duty station ~~shall~~**is to** be provided.
 - O) No more than one such device may be installed in any path of travel to exit discharge.
 - P) Hospitals shall have policies and procedures for readily gaining access to a locked bathroom in a patient's room. (Section 11.6 of the Act)
- d) The minimum width of all doors to rooms needing access for beds or stretchers shall be ~~3 feet, 8 inches~~^{3'8"}. Doors to rooms needing access for wheelchairs shall have a minimum width of ~~2 feet, 10 inches~~^{2'10"}.
- e) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to showers, baths, patient toilets, and other small wet-type areas not subject to fire hazard are

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exempt from this requirement. Sliding doors with a break and swing feature are acceptable.

- f) Doors, except those to spaces such as small closets ~~that~~which are not subject to occupancy, shall not swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width. (Large walk-in type closets are considered as occupiable spaces.)
- g) Windows shall be designed so that persons cannot accidentally fall out of them when they are open, or shall be provided with guards.
- h) Glazing
 - 1) Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken. Similar materials shall be used in wall openings or recreation rooms and exercise rooms. Safety glass or plastic glazing materials shall be used for shower doors and bath enclosures. Fire-rated glass shall be used where required for fire safety.
 - 2) Safety glass or plastic glazing materials as noted above shall be used in windows and doors in patient areas of psychiatric facilities, if required by the program. See the Safety Glazing Materials Act for other requirements.
- i) 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 NFPA ~~Standard No. 80, Standard for Fire Doors and Fire Windows. (1990), "Fire Doors and Windows."~~ Reference to a labeled door includes labeled frame and hardware.
- j) Elevator shaft openings shall be ~~Class~~class B 1½-hour-labeled fire doors.
- k) Linen and refuse chutes shall meet or exceed the following requirements:
 - 1) Service openings to chutes shall not be located in corridors or passageways but shall be located in a room of construction having a fire-

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resistance of not less than one hour. Doors to such rooms shall be not less than ~~Class~~ C $\frac{3}{4}$ -hour-labeled doors.

- 2) Service openings to chutes shall have approved self-closing ~~Class~~ B $1\frac{1}{2}$ -hour-labeled fire doors.
- 3) ~~The minimum~~Minimum cross-sectional dimension of gravity chutes shall be not less than ~~2 feet~~2'0".
- 4) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire-resistance rating of not less than two hours, and the doors thereto shall be not less than ~~Class~~ B $1\frac{1}{2}$ -hour-labeled fire doors. External discharge containers need not be enclosed.
- 5) Gravity chutes shall extend through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Openings for fire and smoke ventilation shall have an effective area of not less than that of the chute cross-section and shall be not less than ~~4 feet~~4'0" above the roof and not less than ~~6 feet~~6'0" clear of other vertical surfaces. Fire and smoke ventilating openings may be covered with single strength sheet glass or stronger.
- 6) See NFPA ~~Standard No. 82, Standard on Incinerators and Waste and Linen Handling System and Equipment(1990), "Incinerators and Rubbish Handling,"~~ for other requirements.
- 1) Dumbwaiters, conveyors, and material-handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire-resistance rating of not less than one hour and provided with ~~Class~~ C $\frac{3}{4}$ -hour-labeled fire doors. Service entrance doors to vertical shafts containing dumbwaiters, conveyors, and material-handling systems shall be not less than ~~Class~~ B $1\frac{1}{2}$ -hour-labeled fire doors. Where horizontal conveyors and material-handling systems penetrate fire-rated walls or smoke partitions, such openings ~~shall~~must be provided with ~~Class~~ B $1\frac{1}{2}$ -hour-labeled fire doors for two-hour walls and ~~Class~~ C $\frac{3}{4}$ -hour-labeled fire doors for one-hour walls or partitions.

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- m) Thresholds and expansion joint covers shall be ~~made~~ flush with the floor surface to facilitate use of wheelchairs and carts.
- n) Grab bars shall be provided at all patients' toilets, showers, tubs, and sitz baths. The bars shall have 1½-inch clearance to walls and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds.
- o) Recessed soap dishes shall be provided at showers and bathtubs.
- p) Location and arrangement of ~~hand-washing~~~~handwashing~~ facilities shall permit their proper use and operation. Particular care ~~shall~~~~should~~ be given to the clearances required for blade-type operating handles.
- q) Mirrors shall not be installed at ~~hand-washing~~~~handwashing~~ fixtures in food preparation areas or in sensitive areas such as ~~nurseries, clean and sterile supplies~~~~Nurseries, Clean and Sterile Supplies~~, and scrub sinks.
- r) Paper towel dispensers and waste receptacles (or electric hand dryers) shall be provided at all ~~hand-washing~~~~handwashing~~ facilities except scrub sinks.
- s) Lavatories and ~~hand-washing~~~~handwashing~~ facilities shall be securely anchored to withstand an applied vertical load of not less than 250 pounds on the front of the fixture.
- t) Radiation protection requirements of X-ray and gamma ray installations shall conform with ~~the~~ National Council on Radiation Protection and Measurements (NCRP), Report No. ~~49~~~~34~~: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (~~1976~~) and NCRP Report No. 102~~;~~ Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)(~~1989~~). Provision shall be made for testing the completed installation. ~~All~~ ~~and all~~ defects ~~shall~~~~must~~ be corrected before use.
- u) Ceiling heights shall be as follows:
- 1) Boiler rooms shall have ceiling clearances not less than ~~2 feet, 6 inches~~~~2'6"~~ above the main boiler header and connecting piping.
 - 2) Radiographic, ~~operating, and delivery rooms~~~~Operating and Delivery~~

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~~Rooms~~, and other rooms containing ceiling-mounted equipment or ceiling-mounted surgical light fixtures, shall have height required to accommodate the equipment or fixtures.

- 3) All other rooms shall have not less than ~~8-foot~~^{8'0"} ceilings, except that ceilings in corridors, storage rooms, toilet rooms, and other minor rooms shall be not less than ~~7 feet, 8 inches~~^{7'8"}. Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than ~~6 feet, 8 inches~~^{6'8"} above the floor.
- v) Recreation ~~rooms, exercise rooms~~^{Rooms, Exercise Rooms}, and similar spaces where impact noises may be generated shall not be located directly over patient bed areas, or delivery or operating suites, unless special provisions are made to minimize such noise.
- w) Rooms containing heat-producing equipment (such as ~~boiler or heater rooms and laundries~~^{Boiler or Heater Rooms and Laundries}) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10°F. (6°C) above the ambient room temperature.
- x) Noise reduction criteria shown in ~~Table B~~^{the following table} shall apply to partition, floor, and ceiling construction in patient areas. (See ~~Section 250~~. Table B for sound transmission limitations in general hospitals.) (~~Table B is not~~^{Not} applicable to existing hospitals.)
- y) Elevators. All hospitals having patients' facilities (such as ~~bedrooms, dining rooms, or recreation areas~~^{Bedrooms, Dining Rooms, or Recreation Areas}) or critical services (such as ~~operating, delivery, diagnostic, or therapy~~^{Operating, Delivery, Diagnostic, or Therapy}) located on other than the main entrance floor shall have electric or electrohydraulic elevators.
 - 1) Number of Elevators
 - A) At least one hospital-type elevator shall be installed where 1 to 59 patient beds are located on any floor other than the main entrance floor.
 - B) At least two hospital-type elevators shall be installed where 60 to 200 patient beds are located on floors other than the main entrance

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floor, or where the ~~major~~ inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for ~~other those~~ floors ~~which provide only partial inpatient services~~.)

- C) At least three hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors which provide only partial inpatient services.)
- D) For hospitals with more than 350 beds, the number of elevators shall be determined from a study of the hospital plan and the estimated vertical transportation requirements.

- 2) Cars and Platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least 5 feet, 8 inches by 7 feet, 6 inches~~5'8" x 7'6"~~. The car door shall have a clear opening of not less than 3 feet, 8 inches~~3'8"~~.
- 3) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of +1/2 inch.
- 4) Operation. Elevators, except freight elevators, shall be equipped with a two-way special service key-operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.
- 5) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped.
- 6) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke.
- 7) Inspections and tests shall be made and written certification shall be furnished that the installation meets the requirements set forth in this Section and all applicable NFPA and local~~safety regulations and~~ codes.

- z) Provisions for Natural Disasters

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- 1) General Requirements. An emergency radio communication system is desirable in each facility. If installed, this system shall be self-sufficient in a time of emergency and shall also be linked with the available community system and state emergency medical network system, including connections with police, fire, and civil defense systems~~system~~.
- 2) Earthquakes. In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the International Building Code~~BOCA National Building Code~~. Seismic zones are identified on the map ~~on~~-shown in Section 250~~250~~-Illustration A.
- 3) Tornadoes and Floods. Special provisions shall be made in the design of buildings in regions where local experience shows loss of life or damage to buildings resulting from tornadoes or floods.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2460 Finishes

- a) Cubicle and window curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of NFPA~~National Fire Protection Association Standard No. 701~~, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films~~"Fire Tests for Flame-Resistant Textiles and Films."~~
- b) Flame spread and smoke developed ratings of finishes shall be in accordance with NFPA Standard No. 101, "Life Safety Code."
- c) Floors in areas and rooms in which flammable anesthetic agents are stored or administered to patients shall comply with NFPA Standard No. 99, Standard for Health Care Facilities~~"Health Care Facilities Code."~~ Conductive flooring may be omitted from emergency treatment, operating, and delivery rooms provided that a written resolution is signed by the hospital governing board stating that no flammable anesthetic agents will be used in these areas, and provided that appropriate notices are permanently and conspicuously affixed to the wall in each such area and room.

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- d) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in areas used for food preparation or food assembly shall be ~~water resistant~~~~waterresistant~~ and greaseproof. Joints in tile and similar material in such areas shall be resistant to food acids. Floors in toilets, baths, janitor's closets, and similar areas shall be water resistant. In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.
- e) Wall bases in kitchens, operating and delivery rooms, soiled work rooms, and other areas that are frequently subject to wet cleaning methods shall be made integral and coved with the floor, tightly sealed to the wall, and constructed without surface voids that can harbor vermin.
- f) All wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant. Walls in surgery, delivery, kitchens and in other spaces subject to frequent cleaning shall have finishes that are smooth, sanitary, washable, and capable of withstanding treatment with harsh chemicals. The finishes shall be capable of being thoroughly cleaned, including concealed spaces~~be of suitable materials.~~
- g) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of vermin, smoke, and fire. Joints of structural elements shall be similarly sealed.
- h) Ceilings shall be cleanable and shall meet the following criteria:
- 1) Unrestricted general access~~Those finishes in unrestricted~~ areas such as patient rooms, corridors, offices~~office~~, and waiting areas are general access areas ~~and~~ may have non-restricted acoustical ceilings installed.
 - 2) Ceilings~~Those finishes~~ in wet areas subject to frequent cleaning such as shower rooms, ~~and~~ toilet rooms, and dietary units shall have finishes that are smooth, sanitary, washable, and capable of withstanding treatment with harsh chemicals. The finishes shall~~must~~ be capable of being thoroughly cleaned, including any concealed spaces that may be present.
 - 3) Food preparation areas subject to frequent cleaning shall have ceiling finishes that are smooth, sanitary, washable, and capable of withstanding

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treatment with harsh chemicals.

- 4) ~~Ceiling~~~~Ceilings~~ finishes in areas such as clean corridors, central sterile supply spaces, specialized radiographic rooms, and minor surgical procedure rooms ~~shall~~~~must~~ be smooth, scrubbable, non-absorptive, non-perforated, capable of withstanding cleaning with harsh chemicals, and without crevices that can harbor mold and bacterial growth. If a lay-in ceiling is provided, it shall be designed to prevent the passage of particles from the cavity above the ceiling plane into the semi-restricted environment. Perforated, tegular, serrated, cut, or highly textured tiles are not acceptable.
 - 5) Ceiling finishes in areas such as operating rooms and other rooms where open wounds are present shall be monolithic, scrubbable, and capable of withstanding harsh chemicals. Cracks or perforations in these ceilings are not allowed.
- i) The following areas shall have acoustical ceilings:
- 1) Corridors in patient areas;
 - 2) Nurses' stations;
 - 3) Labor rooms;
 - 4) Day rooms;
 - 5) Recreation rooms;
 - 6) Dining areas; and
 - 7) Waiting areas.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2470 Structural

- a) In addition to compliance with ~~the standards set forth in~~ this Subpart, all applicable local or State building codes and regulations ~~shall~~~~must~~ be observed.

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- b) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.
- c) Special provision shall be made for machines or apparatus loads that would cause a greater load than the specified minimum live load.
- d) Consideration shall be given to structural members and connections of structures that may be subject to earthquakes or tornadoes. (See Section 250.2450(z).) Floor areas where partition locations are subject to change shall be designed to support, for the partition, a uniformly distributed load of 25 p.s.f.
- e) Construction. Construction shall be in accordance with the requirements of NFPA National Fire Protection Association Standard No. 101, (2000): "Life Safety Code," and the minimum requirements contained in this subsection (e).
- 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Test borings shall be taken to establish proper soil-bearing values for the soil at the building site.
 - 2) Assumed live loads shall be in accordance with the BOCA-International Building Code.
 - 3) All hospitals of any height shall be of Type I or Type II construction as established by NFPA 101, Life Safety Code, (2000) and NFPA 220, Standard on Types of Building Construction(1999).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2480 Mechanical

- a) General

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- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of the plans and specifications.
 - 2) Upon completion of the contract, the owner shall obtain a complete set of manufacturer's~~manufacturers~~ installation, operating, maintenance, and preventive maintenance instructions, and a parts list with numbers and a description for each piece of equipment. The owner shall also obtain instruction in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following that~~which~~ are located within the building:
 - A) Boilers, smoke breeching, and stacks.
 - B) Steam supply and condensate return piping.
 - C) Hot water piping above 120° F and all hot water heaters, generators, and converters. Exposed hot water supplies to fixtures need not be insulated except where exposed to contact by the physically handicapped.
 - D) Chilled water, refrigerant, other process piping, and equipment operating with fluid temperatures below ambient dew point.
 - E) Water supply, storm, and drainage piping on which condensation may occur.
 - F) Air ducts and casings with outside surface temperature below ambient dew point.
 - G) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 2) Insulation on cold surfaces shall include an exterior vapor barrier.

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- 3) Insulation, including finishes and adhesives on exterior surfaces of ducts and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less as determined by an independent testing laboratory in accordance with NFPA ~~Standard No. 255 (1990)~~, "Standard Method of Test of Surface Burning Characteristics of Building Materials. Material."
 - A) Pipe insulation shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less.
 - B) All construction exposed to air flow in air distribution plenums shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less.
 - 4) No duct linings shall be permitted downstream of the 90% filters serving areas requiring 90% filtration.
- c) Steam and Hot Water Systems
- 1) Boilers shall have the capacity to supply the normal requirements of all systems and equipment. The number and arrangement of boilers shall be such that when one boiler breaks down or is temporarily taken out of service, the capacity of the remaining ~~boilers~~boiler(s) shall be sufficient to provide hot water service for clinical, dietary, and patient use; steam for sterilization and dietary purposes; heating for surgery, delivery, labor, recovery, intensive care, nursery, and general patient rooms.
 - 2) Boiler feed pumps, heating circulating pumps, condensate return pumps and fuel oil pumps shall be connected and installed to provide normal and standby service.
 - 3) Supply and return mains and risers of cooling, heating, and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at supply and return ends.
 - 4) Humidifiers used in conjunction with air handling systems shall be of the direct steam injection type.
- d) Air Conditioning, Heating and Ventilating Systems

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- 1) ~~This Part is intended~~~~It is the intent of these regulations~~ to provide a comfortable, clean, controlled environment for the hospital by employing the most economical and energy efficient systems consistent with these minimum requirements.
 - A) The minimum requirements as set forth in ~~this Part~~~~these regulations~~ in no way relieve the designer from providing system capacities and components as required to maintain control of air quality, odor, ventilation rates, space temperatures, and space humidity as set forth in ~~this Part~~~~these regulations~~.
 - B) The design of air conditioning, heating and ventilation systems shall be based on no less than the recommended outdoor design conditions listed in the ASHRAE Handbook of Fundamentals ~~(1981)~~ for 99% occurrence (~~winter~~~~Winter~~) and 1% occurrence (~~summer~~~~Summer~~).
- 2) Ventilation Systems
 - A) Air handling systems shall conform to NFPA ~~Standard No. 90A,~~ ~~Standard for (1989),~~ "Installation of Air Conditioning and Ventilating Systems."
 - B) Fire dampers, smoke dampers, and smoke control systems shall be constructed, located, and installed in accordance with the requirements of NFPA ~~Standard No. 90A,~~ ~~Standard for (1989),~~ "Installation of Air Conditioning and Ventilating Systems."
 - C) Ducts ~~that~~~~which~~ penetrate construction intended for x-ray or other ray protection shall ~~be protected to~~ preserve the effectiveness of the protection.
 - D) Outdoor air intakes shall be located at least 15 feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical/surgical vacuum systems, ~~or~~ plumbing vents, or from areas ~~that~~~~which~~ may collect vehicular exhaust or other noxious fumes unless other provisions are made to minimize recirculation of exhaust into outdoor air intakes. Plumbing and vacuum vents

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that terminate above the level of the top of the air intake ~~shall~~may be located ~~no closer than 10~~as close as ten feet. The bottom of outdoor air intakes serving central systems shall be located as high as practical but at least ~~6~~six feet above ground level, or if installed above the roof, ~~3~~three feet above the roof level.

- E) Exhaust outlets from areas that may be contaminated by dangerous or noxious dust, fumes, mists, gases, odors, infectious material, or other contaminants harmful to people shall be above the roof level. The discharge to the atmosphere shall be located as far as possible but not less than 25 feet from any operable window, door, and/or outdoor intake for a fan ~~that~~which discharges air to an occupied space.
- F) The ventilation systems shall be designed and balanced to provide the ventilation and pressure relationships ~~hereinafter~~specified ~~in this Section~~.
- G) If the ventilation rates required (as ~~hereinafter~~specified ~~in this Section~~) do not provide sufficient make-up air for use by hoods, safety cabinets, and exhaust fans, the additional make-up air shall be provided to maintain required pressure balance.
- H) An all-~~outdoor~~ air system may be used where required by local codes, provided that some form of air-~~to~~-air or air-~~to~~-water heat recovery system will be included to reclaim the energy otherwise discharged with the air exhausted to the outside.
- I) To provide maximum energy conservation, air supplied to patient care areas not required as make-up air for 100% exhaust systems shall be recirculated. Any air within the hospital ~~that~~which is circulated between patient rooms, or patient rooms and other areas of the hospital, shall pass through filters having an efficiency of 90% (see subsection (d)(3) on filters ~~below~~).
- J) To provide maximum energy conservation, air supplied to housekeeping, administration and other nonsensitive areas not required as make-up air for 100% exhaust systems shall be recirculated. These areas require filters having a minimum

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efficiency of 30% on the inlet side of the ~~air handling unit~~Air Handling Unit.

- K) When a central system serves areas with different filtration requirements, the most stringent filtration requirement ~~shall~~will be provided for the complete system.
- L) All outside air supplied to patient care areas shall pass through 90% filters (see subsection (d)(3) on filters ~~below~~).
- M) Minimum air circulation requirements indicated in this Section hereinafter are applicable to occupied spaces. During unoccupied periods, minimum air circulation may be provided as required to maintain space design temperature conditions.
- N) Where fan coil or terminal room unit systems are provided in areas to be occupied by patients, ~~through the wall~~ outside air ventilation is not acceptable. A separate central ventilation system, with final filters having a minimum efficiency of 90%, shall supply the required outdoor air ventilation.

3) Filters

- A) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the area requirements.
- B) Where two filter beds are required, filter bed No. 1 shall be located upstream of the conditioning equipment and filter bed No. 2 shall be located downstream of the supply fan and conditioning equipment.
- C) Where only one filter bed is required, it shall be located upstream of the air conditioning equipment.
- D) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Handbook of Fundamentals ~~(1981)~~.

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- E) 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.
- F) A local indicating device shall be installed across each filter bed serving central air systems to measure the static pressure drop across the bed.

e) Area Requirements: ~~These requirements are listed in outline format.~~

1) Administration, Public Area, Medical Records, and Housekeeping Offices.

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) Units ~~that~~~~which~~ recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

B) Space Design Conditions:

- i) Temperature, dry bulb 75°
- ii) Relative Humidity, winter, minimum 30%
- iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

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Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

E) Recirculation of air within room permitted yes

2) Laboratories

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

ii) Units thatwhich recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb 75°

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is negative

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E) Recirculation of air within room permitted except in areas, as listed below, where all air must be exhausted directly to the outdoors..... yes

F) Air from the following areas shall be exhausted directly to the outdoors:

i) All fume hoods

ii) Histology

iii) Bacteriology

iv) Glass-washing areas-Washing Areas

G) All air exhausted from fume hoods shall be made up with outside air.

H) Laboratory hoods shall meet the following general requirements:

i) Havehave an average face velocity of not less than 75 feet per minute;-

ii) Bebe connected to an exhaust system thatwhich is separate from the building exhaust system;-

iii) Havehave an exhaust duct system of noncombustible, corrosion-resistant material consistent with the usage of the hood; and-

iv) Havehave the exhaust fan located at the discharge end of the duct system unless provided with welded stainless steel duct from fan outlet to termination.

I) Laboratory hoods shall meet the following special requirements:

i) Each hood thatwhich processes infectious or radioactive materials shall have a minimum face velocity of 100 feet per minute, shall be connected to an independent exhaust

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system, shall be provided with filters with 99.97 percent efficiency (based on the ~~DODDOP~~, dioctylphthalate, test method as described in ~~DODDOP~~ Penetration Test Method MIL STD No. 282-~~(1976)~~: Filtered Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.

- ii) Duct systems serving hoods in which radioactive and/or strong oxidizing agents such as prechloric or nitric acid are used shall be constructed of stainless steel and shall be equipped with wash-down facilities.

3) Morgue and Autopsy Suite

A) Filters:

- ii) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of..... 90%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75°
ii) Relative Humidity, winter, minimum 30%
iii) Relative Humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

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Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is negative

E) Recirculation of air within room permitted no

F) Air from the following areas shall be exhausted directly to the outdoors:

i) Autopsy

ii) Non-refrigerated body holding rooms

4) Radiology Suite; X-Ray Diagnostic, Fluoroscopy, and Special Procedures

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of.....30% and final filters having a minimum efficiency of..... 90%

ii) Units ~~that~~which recirculate air within a room shall be provided with filters having a minimum efficiency of30%

iii) The exhaust from isotope storage shall be provided with filters with 99.97% efficiency (based on the ~~DODDOP~~, dioctylphthalate, test method as described in ~~DODDOP~~ Penetration Test Method MIL STD No. 282-~~(1976)~~): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods).

B) Space Design Conditions:

i) Temperature, dry bulb 75°

ii) Relative Humidity, winter, minimum 30%

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iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

E) Recirculation of air within room permitted yes

F) Air from the following areas shall be exhausted directly to the outdoors:

Nuclear medicine and isotope storage.

5) Pharmacy Suite

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb 75°

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ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

E) Recirculation of air within room permitted yes

6) Physical Therapy Suite and Hydrotherapy

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of 30%

ii) and final filters having a minimum efficiency of 90%

ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb 75°

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

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C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... negative

E) Recirculation of air within room permitted yes

7) Occupational Therapy Suite

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
~~ii)~~ and final filters having a minimum efficiency of..... 90%

~~ii)~~
~~iii)~~ Units ~~that~~~~which~~ recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

- i) Temperature, dry bulb 75°
- ii) Relative Humidity, winter, minimum 30%
- iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.

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ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization: Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

E) Recirculation of air within room permitted yes

8) Nursing Units (including units such as medical, surgical, intensive care, pediatric, psychiatric, obstetric)

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of..... 90%

ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

B) Space Design Conditions:

i) Temperature, dry bulb 75°

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

C) Air Circulation (Patient Rooms):

i) Total air supplied, cfm per bed 15

ii) Outdoor air supplied, cfm per bed 10

D) Air Circulation:

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- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

E) Space Pressurization:
 Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, isneutral

F) Recirculation of air within room permitted yes

G) Isolation Rooms: These rooms may be used two ways: to protect the patient from the hospital environment or to protect the hospital environment from the patient. Isolation rooms shall have the same conditions as other patient rooms, except ~~that~~the air flow shall be capable of being either into the room or out of the room. When the hospital is being protected (communicable disease), all air shall be exhausted directly to the outdoors.

9) Newborn Care Unit

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ~~ii)~~ and final filters having a minimum efficiency of..... 90%

~~ii)iii)~~ Units ~~that~~which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

- i) Temperature, dry bulb 75°
- ii) Relative Humidity, winter, minimum 30%

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iii) Relative Humidity, summer, maximum 60%

C) Air Circulation (Patient Rooms):

i) Total air supplied, cfm per bed 15

ii) Outdoor air supplied, cfm per bed..... 10

D) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

E) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

F) Recirculation of air within room permitted yes

10) Surgical Suite-Operating Rooms

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%

ii) and final filters having a minimum efficiency of..... 90%

ii) Units ~~that~~which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb (~~adjusted~~ range) 70°F-76°F

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- ii) Relative Humidity, winter, minimum 40%
 - iii) Relative Humidity, summer, maximum 60%
 - C) Air Circulation:
 - i) Total air supplied, air changes per hour 15
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Space Pressurization:
Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is positive
 - E) Recirculation of air within room permitted yes
 - F) Minimum requirements for all other spaces within the surgical suite shall be the same as required for Nursing Units.
 - G) The minimum circulation rate for operating rooms shall be based on the lowest 9 feet of room height. Air quantity shall be increased as required to meet greater loads and still maintain the desired space conditions.
 - H) All operating rooms shall have scavenger systems for removing spent anesthetic gases as per NFPA ~~Standard No. 99, Standard for Health Care Facilities.(1993), "Health Care Facilities Code."~~
 - I) Operating rooms' air supply shall be from ceiling outlets near the center of the work area to effectively control air movement. Return air shall be not less than 3 inches nor more than 12 inches from the floor. Each operating room shall have at least two return air inlets located as remotely from each other as practical.
- 11) Obstetrics Suite

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A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ~~ii)~~ ~~iii)~~ Units ~~that~~~~which~~ recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

- i) Temperature, dry bulb (~~adjusted~~~~adj.~~ range) 70°F-76°F
- ii) Relative Humidity, winter, minimum 30%
- iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- iii) Space Pressurization:
- iv) Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

D) Recirculation of air within room permitted yes

E) Delivery rooms' air supply shall be from ceiling outlets near the center of the work area to effectively control air movement. Return air shall be not less than 3 inches nor more than 12 inches from the floor. Each delivery room shall have at least two return air inlets located as remotely from each other as practical.

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F) Where anesthetic gases are used, scavenger ~~systemssystem~~ for removing spent anesthetic gases as per NFPA ~~Standard No. 99, Standard for Health Care Facilities, (1993), "Health Care Facilities Code,"~~ shall be provided.

G) ~~Delivery rooms where~~Where caesarean section is performed ~~shall meet the heating, ventilation, and air conditioning, the delivery room~~ (HVAC) requirements ~~for shall be as per~~ operating rooms.

12) Emergency Suite

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%

~~ii)~~ and final filters having a minimum efficiency of..... 90%

~~ii)iii)~~ Units ~~thatwhich~~ recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

B) Space Design Conditions:

i) Temperature, dry bulb 75°F

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

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Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

E) Recirculation of air within room permitted yes

13) Outpatient Suite

A) Filters:

i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

ii) Units that which recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

B) Space Design Conditions:

i) Temperature, dry bulb 75°F

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is neutral

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- E) Recirculation of air within room permitted yes

- 14) Food Preparation Area
 - A) Filters:
 - ⌘ Central ventilation systems shall be provided with prefilters having a minimum efficiency of 30%
 - ⌘ and final filters having a minimum efficiency of 90%

 - B) Space Design Conditions:
 - Temperature, dry bulb 75°F

 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.

 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

 - D) Space Pressurization:
 - Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is negative

 - E) Recirculation of air within room permitted no

 - F) Dining areas adjacent to the food preparation area ~~Minimum requirements for adjacent dining areas shall meet~~ be the requirements same as required for Public Areas.

 - G) If direct make-up hoods (short cycle) are used, all outside air to the hood shall be filtered by 30% minimum efficiency filters and shall not cause cold cooking surfaces, condensation problems, or grease build-up due to cold temperature.

 - H) Kitchen air exhausted from the space through hoods shall ~~must~~ be made up with outside air. Air shall flow into the kitchen to prevent

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cooking odors from migrating throughout the hospital.

Recirculation of air is permissible; if a central system is used ~~that~~ ~~and~~ serves only the kitchen, cafeteria, and ware-washing area.

- I) ~~A~~ ~~When there is a~~ dishwasher ~~being used,~~ it shall have a separate exhaust that is interlocked with the dishwasher to operate only when the dishwasher operates.
- J) Air supply quantity must equal or exceed air exhaust quantity or meet the loads encountered, whichever is greater.
- K) During the unoccupied cycle, kitchen temperature shall be maintained at 75°F plus or minus 10°F.
- L) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall ~~comply~~ ~~be~~ ~~in conformance~~ with NFPA ~~Standard No. 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, (1991), "Vapor Removal Cooking Equipment."~~ That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by U.L. listed grease extractors.
- i) Other exhaust hoods in food preparation centers shall have an exhaust rate of not less than 50 ~~cubic feet per minute~~ ~~CFM~~ per square foot of face area. The face area is the open area from exposed perimeter of hood to the open perimeter of the cooking surface.
- ii) Clean-out openings shall be provided at each change in direction and in horizontal sections no more than 20 feet apart in the duct system serving kitchen and food preparation areas.

15) Central Sterile Supply

A) Filters:

- ⊕ Central ventilation systems shall be provided with 30%

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prefilters having a minimum efficiency of.....

ii) and final filters having a minimum efficiency of..... 90%

B) Space Design Conditions:

i) Temperature, dry bulb (~~adjusted~~ range)..... 75°F

ii) Relative Humidity, winter, minimum 30%

iii) Relative Humidity, summer, maximum..... 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Air flow shall be from the clean area toward ~~the~~ soiled or decontamination area.

E) Sterilization Room:

i) Where only steam autoclaves are installed, the air exhausted from the sterilizer area for heat control may be recirculated through a central system ~~that~~ which is provided with filters having a minimum efficiency of 90%.

ii) Where ~~ethylene~~ ethylene oxide sterilizers are used, all air contaminated with ethylene oxide above 1 ~~part per million PPM shall~~ must be exhausted directly outdoors. No air shall be recirculated that has more than 1 ~~part per million PPM~~ of ethylene oxide present.

16) Linen Services; Laundry

A) Filters:

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- Ⓜ) Central ventilation systems shall be provided with prefilters having a minimum efficiency of 30%
- Ⓜ) and final filters having a minimum efficiency of..... 80%

B) Space Design Conditions:
 Temperature, dry bulb (winter)..... 75°F

C) All air from the soiled storage and sorting area shall be exhausted directly to outdoors.

D) Air flow shall be from the clean area to the soiled area. Air from the clean area may be used to make up air exhausted from the soiled area.

E) Air from the clean area may be recirculated within the laundry complex, but shall pass through a lint screen or trap before returning to the air handling unit.

F) The entire laundry ventilation system shall be controlled so that air flow is into the laundry from the ~~hospital~~hospitals.

G) Circulation and ventilation rates may be variable, but sufficient outside air ~~shall~~must be supplied to make up for exhaust. Minimum circulation of unconditioned air at summer design conditions shall be 2 ~~cubic feet per minute~~cfm per ~~square foot~~ft² or 12 air changes per hour, whichever is larger.

17) Miscellaneous Supporting Areas

A) Space temperatures shall be maintained for occupant comfort.

B) Ventilation ~~system~~system shall be designed and balanced so that air flows into these spaces from adjacent areas.

C) Anesthesia Storage Rooms:

i) All air shall be exhausted directly to the outdoors.

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- ii) Minimum exhaust ventilation rates shall be six air changes per hour.
 - iii) The ventilation system shall conform to the requirements of NFPA ~~Standard No. 99, Standard for Health Care Facilities (1993), "Health Care Facilities Code,"~~ including the option to provide a gravity (non-mechanical) ventilation system.
 - iv) Supply air ~~makeup~~ ~~make-up~~ for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- D) Soiled Holding and Work Rooms:
- i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rates shall be 10 air changes per hour.
 - iii) Supply air ~~makeup~~ ~~make-up~~ for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- E) Toilet Rooms and Bathrooms:
- i) Exhaust air may be recirculated through a central ventilation system that is provided with final filters having a minimum efficiency of 90%. Otherwise, all air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rate shall be 1.5 ~~cubic feet per minute~~ ~~cfm~~ per square foot of floor area, but no less than 50 ~~cubic feet per minute~~ ~~cfm~~.
 - iii) Supply air ~~makeup~~ ~~make-up~~ for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- F) Janitor Closets, Linen, and Trash Chute Rooms:

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- i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rate shall be 1.5 cubic feet per minute per square foot of floor area, but no less than 50 cubic feet per minute.
 - iii) Supply air ~~makeup~~ for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- G) 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 (97°F and 50% relative humidity or its equivalent) as defined by ASHRAE Handbook of Fundamentals ~~(1981)~~.
- H) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, sterilizer rooms, or mechanical equipment rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100°F.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2490 Plumbing and Other Piping Systems

- a) General
All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois ~~State~~ Plumbing Code, except that the number of waterclosets, urinals, lavatories, bathtubs, showers, drinking fountains, and other fixtures shall be as required by this Part and the hospital programs.
- b) Plumbing Fixtures
 - 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials.
 - 2) The water supply spout for lavatories and sinks required for filling pitchers ~~and~~ for medical and nursing staff and food handlers' hand-

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~~washing-handwashing~~, shall be mounted so that its discharge point ~~has~~ a minimum perpendicular distance of 5 inches above the rim of the fixture.

- 3) ~~Hand-washing~~Handwashing lavatories used by medical and nursing staff and food handlers shall be trimmed with valves ~~that~~which can be operated without the use of hands where specifically required in ~~this Part~~previous sections.

A) When blade handles are used, ~~for this purpose~~the blade handles shall not exceed 4½ inches in length, except ~~that~~the handles on clinical sinks shall not be less than 6 inches in length.

B) The ~~hand-washing~~handwashing and/or scrub sinks, for ~~operating, emergency treatment, nursery, and delivery~~Operating, Emergency Treatment, Nursery, and Delivery rooms shall be trimmed with valves ~~that~~which are ~~aseptically~~aseptically operated (i.e., knee or foot controls) without the use of hands. Wrist blades are not acceptable.

4) Clinical rim flush sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

5) Shower bases and tubs shall be provided with nonslip surfaces.

c) Water Supply Systems

1) Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

4) Bedpan-flushing devices shall be provided on each patient toilet unless a clinical service sink is centrally located in each nursing unit. This requirement does not apply to psychiatric units.

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- 5) Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower, bathing, and hand-washing~~handwashing~~ facilities shall not exceed 110° F (43° C). If the program requires, in psychiatric units, plumbing fixtures that~~which~~ require hot water and are accessible to patients shall be supplied with hot water not to exceed 100° F (38° C).

d) Hot Water Heaters and Tanks

- 1) The hot water heating equipment shall have sufficient capacity to supply water at the temperatures and quantities in the following areas:

	Clinical	Dietary	Laundry
gallons/hour/bed	6½	4	4½
liters/second/bed	.007	.004	.005
temperature °F	100	180	180
temperature °C	43	82	82

Water temperatures are to be taken at the hot water point of use or at the inlet to the processing equipment.

- 2) Storage tanks shall be fabricated of corrosion-resistant metal or lined with non-corrosive material.

e) Drainage Systems

- 1) Drain lines from sinks in which acid wastes may be poured shall be constructed ~~of~~~~fabricated from~~ acid-resistant material.
- 2) Insofar as possible, drain piping shall not be installed over operating and delivery rooms; nurseries; food preparation, serving, and storage areas; and similar critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from such overhead piping systems.
- 3) Floor drains shall not be installed in operating rooms. Flushing rim type drains may be installed in cytoscopic operating rooms~~Cystoscopic Operating Rooms~~.

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- 4) Building sewers shall discharge into a public sewersewerage system.
- 5) ~~When~~Where a public sewersewerage system is not available, plans for any private sewage disposal system shall be submitted to the Environmental Protection Agency ~~of Illinois~~ for review for approval before hospital construction is started.
- f) Nonflammable medical gas systems shall be installed in accordance with NFPA ~~Standard No. 99, Standard for Health Care Facilities, (1993), "Health Care Facilities Code."~~
- g) Clinical vacuum (suction) systems shall be installed in accordance with NFPA 99, Standard for Health Care Facilities, Compressed Gas Association Pamphlet P-2.1 (1970), "Standard for Medical-Surgical Vacuum Systems in Hospitals."
- h) Medical compressed air systems shall be installed in accordance with NFPA 99, Standard for Health Care Facilities, Compressed Gas Association Pamphlet P-2.1.
- i) Oxygen, vacuum, and medical compressed air shall be piped to the locations indicated in ~~Section 250.~~ Table E with the required station outlets.
- j) Service outlets for central housekeeping vacuum systems, if used, shall not be located within operating rooms.
- k) Fire Extinguishing Systems
 - 1) All fire extinguishing systems shall be designed, installed, and maintained in accordance with NFPA ~~Standard No. 101, (1994), "Life Safety Code,"~~ NFPA Standard No. 13, Standards for the Installation of Sprinkler Systems, (1994), "Sprinkler Systems," and NFPA ~~Standard No. 2513A, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, (1987), "Sprinkler System Maintenance."~~
 - 2) Class III, Type 1 inside standpipe ~~systemssystem~~ shall be provided in all buildings more than four stories or 55 feet in height. Such standpipe systems shall ~~comply with~~ conform to the requirements of NFPA ~~Standard No. 14, Standard for the Installation of Standpipe, Private Hydrants and Hose Systems, (1980), "Standpipe and Hose Systems."~~

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2500 Electrical Requirements

a) General

- 1) All materials, including equipment, conductors, controls, and signaling devices, shall be installed in compliance with applicable sections of the NFPA ~~Standard No. 70 (1993)~~, "National Electric Code," including Article 517, and as necessary to provide a complete electrical system.
- 2) All electrical installations, including alarm, nurses' call, and communication systems, shall be tested to demonstrate that the equipment installation and operation ~~conforms~~ conforms to these requirements.

b) Switchboards and Power Panels

These items shall comply with NFPA ~~Standard No. 70 (1993)~~, "National Electrical Code." The main switchboard shall be located in an area separate from plumbing and mechanical equipment and be accessible only to authorized persons.

- c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to the life safety system.

d) Lighting

- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and through exits from buildings, and parking lots shall have lighting.
- 2) Patients' rooms shall be equipped with general lighting and night lighting. A reading light shall be provided for each patient. At least one light fixture for night lighting shall be switched at the entrance to each patient room. All switches for control of lighting in patient areas shall be of the quiet operating type.
- 3) Operating and delivery rooms shall have general lighting in addition to local lighting provided by special lighting units at the surgical and

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obstetrical tables. The general lighting shall provide a minimum of 100 footcandles at the procedure tables. Each fixed special lighting unit at the tables shall be connected to an independent circuit.

- e) Receptacles (Convenience Outlets)
- 1) Each ~~operating and delivery room~~Operating and Delivery Room shall have at least two receptacles installed on each wall or eight receptacles in diversified locations per room.
 - 2) Each patient room shall have duplex grounding type receptacles as specified in Article 517-83 and Article 517-84 of the National Electrical Code. The mounting height of these receptacles shall be 22 to 42 inches above the finished floor.
 - 3) Duplex receptacles for general use shall be installed approximately 50 feet~~50'0"~~ apart in all corridors and within 25 feet~~25'0"~~ of the ends of corridors. These receptacles shall be circuited to the emergency system. Single polarized receptacles marked for use of X-ray only shall be located in corridors of patient areas so that mobile equipment may be used in any location within a patient room without exceeding a cord length of 50 feet~~50'0"~~ attached to the equipment. If the same mobile X-ray unit is used in operating rooms and in nursing areas, all receptacles for X-ray use shall be of a configuration that one plug will fit the receptacles in all locations. Where capacitive discharge or battery-powered X-ray units are used, these polarized receptacles are not required.
- f) At least two ~~X-ray~~x-ray film illuminators shall be installed in each operating, delivery, and recovery room, emergency treatment areas~~Operating, Delivery and Recovery Room, Emergency Treatment Area(s)~~, and in the X-ray Viewing Room of the radiology department~~Radiology Department~~. More than two units shall be installed as needed.
- g) Nurses' Calling System
- 1) Each patient room shall be served by at least one calling station and each bed shall be provided with a call button. Two call buttons serving adjacent beds may be served by one calling station. Calls shall register with nursing staff and shall actuate a visible signal in the corridor at the

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patients' door. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, indicating lights shall be provided at each station. Nurses' ~~calling systems that~~ Calling Systems which provide two-way voice communications shall be equipped with an indicating light at each calling station, which will remain lighted as long as the voice circuit is operating.

- 2) Nurse call duty stations shall be installed in the clean work room, soiled work room, medicine preparation room, nourishment station, and nurses' lounge of the unit.
- 3) A nurses' call emergency station ~~Nurses' Call Emergency Station~~ shall be provided for patients' use at each patient's toilet, bath, sitz bath, and shower. These stations are to be the pull-cord type with the cord reaching within 6 inches of the floor. The cords ~~shall~~ are to be located within reach of a patient.
- 4) In areas such as intensive care, cardiac care, recovery and similar patient care areas where patients are under constant surveillance, the nurses' calling system ~~Nurses' Calling System~~ may be limited to a bedside station that will actuate a signal that can be readily seen by the other nurses.
- 5) A communications system ~~that~~ which may be used by nurses to summon assistance shall be provided in each operating, delivery, special procedure, birthing, recovery, emergency treatment, and critical care room; in nurseries; and in nursing units for psychiatric patients ~~Operating, Delivery, Special Procedure, Birthing, Recovery, Emergency Treatment, Critical Care Rooms, in Nurseries, and in Nursing Units for Psychiatric Patients~~.

h) Communication System

- 1) A loudspeaker-loud speaker type sound system shall be provided throughout the facility to allow for announcements, such as the paging of personnel and other necessary audio functions.
- 2) Speakers shall be located in all departments to allow hospital personnel to adequately hear all audio outputs from the system.
- 3) The system shall be used as the communication link for emergency

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announcements, i.e., code blue, impending disasters and others. The audio line at the last speaker in the audio circuits shall be electrically supervised against opens and grounds. The supervision shall be indicated at a building location thatwhich is staffed 24 hours a day.

- i) Emergency Electric Service
 - 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to the life safety branch, the critical branch, and the equipment branch for lighting and power as established in NFPA 70, National Electrical Code.
 - 2) The source of this emergency electric service shall be as follows:
 - A) An emergency generating set when the normal service is supplied by one or more central station transmission lines.
 - B) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.
 - 3) Emergency Generating Set
 - A) The required emergency generating set, including the prime mover and generator, shall be located on the premises. Where stored fuel is required for the emergency generator operations, the storage capacity shall be sufficient for not less than 24-hours of continuous operation.
 - B) The emergency generator set may be used during periods of high energy demands on local utilities. In the event of an outage of the normal power source, the normal loads shall immediately be removed from the emergency generating set, and the life safety branch, the critical branch, and the equipment branch shall be connected to the generator.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART U: CONSTRUCTION ~~REQUIREMENTS~~ STANDARDS FOR EXISTING HOSPITALS

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Section 250.2610 Applicability of Subpart U~~these Standards~~

- a) Subpart U~~These Standards~~ shall apply to all existing hospitals and ~~to~~ minor alterations to existing hospitals. Plans need not be submitted for alterations or remodeling changes ~~that~~which do not affect the structural integrity of the building, ~~that~~which do not change functional operation, ~~that~~which do not affect fire safety, and ~~that~~which do not add beds or facilities ~~more than~~over those for which the hospital is licensed. See Subpart T for new construction and major additions and alteration requirements.
- b) In the cases of types of hospitals not specifically treated ~~in this Subpart~~herein, the standards for general hospitals shall apply, with due allowance ~~being~~ made for the specialized or unusual requirements of the particular hospital involved.
- c) ~~Priorities~~The establishment of priorities, phasing schedules, and dates of completion based upon the urgency of correction, the required completion time, and financial capabilities, shall be established as agreed by the Department and each facility.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2620 Codes and Standards

- a) ~~The National Fire Protection Association (NFPA) Standard No. 101, (2000):~~ Life Safety Code, for existing structures and all appropriate references under Appendix B applies to and is part of this Subpart~~these standards~~.
- b) ~~The National Fire Protection Association (NFPA) Standard No. 101 A, (2001):~~ Guide on Alternative Approaches to Life Safety, applies to and is part of this Subpart~~these standards~~.
- c) All existing hospitals of any height shall be Type I or Type II construction as established by NFPA 101, Life Safety Code, (2000) and NFPA 220, Standard on Types of Building Construction (1999).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2630 Existing General Hospital Requirements~~Standards~~

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Minimum requirements in the existing General Hospital are:

- a) Administration and Public Areas
 - 1) Lobby:
~~It shall include:~~ a reception and information counter or desk, waiting ~~spaces~~space(s), and access to public toilet facilities, public telephones, and drinking ~~fountains~~fountains(s).
 - 2) Interview ~~Spaces~~Space(s):
Spaces for private interviews relating to social service, credit, or admissions.
 - 3) General or ~~Individual Offices~~individual office(s):
~~Offices~~Office(s) for business transactions, medical and financial records, and administrative and professional staffs.
 - 4) Multipurpose ~~Rooms~~room(s):
For conferences, meetings, and education purposes.
 - 5) Medical Library ~~Facilities~~facilities.
 - 6) Storage Areas.
- b) Medical Records Unit
~~Space~~Provide adequate space for reviewing, dictating, sorting, recording, and storing of medical records.
- c) Adjunct Diagnostic and Treatment
 - 1) Laboratory Suite:
Laboratory facilities ~~shall~~should be provided to meet the workload. These may be provided within the ~~hospital~~Hospital or through an effective contract arrangement with a nearby laboratory service. If laboratory services are provided by contractual arrangement, then at least the following minimum services shall be available within the ~~hospital~~Hospital. (For additional requirements, see Subpart E of this Part.):

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- A) Laboratory work ~~counter~~~~counter(s)~~ with appropriate services.
- B) ~~Lavatories~~~~Lavatory(ies)~~ or counter ~~sink~~~~sink(s)~~ equipped for ~~hand washing~~~~handwashing~~.
- C) Storage ~~cabinet~~~~cabinet(s)~~ or ~~closet~~~~closet(s)~~.
- D) Blood storage facilities.
- E) Specimen and sample collection facilities. Urine collection rooms with nearby water closet and lavatory. Blood collection facilities with space for a chair and work counter.

2) Morgue and Autopsy Suite:

- A) These facilities shall be accessible to an outside entrance and shall be located to avoid movement of bodies through public areas wherever possible.
- B) The following shall be provided when autopsies are performed within the ~~hospital~~~~Hospital~~:
 - i) Refrigerated facilities for body holding.
 - ii) Autopsy room:

This room shall contain a work counter with sink equipped for ~~hand washing~~~~handwashing~~; storage space for supplies, equipment, and specimens; and an autopsy table.
- C) If no autopsies are performed in the ~~hospital~~~~Hospital~~, a well-ventilated body-holding room shall be provided.

3) Radiology Suite:

- A) Facilities shall be provided for radiology purposes. (For additional requirements see Subpart F of this Part.)

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- B) The suite shall contain the following elements:
- i) Radiographic ~~rooms~~room(s).
 - ii) Film ~~processing~~ facilities.
 - iii) Viewing and administration ~~area~~area(s).
 - iv) Film storage facilities.
 - v) Toilet and ~~hand-washing~~handwashing facilities accessible from each fluoroscopy room.
 - vi) Dressing ~~area~~area(s) with access to toilets, and facilities for ~~patients'~~patient's belongings.
 - vii) Waiting room or alcove.
 - viii) X-ray installations for fixed and mobile ~~X-ray~~x-ray equipment and radiation protection, which will be checked by the Illinois Emergency Management Agency~~Department of Nuclear Safety~~.
- 4) Pharmacy Suite-
- A) The size and type of services to be provided in the pharmacy will depend upon the type of drug distribution system used in the Hospital and whether the hospital provides, purchases, or shares pharmacy services with other hospitals or other medical facilities. (For additional requirements see Subpart R of this Part.)-
- B) ~~The Provisions shall be made for the~~ following shall be provided:
- i) ~~Area for administrative functions, including~~Administrative Functions. These include requisitioning, recording and reporting, receiving, storage (including refrigeration), and accounting.
 - ii) Quality control area~~Control Area~~. (If bulk compounding

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and/or packaging functions are performed.)

- iii) Locked ~~storage~~Storage for ~~drugs~~Drugs and ~~biologicals~~Biologicals.
- iv) Dispensing ~~area~~Area.
- v) ~~Hand-washing facilities~~Handwashing Facilities.
- vi) A ~~drug information~~Drug Information area for reference materials and personnel.
- vii) If I.V. admixtures and other sterile dosage forms are compounded, a ~~sterile products area shall~~Sterile Products Area must be provided with a separate sink for ~~hand washing~~handwashing.

5) Physical Therapy Suite-

- A) Appropriate services may be arranged for shared use by occupational therapy patients and staff.
- B) If a physical therapy suite exists, the following shall be provided:
 - i) Office ~~space~~Space(s).
 - ii) Waiting ~~space~~Space.
 - iii) Treatment ~~areas~~area(s) for such modalities as thermotherapy, diathermy, ultrasonics, hydrotherapy and exercise. ~~Provide visual privacy for each individual treatment area. Provide handwashing facility(ies). Provide one lavatory or sink in the suite.~~
 - iv) Visual privacy for each individual treatment center.
 - v) Hand-washing facilities.
 - vi) One lavatory or sink in the suite

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~~vii)iv)~~ Facilities for collection of wet and soiled linen and other material ~~shall be provided~~.

~~viii)v)~~ Storage for clean linen, supplies, and equipment.

~~ix)vi)~~ Patients' dressing areas and toilet facilities.

~~x)vii)~~ Access to and storage for wheelchairs and stretchers.

~~xi)viii)~~ Showers, lockers, and service sinks ~~shall be provided~~ as required by the service rendered.

6) Occupational Therapy Suite:

A) Appropriate elements may be arranged for shared use by physical therapy patients and staff.

B) If an occupational therapy suite exists, the following elements shall be provided:

i) Office ~~spaces~~ ~~space(s)~~.

ii) Activities ~~areas~~ ~~area(s)~~ equipped with a sink or lavatory.

iii) Storage for supplies and equipment.

iv) Access to patients' toilet facilities.

d) Nursing Unit

The requirements in this subsection (d) do not apply to special care areas such as recovery rooms and intensive care areas, and newborn care areas.

1) Patient Rooms.

A) Each patient room shall be an outside room. Each patient room shall ~~connect~~ ~~communicate~~ directly with an exiting corridor.

B) Minimum room areas shall be: 80 square feet per bed in multi-bed

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rooms, and 100 square feet in one-bed rooms (square footage to exclude closets, storage cabinets, bathrooms, and door swings). In addition, a minimum of 3 feet 3'-0" must be maintained between the sides and foot of any bed and any wall or other fixed device.

~~C)~~ Existing room(s) with a capacity of more than four beds on the date of the promulgation of these regulations may be continued in use.

~~C)D)~~ Each patient room shall have access to a bathroom that includes a toilet and a sink~~toilet room~~. ~~Toilets~~~~Water closets~~ shall be provided at the rate of one per each eight beds.

~~D)E)~~ The ~~bathroom~~~~toilet room~~ shall contain a ~~toilet~~~~water closet~~ and a lavatory. The lavatory may be omitted from a ~~bathroom~~~~toilet room~~ that which serves not more than two adjacent bedrooms if each adjacent bedroom contains a lavatory.

~~E)F)~~ Each patient shall have a wardrobe, locker, or closet that is suitable for hanging and storing personal effects.

~~F)G)~~ Visual privacy shall be provided to each patient bed in multi-bed rooms.

~~G)H)~~ At least one tub or shower shall be provided for each 30 beds that which do not have bathing facilities within the patients' rooms. Each tub or shower shall be in an enclosure that which provides space for the private use of the bathing fixture and for drying and dressing.

2) ~~Nurses' station~~~~Nurses Station~~ and related facilities. ~~A nurses'~~~~Provide a nurses~~ station with a work counter, storage areas, and communications equipment shall be provided. The following shall also be provided~~Also provide~~:

A) A drug distribution station.

B) ~~Hand-washing~~~~Handwashing~~ facilities convenient to both the ~~nurses'~~~~nurses~~ station and the drug distribution station.

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- C) Charting facilities for nurses and doctors.
- D) Accessibility to a treatment room for multi-bed room units. This room shall contain a lavatory, work counter, storage facilities, and a writing space.
- 3) Service Areas-
- A) A clean work area or a clean holding area shall be provided in each nursing unit. The clean workroom shall contain a work surface, ~~hand-washing facilities~~~~handwashing facility(ies)~~, and storage facilities. The clean holding area shall be part of a system for the storage and distribution of clean and sterile supplies and materials.
- B) ~~A~~~~Provide a~~ separate designated area for clean linen storage shall be provided. If a cart system is used, the ~~storage of the~~ cart may be stored in an alcove. This function may be in a clean work area.
- C) ~~Parking~~~~Provide parking~~ for stretchers and wheelchairs shall be provided out of the path of normal traffic.
- D) A soiled workroom or soiled holding room shall be provided. The soiled workroom shall contain a clinical sink or equivalent flushing rim fixture, a ~~hand-washing~~~~handwashing~~ sink, a waste receptacle, and a linen receptacle. The soiled holding room shall be part of a system for the collection and disposal of soiled materials. If bedpan flushing attachments are used on every patient room toilet, a clinical sink is not required in the soiled workroom.
- E) Space shall be provided~~Provide room~~ for the storage of equipment such as I.V. stands, inhalators, and walkers.
- F) Space shall be provided for the storage of required emergency equipment such as a crash cart. This equipment shall be under the direct control of the nursing staff.
- G) A station with a sink equipped for hand washing, equipment for serving nourishment between scheduled meals, a refrigerator,

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~~storage cabinets, and units to provide ice for patients shall be provided. Provisions for serving nourishment between scheduled meals.~~

- 4) Isolation ~~Rooms~~Room(s).
~~At There shall be at~~ least one room shall be provided for the isolation of patients with known or suspected communicable ~~diseases~~disease(s). Each such room shall have an individual toilet and a lavatory. All isolation rooms shall meet requirements~~be otherwise planned as required~~ for a standard patient room.
- 5) ~~Rooms~~Room(s) for ~~Psychiatric~~Disturbed Patients.
Every hospital ~~that~~which does not have a psychiatric nursing unit shall provide facilities for the care of ~~psychiatric~~disturbed patients, usually for less than ~~72~~seventy-two hours ~~duration~~. The design shall provide for close observation, and shall minimize the dangers of patient escape, suicide, or injury. ~~Care~~This may be provided in a special care room used for multiple purposes. This room may be located either in the emergency unit~~Emergency Unit~~ or in a medical nursing unit~~Medical Nursing Unit~~, or in another similar location.

- e) Intensive Care Units
Intensive care units shall provide the following:

- 1) Patient Rooms.
Cardiac intensive care, medical intensive care, and surgical intensive care patients may be housed in either single-bed rooms or multi-bed rooms. Patient rooms shall meet the following requirements:
- A) Clearance between beds shall be not less than 6 feet~~6'-0"~~. A minimum of 3 feet~~3'-0"~~ between the sides of bed and wall shall be provided. Single-bed rooms shall have a minimum of 100 square feet in area and a minimum dimension of 10 feet~~10'-0"~~.
- B) A lavatory equipped for hand washing~~handwashing~~ shall be provided in each intensive care unit.
- C) A nurses' calling system (see Section 250.2500(g)) shall be provided.

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D) Cardiac intensive care patients shall be provided with a toilet facility ~~that~~~~which~~ is directly accessible from the bed area.

E) Each patient shall be visible from outside the room.

2) Service Areas

The following service areas shall be located in or readily available to each intensive care unit. One area may serve two or more adjacent intensive care units. The size and location of each service area ~~shall~~~~will~~ depend upon the number of beds to be served.

A) Nurses' station.

B) ~~Hand-washing~~~~Handwashing~~ facilities. These shall be convenient to ~~the~~ nurses' station and ~~the~~ drug distribution station.

C) Charting facilities with work ~~counter~~~~counter(s)~~.

D) Staff toilet room. A room containing a ~~toilet~~~~water closet~~ and a lavatory equipped for ~~hand-washing~~~~handwashing~~ shall be accessible to the staff.

E) Clean workroom (or a system for storage and distribution of clean and sterile supply materials). The clean workroom shall contain a work surface, ~~hand-washing~~~~handwashing~~ facility, and storage facilities.

F) A readily accessible soiled workroom or soiled holding room. The soiled workroom shall contain a clinical sink or equivalent flushing rim fixture, sink equipped for ~~hand washing~~~~handwashing~~, work surface, waste receptacle, and linen receptacle. A soiled holding room shall be part of a system for collection and disposal of soiled materials and shall be similar to the soiled workroom except that the clinical sink and work counter may be omitted.

G) ~~A drug~~~~Drug~~ distribution station ~~shall be provided.~~ ~~Provision shall be made~~ for convenient and prompt 24-hour distribution of medicine to patients.

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- H) ~~A Clean linen storage. Provide a~~ storage closet or a designated area within the clean workroom shall be provided for clean linen storage. If a closed cart system is used, the cart storage may be stored in an alcove.
- I) A station with sink equipped for hand washing, equipment for serving nourishment between scheduled meals, a refrigerator, storage cabinets, and units to provide ice for patients shall be provided. Provisions for nourishment.
- J) Emergency equipment storage. Designated space shall be provided for a "crash cart" and similar emergency equipment.
- K) Space shall be provided for equipment ~~Equipment~~ storage. Provide space for necessary equipment.
- 3) ~~Waiting Area:~~
A waiting area shall be provided for family members and others who may be permitted to visit the intensive care patients. A toilet room and public telephone shall be available.
- f) Pediatric Nursing Unit
If a separate unit is provided it shall meet the following requirements:
- 1) General unit requirements, ~~Unit Requirements~~ including patient rooms ~~Patient Rooms~~.
The requirements noted in Section 250.2630(d) shall be applied to a pediatric and adolescent nursing unit containing hospital beds. Adequate spaces shall be provided for youth beds and cribs.
- 2) Nursery
Each nursery serving pediatric patients shall contain no more than 12 bassinets. The minimum clear floor area per bassinet shall be 40 square feet. Each room shall contain a lavatory equipped for hand washing ~~handwashing~~, nurses' emergency calling system and glazed viewing windows for observing infants from public areas and the workroom.

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- 3) Nursery Workrooms-
Each nursery shall be served by a connecting workroom. One workroom may serve more than one nursery.
- 4) Examination and Treatment Room-
The examination and treatment room shall contain a work surface, storage facilities, and a lavatory equipped for hand washing.
- 5) Service Areas-
The service areas in the pediatric and adolescent nursing unit shall comply with ~~conform to the conditions listed in~~ Section 250.2630(d)(3) and shall meet the following additional conditions:
 - A) Multipurpose or individual areas shall be provided for dining, educational, and play or other patient care purposes.
 - B) Space for storage of infant formula shall be provided in the unit or in a convenient location nearby.
 - C) Patients' toilet ~~rooms~~ room(s) shall be provided.
 - D) Storage closets or cabinets for toys and for educational and recreational equipment shall be provided.
 - E) Storage space shall be provided for replacement of youth and adult beds to provide flexibility for interchange of patient accommodations. This storage space need ~~(Need~~ not be located in the Pediatric Nursing Unit.)
- 6) Fixtures and Accessories-
 - A) Attention shall be given to other details affecting small children as required by the program.
 - B) Switches and electrical outlets for critical equipment shall be protected to preclude shock and ~~or~~ located for inaccessibility by small children.
- g) Psychiatric Nursing Unit

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- 1) ~~Nursing units~~Units intended for psychiatric or other types of patients needing close supervision~~disturbed patient nursing care~~ shall provide a safe and secure facility ~~for patients needing close supervision~~ to minimize patients'~~their~~ hiding, escape, injury, or suicide. The unit shall allow care of ambulatory inpatients, to permit flexibility in arranging various types of therapy, and ~~shall~~should present as noninstitutional an atmosphere as possible.
- 2) Each psychiatric nursing unit shall provide the following:
 - A) ~~Patient Rooms-~~
The requirements noted in Section 250.2630(d) shall be applied to patient rooms in psychiatric nursing units except as follows:
 - i) A nurses' calling system is not required. Other types of communications systems may be utilized.
 - ii) ~~Provisions~~Provision for visual privacy ~~are~~is not required.
 - iii) ~~Three feet of clearance~~3'-0" clear at the foot and sides of each bed is not required.
 - B) ~~Service Areas-~~
The service areas noted in Section 250.2630(d)(3) shall be provided or made available to each psychiatric nursing unit, except that space for stretchers and wheelchairs is not required, and clinical sinks or equivalent may be installed but are not required. The following ~~elements~~ shall be provided within and for the exclusive use of the unit:
 - i) Consultation ~~rooms~~room(s).
 - ii) Space for dining, recreation, and occupational therapy.
 - iii) Storage closets or cabinets for recreational and occupational therapy equipment.
- h) Newborn Care Unit

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Newborn infants shall be housed in nurseries ~~that~~which are conveniently located to the postpartum nursing unit and obstetrical facilities. The nurseries shall be located and arranged to preclude unrelated traffic. Subpart O of this Part, in its entirety, these Requirements shall apply to the newborn care unit~~this section in its entirety~~. The units shall meet the following requirements:

- 1) ~~General.~~—Each nursery shall contain:
 - A) At least one lavatory trimmed with valves ~~that~~which are aseptically operated (i.e., knee or foot controls).
 - B) A nurses' emergency calling system.
 - C) Bassinets ~~shall be provided~~ in a number at least equal to the number of postpartum beds.
 - D) ~~Glazed~~Provide glazed observation windows to permit viewing infants from public areas and from workrooms.
- 2) ~~Full-Term Nursery.~~
The full-term nursery~~It~~ shall contain no more than 12 bassinets; however, this number may be increased to 16 if the extra bassinets are of the isolation type. The minimum floor area shall be 30 square feet for each regular bassinet and 40 square feet for each isolation type bassinet. When a "rooming-in" program is used, the total number of bassinets provided in these units may be appropriately reduced, but the ~~full-~~term nursery may not be omitted.
- 3) ~~Special Care and Observation Nursery.~~
If a separate special care and observation nursery is provided, it shall have its own work area, and at least 40 square feet per bassinet shall be provided in the nursery.
- 4) ~~Workroom/Work Room.~~
Each nursery shall be served by a connecting workroom. The workroom~~It~~ shall contain gowning facilities at the entrance for staff and housekeeping personnel, work space with a counter, a refrigerator, a lavatory or sink equipped for hand washing~~handwashing~~, and storage. One workroom may serve more than one nursery. The workroom ~~that~~which serves the

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special care nursery may be omitted if equivalent work area and facilities are provided within the nursery in which case the gowning facilities shall be located near the entrance to the nursery and shall be separated from the work area.

- 5) Examination and Treatment Room or Space for Infants:
~~The examination or treatment room or space~~ shall contain a work counter, storage, and a lavatory equipped for ~~hand washing~~~~handwashing~~ trimmed with valves ~~that~~~~which~~ are aseptically operated (i.e., knee or foot controls). ~~The room or space~~ may serve more than one nursery and may be located in the workroom. If the examination and treatment of infants will take place in the individual bassinets, space for physicians' and nurses' gowning shall be provided as well as a conveniently accessible ~~hand-~~~~washing~~~~handwashing~~ sink trimmed with valves ~~that~~~~which~~ are aseptically operated (i.e., knee or foot controls).
- 6) Infant Formula Facilities:
The hospital shall provide one of the following:
 - A) On-site formula preparation:
 - i) Clean-up facilities for washing and sterilizing supplies. These shall consist of a lavatory or sink equipped for ~~hand~~~~washing~~~~handwashing~~, a bottle washer, work counter space, and an equipment sterilizer.
 - ii) A separate room for preparing infant formula, ~~which.~~~~It~~ shall contain a lavatory or sink equipped for ~~hand~~~~washing~~~~handwashing~~, a refrigerator, a work counter, a formula sterilizer, and storage facilities. ~~The room~~ may be located near the nurseries or at another appropriate place within the hospital. No direct access from the formula room to a nursery or to a nursery workroom ~~shall~~~~will~~ be permitted.
 - B) Commercially prepared formula:
If a commercial infant formula is used, the storage and handling may be ~~done~~ in the nursery workroom or in another appropriate room ~~that~~~~which~~ has a work counter, a sink equipped for ~~hand~~

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washinghandwashing, and storage facilities.

7) Janitors' Closet

A closet shall be provided for the exclusive use of the housekeeping staff in maintaining the nursery unit ~~shall be provided~~. The closetIt shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies.

- 8) Storage ~~spacespace(s)~~ for replacement bassinets, phototherapy units, and other large items shall be provided. These storage ~~areasarea(s)~~ may be located either within the unit or in the central supplies storage.

i) Surgical Suite

The number of operating rooms and recovery beds and the sizes of the service areas shall be based on the expected surgical workload. The surgical suite shall be located and arranged to preclude unrelated traffic through the suite. The requirements of Section 250.1820(h) shall be used for the surgical suite wherever applicable. The suite shall provide the following ~~elements~~:

1) General Operating ~~RoomsRoom(s)~~.

Each room shall have a minimum clear area of 300 square feet exclusive of fixed cabinets and shelves. The minimum dimension shall be 15 feet15'-0". ~~Provide a~~ communications system connecting with the surgical suite control station shall be provided. ~~AtProvide at~~ least two ~~X-ray~~ X-ray film illuminators shall be provided in each room.

2) Fracture Rooms:

Fracture rooms ~~shallshould~~ be provided with accessible splint facilities. The fracture room may be located in the emergency department, the surgical suite, or in another similar location.

3) Recovery Room:

The recovery room may be part of an approved combined surgical-obstetrical program (see Section 250.1820(h)).

- A) ~~TheLocate the~~ postoperative recovery room shall be located within or adjacent to the surgical suite. If possible, ~~provide~~ separate entrance and exit doors remote from each other shall be provided to facilitate a one-way traffic flow within the recovery room.

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- B) ~~A~~ ~~There shall be a~~ minimum of one recovery room bed shall be provided for each operating room.
- C) ~~A~~ ~~There shall be a~~ minimum of 70 square feet per bed shall be provided in open units. This area shall exclude the ~~nurses'~~ nursing station, work space, and storage area. In addition, a minimum of ~~4 feet~~ 4'-0" ~~must~~ be maintained between the sides of the beds, at least ~~3 feet~~ 3'-0" between the side of any bed and any wall or other fixed device, and at least ~~6 feet~~ 6'-0" between the foot end of any bed and any other fixed equipment or device.
- D) The recovery room shall have adequate lighting of the type to allow accurate observation of the patients.
- E) ~~A~~ ~~There shall be a~~ lavatory shall be provided, trimmed with valves that are operated without the use of hands. A clinical sink shall be provided ~~accessible~~.
- F) A soiled holding area shall be provided.
- G) ~~A nurses'~~ ~~There shall be a~~ nursing station shall be provided within the postoperative recovery room. Facilities for medical storage and preparation shall be provided.
- H) Adequate storage and work space within or adjacent to the recovery room shall be available for necessary supplies and equipment.
- I) Each bed site shall be adequately equipped with oxygen, suction, and at least one duplex electrical outlet.
- J) Where ambulatory surgery is performed using local anesthetics in the surgery suite, a room separate from the general recovery room shall be set aside for the ~~patients'~~ patient's recovery.
- 4) Service Areas:
Individual ~~rooms~~ room shall be provided when so noted; otherwise alcoves or other open spaces ~~that~~ which will not interfere with traffic may be used.

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Services may be shared with and organized as part of the obstetrical facilities if the approved narrative program reflects this sharing concept. There shall be no crosscirculation between the surgical and delivery suites when using shared service areas. The following services shall be provided:

- A) Control station to permit surveillance of all traffic ~~that~~which enters the operating suite.
- B) ~~Supervisor's~~Supervisors office or station, which (may be part of ~~the~~ control station).
- C) Sterilizing ~~facilities~~facility(ies) with high speed autoclaves conveniently located to serve all operating rooms. If adequate provisions have been made for the replacement of sterile instruments during surgery, sterilizing facilities in the surgical suite will not be required.
- D) Drug distribution station. ~~Provision shall be made~~ for the preparation of medication to be administered to patients.
- E) Scrub facilities ~~shall be~~ conveniently located near each operating room, and ~~shall be~~ arranged to minimize any incidental splatter on nearby personnel or supply carts. ~~Scrub sinks. Provide scrub sink(s) which shall~~may be aseptically operated without the use of hands, shall be provided. (Wrist blades are not acceptable.)
- F) Soiled workroom or a soiled holding room that is part of a system for the collection and disposal of soiled materials. The soiled workroom shall contain a clinical sink or equivalent flushing type fixture, a work surface, sink equipped for hand washing~~handwashing~~, a waste receptacle, and a linen receptacle. A soiled holding room shall be similar to the soiled workroom except that the clinical sink and work counter may be omitted.
- G) Fluid waste disposal facilities. ~~These shall be~~ conveniently located with respect to the general operating rooms. A clinical sink or equivalent equipment in a soiled workroom or in a soiled holding room would meet this requirement.

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- H) Clean workroom or a clean supply room. A clean workroom is required when clean materials are assembled within the surgical suite prior to use. A clean workroom shall contain a work surface, sink equipped for ~~hand washing~~handwashing, and space for clean and sterile supplies. A clean supply room shall be provided when ~~the~~ system ~~is~~ used for the storage and distribution of clean and sterile supplies ~~which~~ does not require the use of a clean workroom.
- I) Anesthesia storage facilities. Unless official hospital governing board action prohibits in writing the use of flammable anesthetics, a separate room shall be provided for storage of flammable gases in accordance with the requirements of NFPA 99, Standard for Health Care Facilities, detailed in The National Fire Protection Association Standards 56A (Inhalation Anesthetics) and 56F (Nonflammable Medical Gases).
- J) Anesthesia work area for cleaning, testing, and storing anesthesia equipment, which. ~~It~~ shall contain a work counter and sink.
- K) Medical gas storage. Space for reserve storage of nitrous oxide and oxygen cylinders shall be provided.
- L) Storage area for splints and traction equipment ~~shall be provided~~ for operating rooms equipped for orthopedic surgery.
- M) Equipment storage ~~areas~~area(s) for equipment and supplies used in the surgical suite.
- N) Staff clothing change areas. Appropriate areas shall be provided for male and female personnel (orderlies, technicians, nurses, and doctors) working within the surgical suite. The areas shall contain lockers, showers, toilets, lavatories, and space for donning scrub suits and boots.
- O) Outpatient surgery change areas. If the program requires outpatient surgery, a separate area shall be provided where outpatients change from street clothing into hospital gowns and are

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prepared for surgery. This area shall include a waiting room, lockers, toilets, and clothing change or gowning area.

P) Patients' holding area. In facilities with two or more operating rooms, space shall be provided to accommodate stretcher patients waiting for surgery.

Q) Stretcher storage area.

R) Janitors' closet. A closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided exclusively for the surgical suite.

5) Central Sterilizing and Supply Room-

A) The central sterile supplies area shall be located either within the surgical suite or provided as a separate department within the hospital. The following shall be provided:

i)A) A receiving and clean-up room containing work space and equipment for cleaning medical and surgical equipment, and for disposal or processing of unclean material. Hand washing~~Handwashing~~ facilities operated without the use of hands shall be provided.

ii)B) A clean workroom containing work space and equipment for sterilizing medical and surgical equipment and supplies.

iii)C) Storage areas for clean supplies and for sterile supplies (these may be in the clean workroom).

iv)D) Unsterile supplies storage room (this may be located in another department).

~~E)~~ ~~Soiled or contaminated supply and equipment must be separated from the clean or sterilized supply and equipment.~~

v)F) Cart storage areas.

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~~B)G)~~ Facilities for cleaning and sanitizing carts may be centralized or departmentalized.

~~C)~~ Soiled or contaminated supplies and equipment shall be separated from the clean or sterilized supplies and equipment.

j) Obstetrics Suite-

The number of delivery rooms, labor rooms, recovery beds, and the sizes of the service areas shall depend upon the estimated obstetrical workload. The obstetrical suite shall be located and arranged to preclude unrelated traffic through the suite. ~~The requirements of Part XV of the Act shall apply to this Section.~~

1) Delivery ~~Rooms~~~~Room(s)~~:

Each delivery room shall have a minimum clear area of 300 square feet exclusive of fixed and movable cabinets and shelves. The minimum dimension shall be ~~15 feet~~~~15'-0"~~ clear. The communications system shall be connected with the obstetrical suite control station. Separate resuscitation facilities (electrical outlets, oxygen, suction, and compressed air) shall be provided for newborn infants.

2) Labor ~~Rooms~~~~Room(s)~~:

These rooms shall be single or two-bed rooms with a minimum clear area of 80 square feet per bed. Labor beds shall be provided at the rate of two for each delivery room. In facilities having only one delivery room, two labor rooms shall be provided, one of which shall be large enough to function as an emergency delivery room. Labor rooms shall be arranged so that they are accessible to a ~~nurses'~~~~nurses~~ work station, to facilities for medication, ~~hand washing~~~~handwashing~~, ~~and~~ charting, and storage for supplies and equipment.

3) Recovery Room-

Recovery may take place in private or semiprivate patient rooms (if separate recovery rooms are not provided). If a separate recovery room is provided, it may be part of an approved combined surgical-obstetrical program (see Section 250.1820(h)). Recovery rooms, if provided, ~~shall~~ ~~must~~ meet the following requirements:

A) The postpartum recovery room ~~shall~~~~should~~ be within or adjacent to the obstetrics suite.

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- B) The recovery room shall have adequate lighting of the type to allow accurate observation of the patients.
- C) ~~A~~ ~~There shall be a~~ lavatory trimmed with valves operated without the use of hands shall be provided. A clinical sink shall be made accessible.
- D) A soiled holding area shall be available.
- E) Facilities for medical storage and preparation shall be provided.
- F) Adequate storage and work space within or adjacent to the recovery room shall be available for necessary supplies and equipment.
- G) Each bed site shall be adequately equipped with oxygen, suction and at least one duplex electrical outlet.
- 4) ~~Service Areas-~~
Individual rooms shall be provided when required in this subsection (j)(4) so noted; otherwise alcoves or other open spaces ~~that which~~ will not interfere with traffic may be used. (Services may be shared with and organized as part of the surgical facilities if the approved narrative program reflects this sharing concept.) Service areas shall be arranged to avoid direct traffic between the operating and the delivery rooms. The following services shall be provided:
- A) Control station to permit surveillance of all traffic ~~that which~~ enters the obstetrics suite.
- B) ~~Supervisor's~~ ~~Supervisors~~ office or station (may be part of control station).
- C) Sterilizing ~~facilities~~ ~~facility(ies)~~ with high speed ~~autoclaves~~ ~~autoclave(s)~~ conveniently located to serve all delivery rooms. If adequate provisions have been made for the replacement of sterile instruments during delivery, sterilizing facilities in the delivery suite will not be required.

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- D) Drug distribution station—~~Provision shall be made~~ for preparation of medication to be administered to patients.
- E) Scrub facilities, which shall be conveniently located near each delivery room, and shall be arranged to minimize any incidental splatter on nearby personnel or supply carts. ~~Scrub sinks~~ Provide scrub sink(s) that ~~which~~ may be ~~aseptically~~ aseptically operated without the use of hands shall be provided. (Wrist blades are not acceptable.)
- F) Soiled workroom or a soiled room that is part of a system for the collection and disposal of soiled materials. The soiled workroom shall contain a clinical sink or equivalent flushing rim fixture, a work surface, a sink equipped for hand washing ~~handwashing~~, a waste receptacle, and a linen receptacle. A soiled holding room shall be similar to the soiled workroom except that the clinical sink and work counter may be omitted.
- G) Clean workroom or a clean supply room. A clean workroom is required when clean materials are assembled within the obstetrical suite prior to use. A clean workroom shall contain a work surface, a sink equipped for hand washing ~~handwashing~~, and a space for clean and sterile supplies. A clean supply room shall be provided when a system issued for the storage and distribution of clean and sterile supplies does not require the use of a clean workroom.
- H) Anesthesia storage facilities. Unless the official hospital governing board action prohibits in writing the use of flammable anesthetics, a separate room shall be provided for storage of flammable gases in accordance with NFPA 99, Standard for Health Care Facilities ~~the requirements detailed in the National Fire Protection Association Standards 56A (Inhalation Anesthetics) and 56F (Nonflammable Medical Gases)~~.
- I) Anesthesia work area for cleaning, testing, and storing anesthesia equipment, which. ~~It~~ shall contain a work counter and sink.
- J) Medical gas storage. Space for reserve storage of nitrous oxide

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and oxygen cylinders shall be provided.

- K) Equipment storage ~~areas~~ ~~area(s)~~ for equipment and supplies used in the obstetrics suite.
 - L) Staff clothing change areas. Appropriate areas shall be provided for male and female personnel (orderlies, technicians, nurses, and doctors). These areas shall contain lockers, toilets, lavatories equipped for ~~hand washing~~ ~~handwashing~~ and space for donning scrub suits and boots.
 - M) Stretcher storage area. This area shall be out of ~~the~~ direct line of traffic.
 - N) Janitors' closet. A closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided exclusively for the obstetrical suite.
- k) ~~Emergency Suite-~~
Facilities for emergency care shall be provided in each hospital. The extent of the emergency services to be provided in the hospital will depend upon community needs and availability of other organized programs for emergency services within the community. Hospitals having a minimum level of emergency services shall provide at least the facilities indicated in ~~subsections~~ ~~Items~~ ~~(k)(1)~~, and ~~(k)(4)~~ ~~below~~, with back-up facilities within the hospital capable of furnishing the necessary support for ~~services~~ ~~facilities~~ not provided in the emergency suite. Other hospitals shall provide as much of the following ~~as that~~ is consistent with the services offered:-
- 1) An entrance sheltered from the weather with ~~provision for~~ ambulance and pedestrian access.
 - 2) A reception and control area conveniently located near the entrance, waiting ~~areas~~ ~~area(s)~~ and treatment ~~rooms~~ ~~room(s)~~.
 - 3) Public waiting space with access to toilet facilities, public telephone, and drinking fountain.
 - 4) ~~A treatment~~ ~~Treatment area.~~ ~~The Treatment~~ area, which shall contain hand

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- ~~washing~~handwashing facilities trimmed with valves ~~that~~which are aseptically operated (i.e., knee or foot controls), general storage, medication storage, ~~a~~ work surface, medical ~~X-ray~~x-ray film illuminators, and space for storage of emergency equipment such as defibrillators, cardiac monitors, and resuscitators (oxygen and suction may be portable).
- 5) A holding area adjacent to the treatment rooms.
- 6) A storage area out of the line of traffic for stretchers and wheelchairs.
- 7) Staff work and charting areas, ~~which.~~This may be combined with ~~the~~ reception and control ~~areas~~area or located within the treatment area.
- 8) Clean supply storage, ~~which~~ may be separate or located within the treatment area.
- 9) Soiled workroom or area containing a clinical sink, work surface, and sink equipped for ~~hand washing~~handwashing, waste receptacle, and linen receptacle.
- 10) ~~Toilet~~Provide toilet facilities convenient to the treatment area.
- 1) Outpatient Department
- 1) ~~An outpatient~~Outpatient department, if provided, should be located on an easily accessible floor convenient to ~~the~~ radiology, pharmacy, and laboratory departments.
- 2) ~~Facilities shall include, at a minimum~~Recommended facilities include:
- A) Waiting room.
- B) Space for information, ~~scheduling appointments~~appointment and records.
- C) Medical social services.
- D) Examination rooms.

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- E) Dressing booths.
 - F) Utility ~~rooms~~room(s).
 - G) Storage room.
 - H) Janitors' closet.
 - I) Public toilets (accessible to the waiting room).
- m) Service Departments
- 1) Dietary Facilities
 - A) ~~General-~~
Construction, equipment, and installation shall comply with ~~the~~the standards specified in: ~~The State of Illinois Rules (77 Ill. Adm. Code 750) for~~ Food Service Sanitation Code. Food service facilities shall be designed and equipped to meet the requirements of the hospital. These may consist of an on-site conventional food preparing system, a convenience food service system, or an appropriate combination of the two.
 - B) ~~Functional Elements-~~
The following facilities shall be provided as required to implement the type of food service selected:
 - i) Control station ~~for~~For receiving food supplies.
 - ii) Storage space ~~adequate.- Adequate~~ to provide normal and emergency supply needs, including food requiring cold storage and day storage.
 - iii) Food preparation facilities. Conventional food preparation systems require space and equipment for preparing, cooking, and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, and individual packaged portions, or systems using contractual commissary service, require space and equipment for

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- thawing, portioning, heating, cooking, and/or baking.
- iv) ~~Hand-washing facilities~~ Handwashing facility(ies) located.
~~Located~~ in the food preparation area.
- v) Patients' meal service facilities, e.g., facilities. ~~Examples are those~~ required for tray assembly and distribution.
- vi) Dining space ~~for.~~ For ambulatory patients, staff and visitors.
- vii) ~~Ware-washing~~ Warewashing space ~~located.~~ Located in a room or an alcove separate from food preparation and serving areas. Commercial ~~type~~ dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, and stacking soiled tableware and for transferring clean tableware to the use areas. A ~~hand-washing~~ handwashing lavatory shall be conveniently available.
- viii) ~~Pot-washing~~ Potwashing facilities.
- ix) Storage areas ~~for.~~ For cans, carts, and mobile tray conveyors.
- x) Waste storage facilities ~~located.~~ Located in a separate room easily accessible to the outside for direct pickup or disposal.
- xi) Toilets accessible to dietary staff. Hand-washing ~~Handwashing~~ facilities shall be immediately available.
- xii) Janitors' closet ~~located.~~ Located within the dietary department, ~~containing.~~ It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies.
- xiii) ~~Ice-making~~ Iceemaking facilities.

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xiv) ~~Adequate~~Provide adequate can, cart and mobile tray washing facilities as required.

2) Central Stores:
The following, including storage spaces adequate to meet the needs of the hospital, shall be provided:

- A) Unloading facilities.
- B) A receiving area.
- C) General storage rooms.

~~These facilities shall have storage spaces adequate to meet the needs of the hospital.~~

D) Office space.

3) Linen Services:

A) ~~On-site Processing:~~
If linen is processed at the hospital site, the following shall be provided:

- i) Soiled linen receiving, holding, and sorting room.
- ii) Laundry processing room.
- iii) Access to ~~hand-washing~~handwashing facilities.
- iv) Separate clean linen storage and issuing room or area.
- v) Clean linen inspection and mending room or area.
- vi) Storage for laundry supplies.
- vii) Janitors' closet containing a floor receptor or service sink and storage space for housekeeping equipment and

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supplies.

viii) Cart storage.

ix) Office space.

B) Off-site Processing-

If linen is processed off the hospital site, the following shall be provided:

i) A soiled linen holding room.

ii) Access to ~~hand-washing~~handwashing facilities.

iii) A clean linen, receiving, inspection, and storage ~~room~~rooms.

iv) Cart storage.

v) Office space.

4) Facilities for Cleaning and Sanitizing Carts-

Facilities shall be provided to clean and sanitize carts serving the central medical and surgical supply department, dietary facilities, and linen services. These may be centralized or departmentalized.

5) ~~Employees'~~Employees Facilities-

In addition to the employees' facilities such as locker rooms, lounges, toilets, or shower facilities ~~required~~dealed-for in certain departments, a sufficient number of such facilities as required to accommodate the needs of all personnel and volunteers shall be provided.

6) Janitors' Closets-

In addition to the ~~janitors'~~Janitors' closets ~~required~~dealed-for in certain departments, sufficient janitors' closets shall be provided throughout the ~~hospital~~facility as required to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. ~~Spaces~~Space(s) for large housekeeping equipment and for back-up supplies may be located in other

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areas.

- 7) Engineering Service and Equipment Areas:
The following shall be provided:
- A) ~~Rooms~~Room(s) or ~~separate buildings~~Separate Building(s) for ~~boilers, mechanical equipment, and electrical equipment~~Boilers, Mechanical Equipment, and Electrical Equipment.
 - B) Engineer's ~~space~~Space.
 - C) Maintenance ~~shops~~Shop(s).
 - D) Storage ~~room for building maintenance supplies~~Room for Building Maintenance Supplies.
 - E) Yard ~~equipment storage~~Equipment Storage.
- 8) Waste Processing Services:
- A) ~~Storage and Disposal-~~
Space and facilities shall be provided for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, removal, or by a combination of these techniques. Facilities for proper handling and disposal of infectious or radioactive waste substances shall be provided.
 - B) ~~Incineration-~~
If the hospital provides its own incineration:
 - i) The incinerator shall be in a separate room or placed outdoors.
 - ii) Design and construction of incinerators and trash chutes shall be in accordance with NFPA ~~Standard 82~~, Standard on Incinerators and Waste and Linen Handling Systems and Equipment.
 - iii) Incinerators shall be equipped to conform to requirements

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prescribed by local air pollution ~~requirements~~regulations in the area.

- 9) Storage-
In addition to the storage areas called for in certain departments of the hospital, suitable additional storage shall be provided.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2640 Details

All details and finishes shall comply with the following:

- a) Details
- 1) Compartmentation, exits, automatic extinguishing systems and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of ~~the~~ NFPA ~~Standard~~-101, Life Safety Code, ~~1976 Edition~~, for existing hospitals (for exception, see Subparagraph 2, of this Section).
 - 2) Aisles, corridors, and interior ramps required for exit access from patient sleeping areas shall have a minimum clear width of 7 feet 7'-0"; any such aisles, corridors, and interior ramps located in other patient use areas shall have a minimum clear width of 6 feet 6'-0".
 - 3) Doors to patient rooms shall not be lockable from inside the room.
 - 4) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to showers, baths, patient toilets, and other small wet-type areas not subject to fire hazard are exempt from this requirement. Sliding doors with a ~~break~~and-swing feature are acceptable.
 - 5) ~~Glazing~~For glazing of existing doors, sidelights, borrowed lights, and interior windows shall comply with thesee the State of Illinois " Safety Glazing Materials Act."~~see the State of Illinois "~~
 - 6) Elevator shaft openings shall be class B 1½-~~hour~~-labeled fire doors or

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shall meet the requirements of NFPA 101, Life Safety Code, for vertical shaft enclosures approved by the Department.

- 7) Linen and refuse chutes shall meet or exceed the following requirements:
 - A) Service openings to chutes shall be kept locked if located in corridors or passageways. They may be located in a room of construction having a fire-resistance of not less than one hour.
 - B) Service openings to chutes shall have approved self-closing class B 1½-hour-labeled fire doors.
 - C) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire resistance of not less than two hours, and the doors ~~thereto~~ shall be not less than class B 1½-hour-labeled fire doors. External discharge containers need not be enclosed.
 - D) Gravity chutes shall be vented through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Fire and smoke ventilating openings may be covered with single strength sheet glass.
 - E) See NFPA ~~Standard-82~~, Standard on Incinerators and Waste and Linen Handling Systems and Equipment(~~Incinerators and Rubbish Handling~~) for other requirements.
- 8) Grab bars shall be provided at all patients' toilets, showers, tubs, and sitz baths. The bars shall have 1½-inch clearance to walls and shall be securely anchored.
- 9) Location and arrangement of ~~hand-washing~~handwashing facilities shall permit their proper use and operation. ~~Clearance~~Provide clearance for blade-type operating handles shall be provided where required.
- 10) Mirrors shall not be installed at ~~hand-washing~~handwashing fixtures in food preparation areas or in sensitive areas such as nurseries, clean and

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sterile supplies, and scrub sinks.

- 11) Paper towel dispensers and waste receptacles or electric hand dryers shall be provided at all ~~hand-washing~~handwashing facilities except scrub sinks.

b) Elevators

All hospitals having patients' facilities (such as bedrooms, dining rooms, or recreation areas) or critical services (such as operating, delivery, diagnostic, or therapy) located on other than the main entrance floor shall have electric or electrohydraulic elevators.

1) Number of elevators.

- A) At least one hospital-type elevator shall be installed where one to 59 patient beds are located on any floor other than the main entrance floor.
- B) At least two hospital-type elevators shall be installed where 60 to 200 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors ~~that~~which provide only partial inpatient services.)
- C) At least three hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors ~~that~~which provide only partial inpatient services.)
- D) For hospitals with more than 350 beds, the number of elevators provided ~~shall be based on the hospital's program narrative~~will be acceptable if adequate.

- 2) Cars and platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least ~~5 feet~~5'-0" by ~~7 feet~~7'-6". The car door shall have a clear opening of not less than ~~3 feet, 8 inches~~3'-8".

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- 3) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of + $\frac{1}{2}$ inch.
 - 4) Written certification of the latest inspection shall be posted in the cab if available.
- c) Provisions for Natural Disasters
General requirements. An emergency radio communication system is desirable in each hospital facility. If installed, this system ~~shall~~should be self-sufficient in time of emergency and ~~shall~~should also be linked with the available community system and state emergency medical network system, including connections with police, fire, and civil defense system.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2650 Finishes

- a) Cubicle and window curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of NFPA ~~Standard 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films, "Fire Tests for Flame-resistant Textiles and Films."~~ Standard 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films, "Fire Tests for Flame-resistant Textiles and Films."
- b) Floors in areas and rooms in which flammable anesthetic agents are stored or administered to patients shall comply with NFPA ~~99, Standard for Health Care Facilities Standard 56A, "Inhalation Anesthetics-".~~ 99, Standard for Health Care Facilities Standard 56A, "Inhalation Anesthetics-". Conductive flooring is not required in emergency treatment, operating, and delivery rooms provided that a written resolution is signed by the hospital governing board stating that no flammable anesthetic agents will be used in these areas, and provided that appropriate notices are permanently and conspicuously affixed to the wall in each such area and room.
- c) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in areas used for food preparation or food assembly shall be water-resistant and grease-proof. Joints in tile and similar material in such areas shall be resistant to food acids. Floors in toilets, baths, janitor's closets and similar areas shall be water resistant. In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.

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- d) Wall bases in kitchens, operating and delivery rooms, soiled workrooms, and other areas ~~that~~^{which} are frequently subject to wet cleaning methods shall be tightly sealed to the wall and floor and constructed without surface voids that can harbor vermin.
- e) All wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant. Walls in surgery, delivery, kitchens, and in other spaces, subject to frequent cleaning shall be of suitable materials.
- f) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of vermin, smoke, and fire. Joints of structural elements shall be similarly sealed.
- g) Ceilings shall be cleanable, and those in sensitive areas such as surgical, delivery, and nursery rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas, along with the dietary and food preparation areas, shall have a finished ceiling covering all overhead ductwork. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2660 Mechanical

- a) Any retrofit of existing heating, ventilating, or air conditioning systems for energy conservation purposes may meet any or all of the requirements of Section 250.2480 (Mechanical) in lieu of the parallel requirements of this Section.
- b) Boiler feed pumps, return pumps, and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Blow off valves, relief valves, nonreturn valves, injectors and fittings shall be provided to meet the requirements of the city and state codes and recommendations of the American Society of Mechanical Engineers A.S.M.E.
- c) Air Conditioning, Heating and Ventilating Systems
- 1) The systems should be capable of providing the following temperatures

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and humidities in the following areas:

Area Designation	Temperature		Relative Humidity %	
	°F	°C	Min.	Max.
Operating Room	70-76*	21-24*	50	60
Delivery Room	70-76*	21-24*	50	60
Recovery Room	75	24	50	60
Intensive Care Units	75-80*	24-27*	30	60
Nursing Units	75	24	30	60
Special Care Nursery Units	75-80*	24-27*	30	60
Other patient areas	75	24		

*Variable range required

2) Ventilation Systems

- A) Air handling systems shall conform to NFPA ~~Standard No. 90A, Standard for Installation of Air Conditioning and Ventilating Systems (1989), "Installation of Air Conditioning and Ventilating Systems"~~.
- B) Outdoor 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, plumbing vent stacks, or from areas ~~that~~ which may collect vehicular exhaust and other noxious fumes.
- C) All ventilation air supplied to operating rooms, delivery rooms and nurseries ~~shall~~ be delivered at or near the ceiling of the area served, and all exhaust air from the area ~~shall~~ be removed near the floor level. At least two exhaust outlets ~~shall~~ be used in all operating and delivery rooms.
- D) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the following:

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FILTER EFFICIENCIES FOR CENTRAL
VENTILATION AND AIR CONDITIONING
SYSTEMS IN GENERAL HOSPITALS

Area Designation	Filter Efficiencies (percent)
Sensitive Areas*	50
Patient Care, Treatment, Diagnostic and Related Areas	50
Food Preparation Areas and Laundries	50
Administrative, Bulk Storage and Soiled Holding Areas	20

*Includes operating rooms, delivery rooms, nurseries, recovery rooms, and intensive care units.

- E) The filter shall be located upstream of the air conditioning equipment. If a prefilter is installed, it shall be located upstream of the air conditioning equipment. The main filter may be located before or after the equipment.
- F) Access to filters for changing shall be provided outside of clean areas unless approved otherwise by the Department.
- G) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with the ASHRAE Handbook of Fundamentals ~~(1981)~~.
- H) 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.
- I) A manometer shall be installed across each filter bed serving central air systems.
- J) Ducts that~~which~~ penetrate construction intended for X-ray~~x-ray~~ or other ray protection shall maintain the effectiveness of the

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protection.

- K) Fire and smoke dampers shall be constructed, located and installed in accordance with the requirements of NFPA ~~Standard No. 90A~~, Standard for "Installation of Air Conditioning and Ventilating Systems". Exception: all systems, regardless of size, ~~that~~which 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~~that Standard.
- L) Laboratory hoods shall meet the following general requirements:
- i) ~~The~~The exhaust system shall be separate from the building exhaust system; and
 - ii) ~~The~~The exhaust duct system shall be of noncombustible corrosion-resistant material consistent with the usage of the hood.
- M) Laboratory hoods shall meet the following special requirements:
- i) Each hood for the processing of infectious or radioactive materials shall have an adequate face velocity, shall be connected to an independent exhaust system, shall be provided with filters with 99.97 percent efficiency (based on the ~~DODDOP, diocetylphthalatedioetylphthalate~~, test method as described in ~~DODDOP~~ Penetration Test Method MIL STD No.282 ~~(1976)~~: Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.
 - ii) Duct systems in which radioactive and strong oxidizing agents are present shall be constructed of corrosion-resistant material consistent with usage for a minimum distance 10 feet from the hood and shall be equipped with wash-down~~washdown~~ facilities.

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- N) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall ~~comply~~be in conformance with NFPA ~~Standard No. 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, (1991), "Vapor Removal Cooking Equipment."~~ That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by listed grease extractors.
- O) Other exhaust hoods in food preparation centers shall have an adequate exhaust rate.
- P) ~~Clean-out~~Cleanout openings shall be provided to allow proper cleaning of the duct system serving kitchen and food preparation areas.
- Q) The ventilation system for anesthesia storage rooms shall conform to the requirements of NFPA ~~Standard No. 99, Standard for Health Care Facilities, (1993), "Health Care Facilities Code,"~~ including the gravity option system.
- R) Boiler rooms shall be provided with sufficient outdoor air to maintain proper combustion rates for equipment.
- S) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms, shall be ventilated.
- T) For general pressure relationships and ventilation of certain hospital areas, see ~~Section 250.~~Table F.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2670 Plumbing and Other Piping Systems

- a) General
All plumbing systems shall be installed in accordance with the requirements of the Illinois ~~State Plumbing Code, code (77 Ill. Adm. Code 890)~~ except that the number of waterclosets, urinals, lavatories, bathtubs, showers, drinking fountains,

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and other fixtures shall be as required by the hospital programs.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials.
- 2) ~~Hand-washing~~Handwashing lavatories used by medical and nursing staff shall be trimmed with valves ~~that~~which can be operated without the use of hands where specifically required in ~~Section 250.2630~~previous sections.
 - A) When blade handles are used for this purpose the blade handles shall not exceed 4½ inches in length, except ~~that~~ the handles on clinical sinks shall not be less than 6 inches in length.
 - B) The ~~hand-washing~~handwashing and scrub sinks, in ~~surgery and emergency treatment, nursery, and delivery units~~Surgery and Emergency Treatment, Nurseries, and Delivery shall be trimmed with valves ~~that~~which are ~~aseptically~~aseptically operated (i.e., knee or foot controls) without the use of hands. Wrist blades are not acceptable.
- 3) Shower bases and tubs shall be provided with nonslip surfaces for standing patients.

c) Water Supply Systems

- 1) Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.
- 2) ~~Bedpan-flushing~~ devices shall be provided on each patient toilet unless a clinical service sink is centrally located in each nursing unit. This requirement does not apply to psychiatric units.
- 3) Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water ~~temperature~~ at shower, bathing, and ~~hand-washing~~handwashing facilities shall not exceed 110° F (43° C).

d) ~~Hot~~Water Heaters and Tanks-

Storage tanks shall be fabricated of corrosion-resistant metal or lined with non-

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corrosive material.

e) Drainage Systems

- 1) Drain lines from sinks in which acid wastes may be poured shall be fabricated from acid-resistant material.
- 2) Floor drains shall not be installed in operating rooms. Flushing rim-type drains may be installed in ~~cystoscopic operating rooms~~Cystoscopy Operating Rooms.
- 3) Building sewers shall discharge into a public ~~sewer~~sewerage system. When a public sewer system is not available, sewage and liquid waste shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 905).~~or into other approved disposal system.~~

f) Medical Gas Service
Medical gas inlets and outlets shall be provided as identified in Table E.
~~Oxygen and Vacuum~~
~~Oxygen and vacuum shall be provided where required.~~

g) Service Outlets

Service outlets for central housekeeping vacuum systems, if used, shall not be located within operating rooms.

h) Fire Extinguishing Systems:

- 1) All existing fire extinguishing systems shall be designed, installed and maintained in accordance with NFPA 101, ~~(Life Safety Code)~~, NFPA 13, Standards for the Installation of (Sprinkler Systems) and NFPA 25, Standards for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems-13A, ~~(Sprinkler Systems Maintenance)~~.
- 2) All buildings more than two stories in height shall be provided with a Class III, Type 1 inside standpipe system. Such standpipe systems shall conform to the requirements of NFPA 14, Standards for the Installation of Standpipe, Private Hydrants, and Hose Systems, ~~(Standpipe and Hose~~

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~~Systems).~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.2680 Electrical Requirements

- a) General
All electrical materials shall comply with ~~the~~available standards of Underwriters' Laboratories, Inc., or equivalent.
- b) ~~Switchboards and Power Panels-~~
Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be accessible only to authorized persons. The switchboards shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry, ventilated space free of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions.
- c) ~~Panelboards-~~
Panelboards serving lighting and appliance circuits shall be conveniently located.
- d) ~~Lighting-~~
- 1) All spaces occupied by people, machinery, and equipment within buildings ~~and at~~ approaches to and exits from buildings shall have lighting.
 - 2) Patients' rooms shall be equipped with general lighting and night lighting.
 - 3) Operating and delivery rooms shall have general lighting in addition to local lighting provided by special lighting units at the surgical and obstetrical tables.
- e) ~~Receptacles (Convenience Outlets)-~~
- 1) Anesthetizing locations. Each operating and delivery room shall have receptacles of the types described in NFPA ~~99~~, Standard for Health Care

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Facilities Standard 56A, "Inhalation Anesthetics."

- 2) Patients' rooms. Each patient room shall have duplex grounding type receptacles. Nurseries shall have similar receptacles.
 - 3) Corridors. Duplex receptacles for general use shall be installed approximately 50 feet50'-0" apart in all corridors and within 25 feet25'-0" of the ends of corridors.
- f) Equipment Installation in Special Areas:
- 1) Installation in anesthetizing locations. All electrical equipment and devices, receptacles, wiring and conductive flooring shall comply with NFPA 99, Standard for Health Care Facilities, Standard 56A, "Inhalation Anesthetics," except that a static -type line isolation monitor will be permitted.
 - 2) Special grounding system. In areas such as intensive care units and special care nurseries, where a patient may be treated with an internal probe or catheter, the patient rooms'rooms ground systemssystem shall comply with the following:
 - A) A patient ground point shall be provided within 10 feet10'-0" of each bed. The patient ground is intended to assure that under normal conditions all electrically conductive surfaces of equipment and furnishings within reach of the patient will be at the same electrical potential plus or minus 10 millivolts differential. This requirement is not intended to apply to devices and utensils such as bedpans and other small portable nonelectrical devices.
 - B) One patient ground point may serve more than one patient, but one patient shall not be served by more than one patient ground point.
 - C) The grounding conductor connecting any receptacle serving a patient and the patient ground point shall not exceed the equivalent resistance of 15 feet15'-0" of No. 12 American wire gauge (AWG) copper conductor.
 - D) Exposed metal building surfaces or utility piping within reach of

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the patient or others who may touch ~~the patient~~ shall be grounded to the patient groundpoint or to a separately established room groundpoint.

- E) A reference groundpoint shall be established in the electrical supply panel.
- F) The patient groundpoint and the room groundpoint, where separated, shall be interconnected by a continuous, insulated, copper conductor not smaller than No. 12 AWG, and similarly connected to the reference ground. ~~The groundpoints or~~ may be individually connected to the reference groundpoint provided that the ground conductor resistance does not exceed that of ~~15 feet~~^{15'-0"} of No. 12 AWG copper conductor.
- G) Receptacle ground terminals shall be connected to the patient groundpoint or to the reference groundpoint provided that grounding conductor resistance to the reference groundpoint does not exceed that of ~~15 feet~~^{15'-0"} of No. 12 AWG, copper conductor.
- H) Grounding of all metallic raceways shall be assured by means of grounding bushings on all conduit terminations at the panelboard and by means of an insulated, continuous, stranded, copper grounding conductor, not smaller than No. 12 AWG, extended from the grounding bus in the panelboard to the conduit grounding bushings.
- I) Grounding of metallic switch and receptacle plates shall be provided by means of the mounting-screw connections to the device mounting yokes.

g) Nurses' Calling System-

- 1) General. In general patient areas, each room shall be served by at least one calling station and each bed shall be provided with a call button. Two call devices serving adjacent beds may be served by one calling station. Calls shall register with floor staff and shall actuate a visible signal in the corridor at the patients' door, and in all other appropriate areas. In multicorridor nursing units, additional visible signals shall be installed at

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corridor intersections.

- 2) Patients' emergency. A nurses' call emergency station shall be provided for patients' use at each patient's toilet, bath, sitz bath, and shower room.
- 3) Intensive care. In areas such as intensive care where patients are under constant surveillance, the nurses' calling system may be limited to a bedside station that will actuate a signal that can be readily seen or heard by the nurse.
- 4) Nurses' emergency. A communications system ~~that~~which may be used by nurses to summon assistance shall be provided in each operating, delivery, recovery, emergency treatment, and intensive care room, in nurseries, and in supervised nursing units for psychiatricmental patients.

h) Emergency Electric Service:

- 1) General. To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.
- 2) Sources. The source of this emergency electric service shall be as follows:
 - A) An emergency generating set when the normal service is supplied by one or more central station transmission lines.
 - B) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.
- 3) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. EXCEPTION: A system of prime movers ~~that~~which are ordinarily used to operate other equipment and alternately used to operate the emergency ~~generators~~generator(s) will be permitted provided that the number and arrangement of the prime movers are such that when one of them is out of service (due to breakdown or for routine maintenance) the prime ~~movers~~mover(s) can operate the required emergency ~~generators~~generator(s), and provided that the connection time

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requirements described in subsection (h)(4)(D)(i) of this Section are met.

- 4) Emergency electrical connections. Emergency electrical service shall be provided to the distribution systems as follows:
 - A) Circuits for the safety of patients and personnel:
 - i) Illumination of means of egress as required in NFPA Standard 101, ~~(Life Safety Code)~~.
 - ii) Illumination for exit signs and exit directional signs as required in NFPA Standard 101, ~~(Life Safety Code)~~.
 - iii) Alarm systems, including fire alarms activated at manual stations, water flow alarm devices of sprinkler ~~systems~~system if electrically operated, fire and smoke detecting systems, and alarms required for nonflammable medical gas systems.
 - iv) Paging or speaker systems if intended for communication during emergency. Radio transceivers where installed for emergency use shall be capable of operating for at least one hour upon total failure of both normal and emergency power.
 - v) General illumination and at least one duplex receptacle in the vicinity of the generator set.
 - B) Circuits essential to care, treatment, and protection of patients.
 - i) Task illumination and necessary life support receptacles in infant nurseries; medicine dispensing areas; cardiac catheterization laboratories; angiographic laboratories; labor, operating delivery, and recovery rooms; dialysis units; intensive care areas; emergency treatment rooms; and nurses' stations.
 - ii) Corridor duplex receptacles in patient areas.

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- iii) Nurses' calling system.
- iv) Blood bank refrigeration.
- v) Equipment necessary for maintaining telephone service.
- vi) Fire pump if installed.

C) Circuits ~~that which~~ serve necessary equipment. The connection to the following emergency electric services shall be delayed automatic except for heating, ventilation, and elevators which may be either delayed automatic or manual:

- i) Equipment for heating, operating, delivery, labor, recovery, intensive care, nursery, and general patient rooms except that service for heating of general patient rooms will not be required under either of the following conditions: if the design temperature is higher than 20°F (-7°C) based on the Median of Extremes as shown in the ASHRAE Handbook of Fundamentals, or if the hospital is served by two or more electrical services supplied from separate generators or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the hospital and the generating sources will not likely cause an interruption of the hospital service feeders.
- ii) Elevator service that will reach every patient floor. Throwover facilities shall be provided to allow temporary operation of any elevator for the release of persons who may be trapped between floors.
- iii) Ventilation of unfenestrated operating and delivery rooms.
- iv) Central suction systems serving medical and surgical functions.
- v) Equipment ~~that which~~ must be kept in operation to prevent damage to the building or its contents.

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D) Details.

- i) The emergency electrical system shall be so controlled that after interruption of the normal electric power supply the generator is brought to full voltage and frequency. It must be connected within 10 seconds through one or more primary automatic transfer switches to emergency lighting systems; alarm systems; blood banks; nurses' calling systems; equipment necessary for maintaining telephone service; and task illumination and receptacles in operating, delivery, emergency, recovery, and cardiac catheterization rooms, intensive care nursing areas, nurseries, and other critical patient areas. All other lighting and equipment required to be connected to the emergency system shall either be connected through the ~~above-described~~ primary automatic transfer switches or through other automatic or manual transfer switches.
- ii) Receptacles connected to the emergency system shall be distinctively marked. Storage battery-powered lights, provided to augment the emergency lighting or for continuity of lighting during the interim of transfer switching immediately following an interruption of the normal service supply, shall not be used as a substitute for ~~the requirement of~~ a generator. Where stored fuel is required for emergency generator operation, the storage capacity shall be sufficient for not less than 24-hour continuous operation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.325 Proposed Action:
Amendment
- 4) Statutory Authority: 35 ILCS 120/12; 35 ILCS 120/2-5(4); 35 ILCS 120/2-30; 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 130.325, the Retailers' Occupation Tax provisions concerning the graphic arts machinery and equipment. This rulemaking amends the Section to add a sunset date for the graphic arts machinery and equipment exemption, as well as the additional requirement that, in order to qualify for this exemption, the qualifying graphic arts machinery and equipment must be used primarily in the production of tangible personal property for wholesale or retail sale or lease. This rulemaking also adds examples of activities that illustrate the new requirement.
- 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 does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Debra M. Boggess
Associate Counsel

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Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that sell tangible personal property at retail will be affected by these regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: General Bookkeeping
 - C) Types of professional skills necessary for compliance: Accounting/Bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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

SUBPART A: NATURE OF TAX

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

SUBPART B: SALE AT RETAIL

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

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

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- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

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

SUBPART E: RETURNS

Section

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

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130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

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130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
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130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
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SUBPART H: BOOKS AND RECORDS

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130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

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SUBPART I: PENALTIES AND INTEREST

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130.901	Civil Penalties
130.905	Interest
130.910	Criminal Penalties

SUBPART J: BINDING OPINIONS

Section	
130.1001	When Opinions from the Department are Binding

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

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

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

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

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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

SUBPART N: SALES FOR RESALE

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

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

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

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

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

Section

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

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

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

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths

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- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others

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130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
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130.2035	Registered Pharmacists and Druggists
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130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
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130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
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130.2156	Vendors of Steam

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- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
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SUBPART T: DIRECT PAYMENT PROGRAM

Section

- 130.2500 Direct Payment Program
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130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
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- 130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

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

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

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November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196,

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effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.325 Graphic Arts Machinery and Equipment Exemption

- a) General. Through June 30, 2003, and beginning again on September 1, 2004 through ~~August 30, 2014~~~~July 29, 2009~~, notwithstanding the fact that sales may be at retail, the Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts, both new and used and including that manufactured on special order to be used primarily in graphic arts production. The exemption extends to purchases by lessors who will lease the property for use primarily in graphic arts production. Taxpayers must certify the use of the equipment they are purchasing to their suppliers. (See subsection (i) of this Section.) By statute, this exemption was repealed June 30, 2003 (Public Act 93-0024; effective June 20, 2003). Pursuant to Public Act 93-0840, effective July 30, 2004, this exemption was reenacted without any specific sunset date. Subsequently, Public Act 96-116 added a sunset date for this exemption of

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~~August 30, 2014. Section 2-70 of the Retailers' Occupation Tax Act provides that, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning five years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. Because no sunset date or language excepting this exemption from the sunset provision was contained in Public Act 93-0840, the statutory sunset provision applies the five-year sunset. Beginning July 30, 2009, this exemption will no longer be available.~~

- b) **Graphic Arts Production.** This term defines the types of entities eligible to claim this exemption. Beginning July 30, 2009, in addition to the requirements contained in subsection (b)(1)(A), an additional requirement was added as set forth in subsection (b)(1)(B). Provisions effective August 13, 1999 through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2014~~July 29, 2009~~:

- 1) Graphic arts production has the following meanings and applications:

- A) *Graphic arts production means printing, including ink jet printing, by one or more of the processes described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 of the North American Industry Classification System ("NAICS") published by the U.S. Office of Management and Budget, 1997 edition (no subsequent amendments or editions are included). Graphic arts production does not include the transfer of images onto paper or other tangible personal property by means of photocopying or final printed products in electronic or audio form, including the production of software or audio-books.* (Section 2-30 of the Act) Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 include printing upon apparel and textile products, paper, metal, glass, plastics, and other materials except fabric (grey goods). Printing upon grey goods is part of the process of finishing fabric and is included in the NAICS Textile Mills subsector in Industry 31331, Textile and Fabric Finishing Mills.

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- B) On and after July 30, 2009, in addition to the requirements contained in subsection (b)(1)(A), P.A. 96-116 imposes the additional requirement that the qualifying graphic arts machinery and equipment be used primarily in the production of tangible personal property for wholesale or retail sale or lease. Persons engaged primarily in the business of printing or publishing newspapers or magazines that qualify as newsprint and ink, by one or more of the processes described in Groups 511110 through 511199 of subsector 511 of the North American Industry Classification System published by the U.S. Office of Management and Budget, 1997 edition, are deemed to be engaged in graphic arts production. [35 ILCS 120/2-30]. This additional requirement extends to and applies to repair and replacement parts, both new and used and including equipment that is manufactured on special order to be used primarily in graphic arts production. The following are examples of activities that illustrate the new requirement that the machinery must also be used primarily (over 50%) in the production of tangible personal property for wholesale or retail sale or lease:
- i) A company that purchases graphic arts machinery and equipment used to print materials for its internal consumption is not deemed to be engaged in graphic arts production because the printed materials it prints are not for sale.
- ii) A manufacturer that prints catalogs of its products and distributes them without charge to potential customers is not deemed to be engaged in graphic arts production because the catalogs it prints are not for sale.
- iii) A printer who prints bulletins as part of its sale of service to a church is engaged in graphic arts production.
- iv) Printer A subcontracts with Printer B to print greeting cards that Printer A sells to retailers. Printer B is engaged in graphic arts production.

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- v) An engineering firm is conducting a seminar for local businesses and contracts with Printer to print materials that are distributed to seminar participants. Printer is engaged in graphic arts production because it is printing tangible personal property for sale as part of its sale of service.
- vi) Company A is in the business of printing the local weekly newspaper that qualifies as newsprint and ink. (See Section 130.2105 for what qualifies as newsprint and ink.) Company A is engaged in graphic arts production.
- vii) A retailer contracts with a printer to print holiday catalogs to be sold at retail. Printer is engaged in graphic arts production because it is printing tangible personal property for sale as part of its sale of service.
- viii) A retailer prints its own sale fliers and distributes them to potential customers. Retailer is not engaged in graphic arts because it is not printing the fliers for sale.
- ix) A manufacturer purchases graphic arts machinery and equipment to be used primarily for the production of office manuals and materials for internal use only. Occasionally, the manufacturer will print catalogs to be sold to promote its year-end inventory sale. The manufacturer is not engaged in graphic arts production because it does not use its equipment primarily (over 50%) in the production of tangible personal property for sale.
- x) Book Binding. Company A is in the business of binding books in the personal collections of individuals and entities. A law firm contracts with Company A to rebind its collection of old law books. Company A is engaged in graphic arts production because it is engaged in an activity involving the binding, collating or finishing of the graphic arts product as part of its sale of service. (See subsection (c)(4)(C).)

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xi) Company A is printing a "How To Manual" to be sold at retail and contracts with Printer to have the manual bound. Printer is engaged in graphic arts production both because the manual being bound is being printed to be sold, and, also, the activity involves the binding, collating or finishing of the graphic arts product as part of its sale of service.

xii) A law firm binds and collates its legal briefs and office manuals in-house. Law firm is not engaged in graphic arts production because the legal briefs and office manuals are not for sale.

CB) The North American Industry Classification System referenced in subsection (b)(1) can be obtained from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (Phone: 1-800-553-6847). The Department also maintains a copy of this information, which may be obtained upon request and at cost, from the Legal Services Office, 5-500, 101 West Jefferson Street, Springfield, Illinois 62794.

DE) The exemption applies to machinery and equipment used in graphic arts production processes, as those processes are described in the NAICS. While the NAICS subsectors referenced in subsection (b)(1)(A) describe types of graphic arts establishments that typically engage in graphic arts production, the exemption is not limited to qualifying machinery and equipment used by the establishments described in the NAICS, but rather, to qualifying machinery and equipment used in the printing processes described in the NAICS (for example, lithography, gravure, flexography, screen printing, quick printing, digital printing and trade services such as prepress and binding and finishing services). ~~The tangible personal property produced by graphic arts production need not be sold at retail in order for the exemption to apply. For instance, a company's purchase of qualifying graphic arts equipment used to produce its own printed materials qualifies for the exemption, even though the company is not in the business of selling printed materials at retail.~~

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~~ED~~) The exemption includes printing by methods of engraving, letterpress, lithography, gravure, flexography, screen, quick and digital printing. It also includes the printing of manifold business forms, blankbooks, looseleaf binders, books, periodicals and newspapers. Included in the exemption are prepress services described in Subsector 323122 of the NAICS (e.g., the creation and preparation of negative or positive film from which plates are produced, plate production, cylinder engraving, typesetting and imagesetting). The exemption also includes trade binding and related printing support activities set forth in Subsector 323121 of the NAICS (e.g., tradebinding, sample mounting and postpress services, such as book or paper bronzing, edging, embossing, folding, gilding, gluing, die cutting, finishing, tabbing and indexing).

~~FE~~) "Digital printing and quick printing" mean the printing of graphical text or images by a process utilizing digital technology, as provided in subsection (b)(4) of this Section. It also includes the printing of what is commonly known as "digital photography" (e.g., use of a qualifying integrated computer and printer system to print a digital image). The exemption extends only to machinery and equipment, including repair and replacement parts, used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

2) Machinery means major mechanical machines or major components of machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery. Beginning August 23, 2001, equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

A) The exemption does not include hand tools, supplies such as rags, lubricants, adhesives, solvents, ink, dyes, chemicals except as

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described in this subsection (b)(2), negatives, acids or solutions, fuels, electricity and steam or water. The exemption also does not include items of personal apparel, such as gloves, shoes, glasses, goggles, coveralls, aprons and masks.

- B) This exemption does not include the sale of materials to a purchaser who manufactures those materials into an otherwise exempted type of graphic arts machinery or equipment.
 - C) Machinery and equipment does not include foundations or special purpose buildings to house or support graphic arts machinery and equipment.
 - D) Machinery and equipment does not include computer software unless purchased preinstalled in qualifying computer equipment. Computer software not purchased preinstalled in qualifying computer equipment, including upgrades or new software, is subject to tax.
- 3) Primary Use. The law requires that machinery and equipment be used primarily in graphic arts production.
- A) Therefore, machinery that is used primarily in an exempt process and partially in a nonexempt manner would qualify for the exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the exemption.
 - B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.
- 4) By way of illustration and not limitation, the following activities will generally be considered graphic arts production:
- A) Prepress or preliminary processes. Prepress or preliminary processes include the steps required to transform an original into a

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state that is ready for reproduction by printing. Prepress or preliminary processes include typesetting, film production, color separation, final photocomposition (e.g., image assembly and imposition (stripping)) and platemaking. Prepress or preliminary processes include the manipulation of images or text in preparation for printing for the purpose of conforming those images to the specific requirements of the printing process being utilized. For example, the images must be conformed for a specific signature layout and formatted to a specific paper size. In addition, colors must be calibrated to the specific type of paper or printing process utilized, so that they conform to customer specifications. Prepress or preliminary processes do not, however, include the creation or artistic enhancement of images that will later be reproduced in printed form by a graphic arts process. For example, the creation of an advertisement pursuant to customer direction, or enhancement of a photograph received from a customer by adding a border, text or rearranging the placement of images in the photograph, is not the performance of a qualifying prepress or preliminary process. Prepress or preliminary processes can be performed at the printing facility, a separate prepress or preliminary facility, the customer's location, or other location. The following are examples of equipment used in qualifying prepress or preliminary activities:

- i) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates; film processors; scanners; impositioners; RIP (raster image processor) equipment; proofing equipment; imagesetters, plate processors, helioklischographs and computer-to-plate and computer-to-press equipment.
- ii) Computers that qualify include computers used primarily to receive, store and manipulate images to conform them to the requirements of a specific printing process that will later be performed. Computers used in connection with what is commonly referred to as "digital photography" will qualify if used primarily to format the graphic image that will be printed (e.g., used to format the size and layout of

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images to be printed). If the computers are primarily used, however, to apply background colors, borders or other artistic enhancements, or to view and select particular digital images to be printed, they will not qualify for the exemption.

- iii) Digital cameras do not qualify if they are used primarily to create an original image that will later be reproduced by a graphic arts process.
- iv) Servers used primarily to transfer images and text to qualifying equipment qualify, but do not qualify if used primarily in a non-exempt activity (for example, servers used to maintain an in-house email system).
- v) Scanners used primarily to input previously created images or text that will be reproduced by a graphic arts process qualify for the exemption.

B) The transfer of images or text from computers, plates, cylinders or blankets to paper or other stock to be printed. This process begins when paper is introduced on the press. Examples of qualifying equipment used in this activity include printing plates, printing presses, blankets and rollers, automatic blanket washers, scorers and dies, folders, punchers, stackers, strappers used in the pressroom for signatures, dryers, chillers and cooling towers. Laser or ink jet printers used to print on paper or other stock are also included in this exemption.

- i) Equipment used to handle or convey printed materials between production stations in an integrated on-line graphic arts process is included in the exemption (e.g., a forklift or bindery cart will qualify for the exemption if it is primarily used to convey book covers that have been printed and cut to binding and finishing equipment).
- ii) Computer equipment used to operate exempt graphic arts equipment also qualifies for the exemption.

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- iii) Equipment, such as transformers, used primarily to provide power to qualifying printing presses or bindery lines, qualifies for the exemption. Similarly, heating and cooling machinery or equipment used to produce an environment necessary for the production of printed material qualifies for the exemption. For example, humidity-control equipment used to reduce static during the printing process qualifies for the exemption.
- C) Activities involving the binding, collating or finishing of the graphic arts product. Equipment used in these activities includes, for instance, binders, packers, gatherers, joggers, trimmers, selectronic equipment, blow-in card feeders, inserters, stitchers, gluers, spiral binders, addressing machines, labelers and ink-jet printers.
- i) Machinery or equipment used to convey materials to packaging areas after the graphic arts product has been printed, bound and finished qualifies for the exemption. That equipment includes, for instance, conveyor systems, hoists or other conveyance mechanisms used to direct the final printed product into packaging areas.
 - ii) Machinery or equipment used to package materials after the graphic arts product has been printed, bound and finished qualifies for the exemption. Packaging equipment includes, for instance, cartoning systems, palletizers, stretch wrappers, strappers, shrink tunnels and similar equipment.
- 5) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:
- A) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment. This includes hand tools, welding tools, racks, and other machinery and equipment used in the maintenance area.
 - B) The use of machinery and equipment (e.g., fork lifts, roll clamps and roll grabbers) to convey raw materials to the press does not

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qualify for the exemption.

- C) The use of machinery or equipment to convey materials to final storage or shipping areas. That equipment includes, for instance, fork lifts used primarily to place the packaged printed product into final storage or shipping areas.
- D) The use of machinery or equipment to gather information, track jobs or to perform data-related functions prior to a qualifying prepress activity (e.g., computers used primarily to edit or create text, data, or other copy). That equipment includes items such as inventory tracking devices and bar-code readers.
- E) The use of machinery or equipment to photocopy printed matter. A copier that is capable of printing images or text transmitted to it in digital form will qualify. However, a copier that produces photocopies by means of xerographic technology is subject to tax.
- F) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, marketing, or personnel recruitment, selection or training. Waste disposal equipment (e.g., equipment used to contain and recapture paper dust) does not qualify for the exemption. However, for information regarding the pollution control exemption, see Section 130.335 of this Part. Similarly, baling equipment used to recycle paper waste does not qualify under this exemption. However, the manufacturing machinery and equipment exemption may be applicable. (See Section 130.330 of this Part.)
- G) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, respirators, first-aid kits, gloves, coveralls and goggles, or for safety, accident protection or first-aid, even though that machinery or equipment may be required by federal, State or local law.
- H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, except

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when the machinery or equipment is used to produce an environment necessary for the production of printed material.

- 6) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life and is converted to primarily nonexempt uses will become subject to the tax at the time of the conversion. The tax will be collected on that portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- 7) Sales to Lessors of Graphic Arts Equipment. The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease that machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude these sales from his or her taxable gross receipts provided that the purchaser-lessor provides to him or her a properly completed exemption certificate and the information contained in the certificate would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.
- 8) Exemption Certification. Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production. So long as the retailer obtains a certificate of exemption that contains all the information required in this subsection (b)(8), the retailer need not verify that the equipment he or she sells is actually used as graphic arts production equipment. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction taken on the return.

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- c) Graphic Arts Production. Provisions in effect until August 13, 1999:
- 1) *Graphic arts production means printing by one or more of the common processes or graphic arts production services as those processes and services are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual. (Section 2-30 of the Act) The exemption includes printing by letterpress, lithography, gravure, screen, engraving and flexography and includes printing trade services as typesetting, negative production, plate production, bookbinding, finishing, looseleaf binder production and other services set forth in Major Group 27. The exemption extends only to machinery and equipment used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.*
 - 2) Machinery means major mechanical machines or major components of machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment or parts of machinery. The exemption does not include hand tools, supplies, lubricants, adhesives or solvents, ink, chemicals, dyes, acids or solutions, fuels, electricity, steam or water, items of personal apparel such as gloves, shoes, glasses, goggles, coveralls, aprons and masks, or such items as negatives, one-time use printing plates as opposed to multiple use cylinders or lithographic plates, dies, etc., that are expendable supplies. This exemption does not include the sale of materials to a purchaser who manufactures these materials into an otherwise exempted type of graphic arts machinery or equipment.
 - 3) Machinery and equipment does not include foundations for or special purpose buildings to house or support graphic arts machinery and equipment.
 - 4) Primary Use.
 - A) The law requires that machinery and equipment be used primarily in graphic arts production. Therefore, machinery that is used

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primarily in an exempt process and partially in a nonexempt manner, would qualify for the exemption. However, the purchaser must be able to establish adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the deduction.

- B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.
- C) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:
 - i) Machinery and equipment to directly produce typesetting, negatives and plates including final photo-composition and color separation processes.
 - ii) The use of machinery and equipment to transfer images or text from type or plates or image carriers to paper or other stock to be printed.
 - iii) Equipment to collate, bind or finish the graphic arts product covered in subsection (c)(2).
 - iv) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates.
- D) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:
 - i) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment.
 - ii) The use of machinery or equipment to store, convey, handle or transport materials.

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- iii) The use of machinery or equipment to place the printed product in the container package or wrapping in which the property is normally sold to the ultimate consumer of the property.
- iv) The use of machinery or equipment to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other date-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier.
- v) Xerographic or photocopying machines do not qualify for the exemption.
- vi) Word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation, such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production.
- vii) Computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer that generates an image that may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system that produces printing cylinders and computer-controlled digital typesetting equipment would qualify.
- viii) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including disposal of waste, inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training.
- ix) The use of machinery and equipment to prevent or fight

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fires or to protect employees, such as protective masks, gloves, coveralls and goggles or for safety, accident protection or first-aid even though the machinery or equipment may be required by law.

- x) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination.
 - E) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses, will become subject to the tax at the time of the conversion. The tax will be collected on the portion of the purchase price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- 5) Sales to Lessors of Graphic Arts Equipment.
The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease the machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his or her taxable gross receipts provided that the purchaser-lessor provides to him or her a properly completed exemption certificate and the information contained therein would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.
- 6) Exemption Certification.
Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction

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NOTICE OF PROPOSED AMENDMENT

taken on the return. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production.

- 7) For the purpose of determining the portion of the proceeds or cost that may be excluded from tax, a sale of property will be deemed to be made as of the date of delivery of the property. If a single sale of property is made that calls for multiple deliveries unrelated to payments and a portion of the sold property is delivered when one fraction of the proceeds or cost is excludable and the remainder of the property is delivered when a different fraction of the proceeds or cost is excludable, the earliest date of delivery of any of the property will determine the portion of the proceeds or cost of the entire sale that may be excluded in computing the tax that is due on that entire sale. However, even when a contract provides for multiple deliveries, if a payment is closely related in time and quantity to the property delivered, the date of each delivery will determine the portion of the proceeds or cost that may be excluded in computing the tax that is due on that payment.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Amnesty Regulations
- 2) Code Citation: 86 Ill. Adm. Code 520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
520.101	New Section
520.105	New Section
- 4) Statutory Authority: 35 ILCS 745/1
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-1435, created an amnesty program granting abatement of interest and penalties for taxpayers who pay qualifying tax debts between October 1, 2010, and November 8, 2010. This rulemaking provides guidance on which tax debts qualify for amnesty, the procedures for participating in the amnesty program, and the consequences of participation or failure to participate.
- 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? This rulemaking will replace the emergency rulemaking filed simultaneously with this Notice.
- 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 does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue

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Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses will receive guidance on how to participate in the amnesty program under the Illinois Tax Delinquency Amnesty Act and receive abatement of penalties and interest otherwise due for unpaid tax liabilities.
 - 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: None. Public Act 96-1435 became law after the Department of Revenue's July 2010 regulatory agenda had been filed.

The full text of the Proposed Rules is identical to the text of the Emergency Rules on page 15515 of this issue of the Illinois Register.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Roadside Memorials
- 2) Code Citation: 92 Ill. Adm. Code 549
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
549.100	Amend
549.200	Amend
549.300	Amend
549.400	Amend
549.500	Amend
549.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Roadside Memorial Act [605 ILCS 125, as amended by PA 96-1371, effective January 1, 2011]
- 5) A Complete Description of the Subjects and Issues Involved: By this proposed rulemaking, the Department is amending this Part for consistency with PA 96-1371, effective January 1, 2011. The Public Act adds fatal accident memorial markers to the Roadside Memorials program to identify locations where persons were killed in accidents involving reckless drivers. The Public Act establishes requirements for the application for placement of the markers, and for the markers themselves, similar to the current provisions of the Roadside Memorial Act concerning DUI memorial markers.

Additionally, the Department is repealing Appendix A since the Central Bureau of Operations is handling all correspondence and billing for this program. Contact information for correspondence has been added at Section 549.500(a)(1) .
- 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? December 31, 2011
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: The law allows, but does not require, local agencies to have similar programs on streets and highways under their respective jurisdictions.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Mr. Aaron Weatherholt, Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-7231

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will have no effect on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 549
ROADSIDE MEMORIALS

Section

- 549.100 Introduction
- 549.200 Definitions
- | 549.300 Criteria for DUI Memorial Markers, Fatal Accident Memorial Markers, and Commemorative Plaques
- | 549.400 Design of DUI Memorial Markers, Fatal Accident Memorial Markers, and Commemorative Plaques
- 549.500 Application, Fees and Other Regulations
- | 549.APPENDIX A District Offices and Counties (Repealed)

AUTHORITY: Implementing, and authorized by Section 25 of, the Roadside Memorial Act [605 ILCS 125] and Sections 27.5 and 27.6 of the Clerk of Courts Act [705 ILCS 105/27.5 and 27.6] and Section 5-9-1.17 of the Unified Code of Corrections [730 ILCS 5/5-9-1.17].

SOURCE: Adopted at 32 Ill. Reg. 8047, effective May 8, 2008; amended at 33 Ill. Reg. 15885, effective October 30, 2009; amended at 34 Ill. Reg. 7330, effective May 4, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 549.100 Introduction

- a) This Part has been developed in accordance with the Roadside Memorial Act [605 ILCS 125] to regulate the use, by the Illinois Department of Transportation, of DUI memorial markers, fatal accident memorial markers and associated commemorative plaques along streets and highways. This Part establishes standards and financial responsibility for a program of placing markers and plaques at locations within the respective jurisdictional areas. The DUI memorial marker program became~~This program will become~~ effective on January 1, 2008. The fatal accident memorial marker program will become effective on January 1, 2011.
- b) This program does not apply to freeways within the State of Illinois that are under the jurisdiction of the Department.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 549.200 Definitions

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section.

"Act" – the Roadside Memorial Act [605 ILCS 125].

~~"Commemorative Plaque"—a rectangular sign, placed beneath a DUI memorial marker, displaying the name of a victim who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of these substances, along with the date of the crash.~~

"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"DUI Memorial Commemorative Plaque" – a rectangular sign, placed beneath a DUI memorial marker, displaying the name of a victim who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of these substances, along with the date of the crash.

"DUI Memorial Marker" – a sign on a highway in the state of Illinois commemorating one or more persons who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of these substances and displaying the words "Please Don't Drink and Drive". (See Section 10 of the Act)

"Entrance Ramp" – a lane entering the main traveled way of a freeway providing access between the freeway and the crossroad at an interchange.

"Fatal Accident Memorial Commemorative Plaque" – a rectangular sign, placed beneath a fatal accident memorial marker, displaying the name of a victim who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of

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1961 [720 ILCS 5/9-3 or 9-3.2] or who otherwise caused the death of one or more persons through the operation of a motor vehicle, along with the date of the crash.

"Fatal Accident Memorial Marker" – a sign on a highway in the State of Illinois commemorating one or more persons who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or who otherwise caused the death of one or more persons through the operation of a motor vehicle and displaying the words "Reckless Driving Costs Lives". (Section 23(b) of the Act)

"Freeway" – a divided highway for through traffic, other than one under the jurisdiction of the Illinois State Toll Highway Authority, with full control of access and grade separations at all crossroads.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels

"Qualified Relative" – an immediate relative of the deceased, by marriage, blood or adoption, such as his or her spouse, son, daughter, mother, father, sister or brother; a stepmother, stepfather, stepbrother or stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance. (Section 10 of the Act)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 549.300 Criteria for DUI Memorial Markers, Fatal Accident Memorial Markers, and Commemorative Plaques

- a) Only a qualified relative of a deceased victim may request a DUI or fatal accident memorial marker of the Department. (See Section 15(a) of the Act.)
- b) The Department shall deny the request if any qualified relative of any decedent involved in the crash objects in writing to the placement of the DUI or fatal accident memorial marker. (See Section 15(c) of the Act.)
- c) The Department shall deny the request or, if a DUI or fatal accident memorial marker has already been installed, may remove the marker, if the qualified relative requesting ~~thea-DUI~~ memorial marker has provided false or misleading information in the application. (See Section 15(d) of the Act)

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- d) *The qualified relative shall agree not to place or encourage the placement of flowers, pictures or other items at the crash site.* (Section 15(e) of the Act)
- e) The Department shall not erect a DUI or fatal accident memorial marker for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of state DUI law, unless the qualified relative of any other victim or victims killed in the crash consents in writing to the erection of the memorial. (See Section 15(f) of the Act)
- f) When requested and approved, DUI memorial markers may be installed for any crash occurring on or after January 1, 1990. When requested and approved, fatal accident memorial markers may be installed for any crash occurring from January 1, 1990 to December 31, 2011. (See ~~Sections~~Section 15(b) and 23(k) of the Act.)
- g) DUI or fatal accident memorial markers shall not be installed on freeways except that they may be installed on ramps leading from other highways to freeways.
- h) DUI or fatal accident memorial markers shall not be installed within the median of any divided highway.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 549.400 Design of DUI Memorial Markers, Fatal Accident Memorial Markers, and Commemorative Plaques

- a) The DUI memorial marker shall be a standard size of 36 inches wide by 24 inches tall with the message "Please Don't Drink and Drive" in white lettering on a retroreflectorized blue background and shall bear the Illinois Department of Transportation Sign Standard Number I1-I108a~~I5-I106~~.
- b) The fatal accident memorial marker shall be a standard size of 36 inches wide by 24 inches tall with the message "Reckless Driving Costs Lives" in white lettering on a retroreflectorized blue background and shall bear the Illinois Department of Transportation Sign Standard Number I1-I108b. (See Section 23(d) of the Act.)
- ~~c)b)~~ The DUI or fatal accident memorial marker may be supplemented by a commemorative plaque having a standard size of 36 inches wide by 18 inches tall mounted underneath with the message "IN MEMORY OF (Victim's Name)" and

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the date of the applicable crash in white lettering on a retroreflectorized blue background and shall bear the Illinois Department of Transportation Sign Standard Number ~~I1-I10815-I106(a)~~. (See Sections 20(a) and 23(d) of the Act.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 549.500 Application, Fees and Other Regulations

a) Application

- 1) Application forms for the placement of DUI or fatal accident memorial markers and commemorative plaques ~~are~~will be available by writing:

Roadside Memorial Coordinator
Illinois Department of Transportation
Bureau of Operations
2300 South Dirksen Parkway
Springfield, Illinois 62764

~~from the Department (see Section 549. Appendix A for a listing of District addresses and phone numbers).~~ If a qualifying relative wishes to participate in the program, he/she must complete an application form for each victim he/she wishes to commemorate and submit it to the Department ~~at the address shown in Section 549. Appendix A for the county in which the marker is desired.~~

- 2) When the Department determines from the initial application that the criteria listed in this Part are met, the application will be approved and a copy returned to the qualifying relative, along with instructions concerning payment of the fee and other appropriate information.

b) Fees

- 1) Except as provided in subsection (b)(4), a one-time fee sufficient to offset the cost of the program will be charged to the qualifying relative for each DUI or fatal accident memorial marker and commemorative plaque installed by the Department. The fees, as of January 1, 2008, will be \$150 for each DUI or fatal accident memorial marker and \$50 for each

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commemorative plaque. A commemorative plaque cannot be installed without a DUI or fatal accident memorial marker.

- 2) The Department will periodically adjust the fees to reflect the current cost of installing and maintaining the signing with adjustments subject to rulemaking.
- 3) Once the fee is paid for a DUI or fatal accident memorial marker or a commemorative plaque and the marker or plaque is installed, the Department will maintain the marker or plaque for the entire 2-year period provided in Section 549.500(c)(3) without any additional cost to the qualified relative. (See Sections 20(c) and 23 (f)~~Section 20(f)~~ of the Act.)
- 4) Subject to appropriation, the Department will use the money in the Roadside Memorial Fund, as prescribed in Sections 27.5 and 27.6 of the Clerk of Courts Act [705 ILCS 105/27.5 and 27.6], Section 5-9-1.17 of the Unified Code of Corrections [730 ILCS 5/5-9-1.17] and in Section 20(f) of the Roadside Memorial Act [605 ILCS 125/20(f)], to pay the fees for DUI memorial markers only. When the fees are paid from the fund, no fees will be charged to the qualifying relative.

c) Placing and Maintaining Memorial Markers and Commemorative Plaques

- 1) The DUI or fatal accident memorial markers and commemorative plaques shall only be placed by the Department.
- 2) A DUI or fatal accident memorial marker and commemorative plaque shall be maintained for at least 2 years from the date the last person was memorialized on the plaque. (See Sections~~Section~~ 20(c) and 23(f) of the Act.)
- 3) The Department has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the Department may select an alternate location. (See Sections~~Section~~ 20(d) and 23(g) of the Act.)

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- 4) A DUI or fatal accident memorial marker and commemorative plaque may memorialize more than one victim who died as a result of the same crash. If one or more additional, unrelated DUI or reckless homicide deaths subsequently occur in close proximity to an existing DUI or fatal accident memorial marker, the Department may use the same marker to memorialize the subsequent death or deaths by adding the names of the additional persons. (See ~~Sections~~Section 20(b) and 23(e) of the Act.)
- 5) *The Department shall secure the consent of any municipality before placing a DUI or fatal accident memorial marker within the corporate limits of the municipality. (~~Sections~~Section 20(e) and 23(h) of the Act.)*

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 549.APPENDIX A District Offices and Counties (Repealed)

District 1	Bureau of Traffic 201 West Center Court Schaumburg IL 60196-1096 847/705-4411	Cook, DuPage, Kane, Lake, McHenry and Will
District 2	Bureau of Operations 819 Depot Avenue Dixon IL 61021-3500 815/284-5395	Boone, Carroll, Henry, JoDavies, Lee, Ogle, Rock Island, Stephenson, Whiteside and Winnebago
District 3	Bureau of Operations 700 East Norris Drive Ottawa IL 61350 815/434-8417	Bureau, DeKalb, Ford, Grundy, Iroquois, Kankakee, Kendall, LaSalle and Livingston
District 4	Bureau of Operations 401 Main Peoria IL 61602 309/671-4460	Fulton, Henderson, Knox, Marshall, McDonough, Mercer, Peoria, Putnam, Stark, Tazewell, Warren and Woodford
District 5	Bureau of Operations 13473 IL Hwy. 133 PO Box 610 Paris IL 61944 217/466-7234	Champaign, DeWitt, Douglas, Edgar, McLean, Piatt and Vermilion
District 6	Bureau of Operations 126 East Ash Springfield IL 62704-4792 217/782-7314	Adams, Brown, Cass, Christian, Hancock, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott
District 7	Bureau of Operations 400 West Wabash Effingham IL 62401 217/342-8261	Clark, Clay, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Jasper, Lawrence, Macon, Moultrie, Richland, Shelby, Wabash and Wayne

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District 8	Bureau of Operations 1102 EastPort Plaza Collinsville IL 62234 618/346-3250	Bond, Calhoun, Clinton, Greene, Jersey, Madison, Marion, Monroe, Randolph, St. Clair and Washington
District 9	Bureau of Operations State Transportation Building 2801 W. Murphysboro PO Box 100 Carbondale IL 62903 618/351-5240	Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White and Williamson

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
451.10	Amendment
451.20	Amendment
451.30	Amendment
451.50	Amendment
451.100	Amendment
451.110	Amendment
451.120	Amendment
451.130	Amendment
451.140	Amendment
451.150	Amendment
451.200	Amendment
451.220	Amendment
451.230	Amendment
451.240	Amendment
451.250	Amendment
451.300	Amendment
451.310	Amendment
451.320	Amendment
451.330	Amendment
451.340	Amendment
451.350	Amendment
451.400	Amendment
451.410	Amendment
451.420	Amendment
451.430	Amendment
451.510	Amendment
451.710	Amendment
451.720	Amendment
451.740	Amendment
451.750	Amendment
451.760	Amendment
451.770	Amendment

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115]
- 5) Effective Date of Amendments: September 25, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 5, 2010; 34 Ill. Reg. 2871
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:

Section 451.110(a)(4): Language revised to require the payment for noncompliance to the People of the State of Illinois.

Section 451.220(a)(4): Language revised to require the payment for noncompliance to the People of the State of Illinois.

Section 451.310(c): Language revised

Section 451.320 (a)(4): Language revised to require the payment for noncompliance to the People of the State of Illinois.

Section 451.350(d): Language revised.

Section 451.710(f): Language revised to require reporting after the transaction instead of before the transaction.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No

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NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: 83 III. Adm. Code 451 establishes various requirements for ARES applicants seeking a certificate of service authority from the Commission in accordance with Section 16-115 of the Public Utilities Act before serving any retail customer or other user located in this state. General provisions are contained in Subpart A, procedures for applicants who are seeking to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more are contained in Subpart B, procedures for applicants who are seeking to serve only nonresidential retail customers with annual electrical consumption greater than 15,000 kWh are contained in Subpart C, procedures for applicants who are seeking to serve all retail customers are contained in Subpart D, procedures for applicants who are seeking to serve only themselves or affiliated customers are contained in Subpart E, the financial qualifications for the provision of single-billing service are contained in Subpart F, and procedures for reporting continuing compliance with certification requirements are contained in Subpart H.

Additional changes improve the ARES certification and continuing compliance process. One of the changes adjusts the date to demonstrate continuing compliance with the ARES requirements from no later than January 31 to April 30 of each year. It is in the public interest to change the compliance deadline at the same time as implementing the new requirements. This will allow ARES to demonstrate that they met these requirements in their compliance filings due April 30. In addition, changes to the financial qualifications will promote competition by reducing costs to ARES. As in the case of the adjustment of the compliance deadline, it is in the public interest to make the changes to the financial qualifications concurrent with the other changes, since it would be counterproductive to allow ARES to continue to receive new certificates using obsolete qualifications.

The changes to the financial qualifications will remove unnecessary confusion for applicants or possible loopholes in the current requirements. The financial requirements give ARES a choice of several options that gives participants the ability to choose a method that best fits the situation of a particular ARES. The ARES financial qualifications in Part 451 are fashioned in such a manner that any changes create a need for other changes, making it imperative to keep all the options together as a package. It would be unnecessarily burdensome on ARES to change financial qualifications more than once during a compliance period.

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

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

217/785-3922

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 451
CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL PROVISIONS

Section

451.10	Definitions and Incorporations
451.20	Requirements for All Applicants under Section 16-115(d) of the Act
451.30	Required Filings and Procedures
451.40	Customer Records and Information
451.50	License or Permit Bond Requirements
451.60	Confidential Documentation

SUBPART B: ~~EXPEDITED~~ PROCEDURES FOR APPLICANTS SEEKING TO
SERVE ONLY NONRESIDENTIAL RETAIL CUSTOMERS WITH MAXIMUM
ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section

451.100	Applicability of Subpart B
451.110	Financial Qualifications under Subpart B
451.120	Technical Qualifications under Subpart B
451.130	Managerial Qualifications under Subpart B
451.140	Qualifications of Agents and Contractors under Subpart B
451.150	Commission Order in Expedited Proceedings under Subpart B
451.160	Confidential Documentation (Repealed)

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
CONSUMPTION GREATER THAN 15,000 kWh

Section

451.200	Applicability of Subpart C
451.210	General Qualifications under Subpart C
451.220	Financial Qualifications under Subpart C
451.230	Technical Qualifications under Subpart C

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 451.240 Managerial Qualifications under Subpart C
- 451.250 Qualifications of Agents and Contractors under Subpart C
- 451.260 Commission Order in Proceedings under Subpart C
- 451.270 Confidential Documentation under Subpart C (Repealed)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS

Section

- 451.300 Applicability of Subpart D
- 451.310 General Provisions of Subpart D
- 451.320 Financial Qualifications under Subpart D
- 451.330 Technical Qualifications under Subpart D
- 451.340 Managerial Qualifications under Subpart D
- 451.350 Qualifications of Agents and Contractors under Subpart D
- 451.360 Commission Order in Proceedings under Subpart D
- 451.370 Confidential Documentation under Subpart D (Repealed)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

Section

- 451.400 Applicability of Subpart E
- 451.410 Required Filings and Procedures under Subpart E
- 451.420 Technical Qualifications under Subpart E
- 451.430 Qualifications of Agents and Contractors under Subpart E
- 451.440 Commission Order in Proceedings under Subpart E
- 451.450 Confidential Documentation under Subpart E (Repealed)

SUBPART F: FINANCIAL QUALIFICATIONS FOR THE PROVISION OF SINGLE-BILLING SERVICE

Section

- 451.500 Applicability of Subpart F
- 451.510 Financial Qualifications under Subpart F

SUBPART H: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section

- 451.700 Applicability of Subpart H

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

451.710	General Provisions
451.720	Erroneous or Defective Reports
451.730	Certification of Compliance with Section 16-115(d)(5) of the Act (Repealed)
451.740	Financial Reporting Requirements
451.750	Managerial Reporting Requirements
451.760	Technical Reporting Requirements
451.770	Kilowatt-hour Reporting Requirement

AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

SOURCE: Adopted at 23 Ill. Reg. 5528, effective May 1, 1999; amended at 23 Ill. Reg. 13820, effective December 1, 1999; amended at 24 Ill. Reg. 15971, effective October 15, 2000; amended at 26 Ill. Reg. 7039, effective May 1, 2002; expedited correction at 26 Ill. Reg. 15115, effective May 1, 2002; amended at 32 Ill. Reg. 17126, effective November 1, 2008; emergency amendment at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days; emergency expired July 18, 2010; amended at 34 Ill. Reg. 15283, effective September 25, 2010.

SUBPART A: GENERAL PROVISIONS

Section 451.10 Definitions and Incorporations

"Accountant's report" has the same meaning as in 17 CFR 210.1-02 and 210.2-02 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

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

"Alternative retail electric supplier" or "ARES" has the same meaning as in Section 16-102 of the Act ~~[220 ILCS 5/16-102]~~.

"Applicant" means an entity that files an application with the Illinois Commerce Commission to provide electric service as an alternative retail electric supplier under Section 16-115 of the Act ~~[220 ILCS 5/16-115]~~.

"Best's financial size category" refers to a numerical value that A.M. Best or its successor assigns to an insurance company based on the amount of that insurance company's policyholders' surplus and reserve funds.

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"Best's rating" refers to a rating from A.M. Best or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Business enterprise" means a commercial enterprise or establishment.

"Certified", when used in regard to financial statements, has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Commission" means the Illinois Commerce Commission.

"Electric cooperative" means the same as that term is defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"Financial statements" has the same meaning as in 17 CFR 210.3-01 to 210.3-05 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

~~"Funds from operations interest coverage" equals (cash flow from operations exclusive of changes in working capital plus gross interest expense) divided by gross interest incurred before subtraction of capitalized interest and interest income.~~

~~"Funds from operations to average total debt" equals (cash flow from operations exclusive of changes in working capital plus depreciation adjustment for operating leases) divided by the average balance of total debt.~~

"Guarantee" means an undertaking by a guarantor to pay or fulfill the obligation upon failure of the principal obligor to fulfill its contractual obligations. A guarantee shall contain the following provisions:

The guarantee is one of payment and not of collection;

The guarantor's obligations under the guarantee are weighed equally with

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other guarantees;

The obligations from transactions entered into under the original guarantee must be the subject of an ongoing guarantee;

The guarantee reinstates if any guaranteed payment made by the primary obligor is recaptured as a result of bankruptcy or insolvency; and

The guarantee is binding on successors of the guarantor.

"Letter of credit" means an instrument issued by a bank guaranteeing the payment of a customer's (i.e., the applicant or ARES) drafts in favor of a third party up to a stated amount for a specified period.

"License bond" means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an ARES.

"Management position" means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Material" has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent thereof.

"Parent" has the same meaning as in 17 CFR 210.1-2 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Payment bond" means an obligation of a surety to pay the monies that the principal (i.e., the applicant or ARES) owes another party in the event that the applicant fails for whatever reason to perform its contract or contracts~~contract(s)~~.

"Permit bond" has the same meaning as "license bond".

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~~"Pre-tax interest coverage" equals earnings from continuing operations before interest and taxes divided by gross interest incurred before subtraction of capitalized interest and interest income.~~

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of Treasury on a single bond.

"Ratings agency" means Standard & Poor's or its successor, Moody's Investors Service or its successor, or Fitch Ratings or its successor.

"Retail customer", as used in this Part, means the same as the term is defined in Section 16-102 of the Act.

["RTO" means a Regional Transmission Organization.](#)

"Segment" refers to a component of an entity whose activities represent a separate major line of business or class of customer.

"Small commercial retail customer" means the same as the term is defined in Section 16-102 of the Act.

"Surplus Line Association of Illinois" is an organization of Illinois surplus line producers as defined in Section 445.1 of the Illinois Insurance Code [215 ILCS 5/445.1].

"Technical staff" means a staff of trained technical experts in electric power and energy supply, including persons who have completed an accredited or otherwise recognized apprenticeship program or a formal education program and persons who possess no less than four years of experience working in a similar position with a utility, ARES or related business. This shall also include those persons registered as professional engineers as required by the Professional Engineering Practice Act of 1989 [225 ILCS 325].

~~"Total debt" equals notes payable plus current portion of long-term debt, preferred stock and capitalized lease obligations plus long-term debt plus capitalized lease obligations plus total off balance sheet debt.~~

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~~"Total debt to total capitalization" equals total debt divided by (total debt plus minority interest, total preferred and preference stock plus common equity).~~

"Unconditional guarantee" has the same meaning as "guarantee" with these additional provisions:

The guarantor has subjected itself to jurisdiction and service of process in accordance with the laws of the State of Illinois, and the guarantee will be construed in accordance with the laws of the State of Illinois without reference to conflict of laws principles; and

The guaranteed obligations are unconditional, irrespective of value, genuineness, validity, waiver, release, alteration, amendment, and enforceability of the guaranteed obligations.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.20 Requirements for All Applicants under Section 16-115(d) of the Act

Each applicant, except electric cooperatives or municipal systems making an election under Section 17-300 of the Act ~~[220 ILCS 5/17-300]~~ to become an ARES and applicants filing under Section 16-115(e) of the Act ~~[220 ILCS 5/16-115(e)]~~, for certification as an ARES must include with its application the following items, as required by Section 16-115(d) of the Act:

- a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system ~~(including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service)~~ and shall agree to submit good faith schedules of transmission and energy in accordance with applicable tariffs.
- b) ~~The applicant shall certify that it will provide service only to retail customers that are eligible to take delivery services.~~

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- be) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish and provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy (see 220 ILCS 5/16-115(d)(4)).
- ~~d)~~ ~~The applicant shall certify that it will comply with informational and reporting requirements that the Commission may establish regarding the provision of information required by Section 16-112 of the Act [220 ILCS 5/16-112]. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes that the Commission determines are reasonably necessary in order to carry out the purposes of this Act.~~
- ce) The applicant shall provide the following:
- 1) Applicant's name and street address; and
 - 2) Applicant's Federal Employer Identification Number (FEIN).
- df) The applicant shall demonstrate that:
- 1) The applicant is licensed to do business in the State of Illinois; and
 - 2) The employees of the applicant that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, or any entity with which the applicant has contracted to perform those functions within the State of Illinois, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)].
- eg) The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.
- f) The applicant shall certify it will procure renewable energy resources as required by Section 16-115D and Section 16-115(d) of the Act, or shall certify that Section

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16-115D and Section 16-115(d) do not apply to it pursuant to Section 16-115D(h).

- g) The applicant shall certify that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.30 Required Filings and Procedures

- a) The applicant shall publish, as provided by the Notice by Publication Act [715 ILCS 5], notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant shall file proof of publication with the Clerk of the Commission within 5 days after publication.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall identify the geographic area or geographic areas in which the applicant seeks to be authorized to offer service and the types of services it intends to offer. The applicant shall provide the following:
- 1) Description of the applicant's business;-
 - 2) Description of the characteristics of customer group or groups ~~group(s)~~ applicant proposes to serve; and
 - 3) Proof that notification of ~~an~~ intent to serve in any utility's service area has been previously provided to the agent designated by the electric utility pursuant to 83 Ill. Adm. Code 215.10 of each electric utility in whose service area the applicant intends to serve.
- d) Itemized filing requirements
- 1) At the time an ARES files an application for certification under this Part, the applicant shall also file its statement in support of application, supporting documents, and schedules containing information showing that

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the applicant meets the requirements of Section 16-115 of the Act ~~[220 ILCS 5/16-115]; and-~~

- 2) The applicant shall certify compliance with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative electric supplier ~~[220 ILCS 5/16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a)].~~
- e) Documents shall include the full name, address, telephone number and, unless the applicant has no facsimile number or e-mail address, facsimile number and e-mail address of the applicant. An applicant shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.1050- Subpart B). In addition, documents shall be typewritten or printed on white paper 8½ inches by 11 inches or capable of being printed on white paper 8½ inches by 11 inches and shall have inside text margins of not less than one inch.
- f) The foregoing requirements of this Section shall apply to neither electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.50 License or Permit Bond Requirements

- a) The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more, \$150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh, or \$300,000 if the applicant seeks to serve all eligible retail customers. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES and shall be valid for a period of not less than one year. The cost of the

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bond shall be paid by the applicant. The applicant shall file a copy of this bond, with a notarized verification page from the issuer, as part of its application for certification.

- b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the ARES shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The ARES shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the ~~Manager of the~~ Financial Analysis Division – ARES or ~~itshis or her~~ successor at least 15 days in advance of the effective date of the bond. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.
- c) In the event that a license or permit bond is modified, the ARES shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the ~~Manager of the~~ Financial Analysis Division – ARES or ~~itshis or her~~ successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter titled "Part 451 License or Permit Bond" that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.
- d) The requirements of this Section shall apply to neither electric cooperatives nor municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

SUBPART B: ~~EXPEDITED~~ PROCEDURES FOR APPLICANTS SEEKING TO SERVE ONLY NONRESIDENTIAL RETAIL CUSTOMERS WITH MAXIMUM ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section 451.100 Applicability of Subpart B

This Subpart shall apply only to the ~~expedited~~ certification of all alternative retail electric suppliers that seek to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more as required by Section 16-115(f) of the Act ~~[220 ILCS 5/16-~~

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~~115(f)~~ except as noted. The requirements of this Subpart are in addition to the requirements of Subpart A. This Subpart applies to neither electric cooperatives nor municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier ~~nor to applicants filing under Section 16-115(e) of the Act seeking expedited certification to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more.~~

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.110 Financial Qualifications under Subpart B

- a) An applicant shall be deemed to possess sufficient financial capabilities to serve non-residential retail customers with maximum electrical demand of one megawatt or more if the applicant meets any of the following criteria:
- 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
 - 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the service territories of the utilities for which the applicant is seeking a certificatea borrowing agreement with an affiliate.
 - ~~A) The affiliate must have at least one of the following commercial paper ratings: A 2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor.~~
 - AB) The amount of credit available to the applicant under the credit

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~~agreements borrowing agreement~~ shall, in aggregate, be no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the ~~credit agreements borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent as follows:-

- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used; or-
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.

iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In these circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

BE) The ~~credit borrowing~~ agreement shall be valid for a period of not less than one year.

CD) The applicant shall provide a copy of the following:

- i) A schedule, with references to each input of the calculation, showing the currently available amount of each line of credit, including all deductions resulting from any covenants or other limitations governing each

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~~agreement; The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;~~

- ii) The ~~credit agreements~~ borrowing agreement;
 - iii) The applicant's certified financial statements, including the accountant's report, or those of the applicant's parent, as applicable; ~~and~~
 - iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the accuracy of those internal documents; and ~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
 - v) A schedule showing the 5% of revenue calculation, with a reference to the applicant's certified financial statements, certified letter from an officer of the applicant verifying Illinois revenue, or internal documents, as applicable, provided for the revenue input of the calculation.
- 3) ~~The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale, lease or in exchange for other value received, are covered under a guarantee, payment bond, or letter of credit.~~
- A) ~~The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial~~

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~~statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~

- ~~i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
 - ~~ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~
- ~~B) The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~
- ~~C) Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~
- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ~~ii) The guarantee;~~

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- ~~iii) The certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements nor those of the applicant's parent are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:
 - ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~~~
- ~~E) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
 - ~~i) The letter of credit;~~
 - ~~ii) The ratings agency report that presents the long term obligation rating of the financial institution extending the credit;~~
 - ~~iii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iv) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~~~

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~~F) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~

- 4) The applicant ~~shall execute and maintain~~certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit that, upon failure to comply with its contractual obligations to supply energy to its customers, shall be payable to the People of the State of Illinois. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the applicant's expected peak hourly demand expressed in MWs~~maximum number of megawatts the applicant expects to schedule over the next ~~12~~twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each ~~February~~January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. All payments to be made through the unconditional guarantee, payment bond, or letter of credit under this Section shall be paid in accordance with a Commission Order authorizing such payment.~~In the alternative, an applicant may elect to calculate its prospective obligation by certifying to the Commission a good faith estimate of the total megawatt-hour consumption for the calendar year in which the filing is made. Such estimate shall be a product of multiplying the estimated maximum number of megawatts by 8760 hours, by the estimated average load factor, by one-tenth the per megawatt-hour Market Value of Energy Charge established by operation of the Market Value Index (MVI) tariff for the utility service territory in which the customers are served. In making a good faith estimate of the load factor to be used in the~~

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~~calculation, the applicant may rely either on the average load factor of its customers in the prior year or the average load factor for all non-residential customers within the utility service territory or a good faith estimate by the applicant of the prospective load factor of its customers for the applicable period. This option is only available for ARES seeking to serve non-residential customers in service territories that have purchase power option (PPO) MVI tariffs in effect. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~

- A) Unconditional Guarantee. The guarantor shall ~~maintain~~be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) ~~The unconditional guarantee~~The ratings agency reports that present the ratings of the affiliate that is the guarantor;
 - ii) ~~The ratings agency report that presents the applicable rating of the guarantor~~The unconditional guarantee; and
 - iii) A good faith estimate of the ~~applicant's expected~~peak hourly demand expressed in amount of MWs over the next 12 months~~MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
- B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or

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445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its successor. The applicant shall provide a copy of the following:

- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
 - ii) Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating and financial size category, as applicable; and ~~A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next 12 months.
- C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months~~peak amount of MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour~~

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~~consumption of its customers during the calendar year.~~

- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
- B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$500,000 or 5% of the amount of revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
- i) The line of credit or revolving credit agreement;

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- ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
 - iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and
 - iv) A schedule showing the 5% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation. The accountant's report for the applicant's financial statements or those of the applicant's parent, as applicable.
- 6) ~~The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
- A) ~~Financial Ratios~~
 - i) ~~Pre-Tax Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.0 or above: 5 points~~
 - ~~3.5 to 3.9: 4 points~~
 - ~~3.0 to 3.4: 3 points~~
 - ~~2.5 to 2.9: 2 points~~
 - ~~2.0 to 2.4: 1 point~~
 - ~~1.9 or below: 0 points~~
 - ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.5 or above: 5 points~~
 - ~~4.0 to 4.4: 4 points~~

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~~3.5 to 3.9: 3 points~~

~~3.0 to 3.4: 2 points~~

~~2.5 to 2.9: 1 point~~

~~2.4 or below: 0 points~~

iii) ~~Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~31% or above: 5 points~~

~~26% to 30%: 4 points~~

~~21% to 25%: 3 points~~

~~16% to 20%: 2 points~~

~~11% to 15%: 1 point~~

~~10% or below: 0 points~~

iv) ~~Total Debt to Total Capital (rounded to the nearest 1%)~~

~~57% or below: 5 points~~

~~58% to 60%: 4 points~~

~~61% to 63%: 3 points~~

~~64% to 66%: 2 points~~

~~67% to 69%: 1 point~~

~~70% or above: 0 points~~

B) The applicant shall provide the following:

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- ~~i) The applicant's certified financial statements for its most recently completed fiscal year;~~
 - ~~ii) The accountant's report for the applicant's certified financial statements; and~~
 - ~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~
- b) An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.
- 1) The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A- or better and Best's financial sizes of VII or larger.
 - 2) The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.120 Technical Qualifications under Subpart B

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart

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~~nonresidential retail customers with maximum electrical demand of one megawatt or more~~ if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The applicant and whose technical staffs must have at least two individuals on its staff with minimum total four years of previous experience include at least two years operational experience working with an electric generation, transmission or distribution facility that is substantially similar to the facility that the applicant owns, controls or operates in serving customers, and one individual on its staff with at least two years experience buying or selling power and energy in wholesale markets. demonstrated electric sales and at least two years operational experience. In addition, ~~an applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall demonstrate its ability to provide, or that it has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.~~

- b) Any other applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one individual on its nonresidential retail customers with maximum electrical demand of one megawatt or more if it has staff with 2 years demonstrated electric sales and 2 at least two years experience buying or selling power and energy in wholesale marketsoperational experience and provides, or has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.
- c) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.140, with the technical experience required under Subpart B. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.130 Managerial Qualifications under Subpart B

An applicant shall be deemed to possess sufficient managerial capabilities to serve retail

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~~customers identified in this Subpart if it has at least one person nonresidential retail customers with maximum electrical demands of one megawatt or more if it has one or more management persons in a management position~~ with three or more years of experience ~~in a management position~~ with a business enterprise.

- a) The applicant shall include in its application an exhibit ~~that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.140, with the managerial experience required under Subpart B. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section, containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.~~
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicate the position of the persons or agents who are being used to meet the requirements of this Section.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.140 Qualifications of Agents and Contractors under Subpart B

An applicant may meet the requirements of Sections 451.120 and 451.130 by entering into one or more contracts with others to provide the required ~~experience level~~services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.120 or 451.130 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.150 Commission Order in ~~Expedited~~ Proceedings under Subpart B

The Commission shall issue an order granting or denying an application filed under this Subpart B within 45 days after the date on which a complete application has been filed with the

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Commission and notice of the application's filing is published in the Official State Newspaper as provided by the Notice by Publication Act [715 ILCS 5].

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
CONSUMPTION GREATER THAN 15,000 kWh

Section 451.200 Applicability of Subpart C

This Subpart shall apply to the certification of all alternative retail electric suppliers that seek to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The requirements in this Subpart are in addition to the requirements of Subpart A. Sections 451.220 through ~~451.260~~~~451.240~~ do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act ~~[220 ILCS 5/17-300]~~ to become an alternative retail electric supplier.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.220 Financial Qualifications under Subpart C

- a) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only nonresidential retail customers with annual electrical consumption in excess of 15,000 ~~kWh~~~~kilowatt hours~~ if it meets any of the following criteria:
 - 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
 - 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the

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service territories of the utilities for which the applicant is seeking a certificate, a borrowing agreement with an affiliate.

~~A) The affiliate must have at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor.~~

AB) The amount of credit available to the applicant under the credit agreements~~borrowing agreement~~ shall in aggregate be no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the credit agreements~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent, as follows:-

- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used; or-
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In these circumstances, the revenue from sales to Illinois retail

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customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

BE) The ~~credit agreement~~borrowing agreement shall be valid for a period of not less than one year.

CD) The applicant shall provide a copy of the following:

- i) A schedule with references to each input of the calculation, showing the currently available amount of each line of credit, including all deductions resulting from any covenants or other limitations governing each agreement.~~The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;~~
- ii) The ~~credit agreements~~borrowing agreement;
- iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; ~~and~~
- iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the accuracy of those internal documents; and~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
- v) A schedule showing the 7.5% of revenue calculation, with a reference to the applicant's certified financial statements, certified letter from an officer of the applicant verifying Illinois revenue, or internal documents, as applicable, provided for the revenue input of the calculation.

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- 3) ~~The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale or lease or in exchange for other value received, are covered under guarantee, payment bond, or letter of credit.~~
- A) ~~The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~
- i) ~~If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
- ii) ~~If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~
- B) ~~The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~
- C) ~~Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the~~

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~~following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~

- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ~~ii) The guarantee;~~
 - ~~iii) The applicant's certified financial statements or those of the applicant's parent, as applicable, including the accountant's report. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements, nor those of the applicant's parent, are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:~~
- ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- ~~E) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long term obligation rating of A or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:~~

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- i) ~~The letter of credit;~~
 - ii) ~~The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;~~
 - iii) ~~The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - iv) ~~The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- F) ~~This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~

- 4) The applicant ~~shall execute and maintain~~ certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. ~~The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by~~ an unconditional guarantee, payment bond, or letter of credit that, upon failure to comply with its contractual obligations to supply energy to its customers, shall be payable to the People of the State of Illinois. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the maximum number of applicant's expected peak hourly demand expressed in MWs megawatts the applicant expects to schedule~~ over the next ~~12~~ twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each ~~February~~ January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional

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guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. All payments to be made through the unconditional guarantee, payment bond, or letter of credit under this Section shall be paid in accordance with a Commission Order authorizing the payment. ~~In the alternative, an applicant may elect to calculate its prospective obligation by certifying to the Commission a good faith estimate of the total megawatt hour consumption for the calendar year in which the filing is made. Such estimate shall be a product of multiplying the estimated maximum number of megawatts by 8760 hours, by the estimated average load factor, by one-tenth the per megawatt hour Market Value of Energy Charge established by operation of the Market Value Index (MVI) tariff for the utility service territory in which the customers are served. In making a good faith estimate of the load factor to be used in the calculation, the applicant may rely either on the average load factor of its customers in the prior year or the average load factor for all non-residential customers within the utility service territory or a good faith estimate by the applicant of the prospective load factor of its customers for the applicable period. This option is only available for ARES seeking to serve non-residential customers in service territories that have purchase power option (PPO) MVI tariffs in effect. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~

- A) Unconditional Guarantee. The guarantor shall ~~maintain~~be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) ~~The unconditional guarantee ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ii) The ratings agency report that presents the applicable ratings of the guarantor~~The unconditional guarantee~~; and

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- iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MW's over the next twelve months, ~~the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
- B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its successor. The applicant shall provide a copy of the following:
- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
- ii) Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating and financial size category, as applicable; and
- iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MW's over the next 12 months, ~~the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
- C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a

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copy of the following:

- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MWs over the next 12 months, ~~the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
 - B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit~~borrowing~~ agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
 - i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.

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- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
 - i) The line of credit or revolving credit agreement;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
 - iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and
 - iv) A schedule showing the 7.5% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation. The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.
- 6) ~~The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
 - A) ~~Financial Ratios~~
 - i) ~~Pre-Tax Interest Coverage (rounded to the nearest 0.1)~~
 - 4.4 or above: 5 points
 - 3.9 to 4.3: 4 points

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~~3.4 to 3.8: 3 points~~

~~2.9 to 3.3: 2 points~~

~~2.4 to 2.8: 1 point~~

~~2.3 or below: 0 points~~

ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~

~~4.9 or above: 5 points~~

~~4.4 to 4.8: 4 points~~

~~3.9 to 4.3: 3 points~~

~~3.4 to 3.8: 2 points~~

~~2.9 to 3.3: 1 point~~

~~2.8 or below: 0 points~~

iii) ~~Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~38% or above: 5 points~~

~~33% to 37%: 4 points~~

~~28% to 32%: 3 points~~

~~23% to 27%: 2 points~~

~~18% to 22%: 1 point~~

~~17% or below: 0 points~~

iv) ~~Total Debt to Total Capitalization (rounded to the nearest~~

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~~1%)~~

~~50% or below: 5 points~~

~~51% to 53%: 4 points~~

~~54% to 56%: 3 points~~

~~57% to 59%: 2 points~~

~~60% to 62%: 1 point~~

~~63% or above: 0 points~~

~~B) The applicant shall provide the following:~~

- ~~i) The applicant's certified financial statements for its most recently completed fiscal year;~~
- ~~ii) The accountant's report for the applicant's certified financial statements; and~~
- ~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~

- b) An applicant that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to provide. If the applicant's financial resources are not sufficient for the services it seeks to provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:
- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it seeks to provide; and

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- 2) The applicant's certified financial statements, or those of its parent if the segment information contained in the parent's financial statements is sufficiently detailed to establish the adequacy of the applicant's financial resources, and accountant's report. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
- A) A balance sheet that reflects the applicant's current financial condition and includes a statement of assets, liabilities and owner's equity;
 - B) An income statement that reflects the applicant's current earnings. If the applicant has not yet started operations, it shall provide a projected income statement;
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and
 - G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return;

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- iii) General ledgers for the most recent 12 month period available; and
 - iv) The applicant's Dun & Bradstreet Business Information Report.
- e) ~~An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.~~
- 1) ~~The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A or better and Best's financial sizes of VII or larger.~~
 - 2) ~~The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.~~
 - 3) ~~Applicants having commercial general liability insurance coverage in an amount that is less than \$100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and~~

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~~fuel of the electric power production plant and the amount of its annual revenues and assets and number of employees.~~

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.230 Technical Qualifications under Subpart C

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains ~~at least two~~ technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The technical staff must have at least two years of technical operational experience working with an electric generation, transmission or distribution facility that is substantially similar to the facility that the applicant owns, controls or operates in serving customers, and ~~meet~~meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one individual~~individuals~~ on its staff with ~~demonstrated~~ two years ~~electric sales~~ experience buying and selling power and energy in wholesale markets, and six months of scheduling experience working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers or equivalent certification., ~~two years electric system operational experience, three months experience with OASIS reservation processes, three months experience with NERC or its successor tagging processes, and one years experience working with rules and practices established by NERC and MAIN and/or MAPP or their successors and provides, or has arranged to provide, the following:~~
- 1) ~~A scheduling facility with 24-hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and~~
 - 2) ~~The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy~~

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~~this requirement.~~

- c) ~~The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager or similar message-taking procedure does not satisfy this requirement.~~
- d) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.250, with the technical experience required under this Subpart C. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.~~containing occupational background information on the persons who are being used to meet the requirements of this Section.~~
- e) In the event the applicant does not meet length of experience qualifications set forth in this Section, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as it deems~~deemed~~ necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.240 Managerial Qualifications under Subpart C

An applicant shall be deemed to possess sufficient managerial capabilities to serve customers identified in this Subpart if it has at least one person in a management position with four or more years ~~demonstrated~~ experience ~~in a management position~~ with enterprise financial and administration responsibilities including profit and loss responsibilities and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.250, with the managerial experience required under this Subpart C. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties

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~~being used to meet each experience requirement of this Section containing occupational background information on the persons who are being used to meet the requirements of this Section.~~

- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of the persons or agents who are being used to meet the requirements indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth in this Section above, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.250 Qualifications of Agents and Contractors under Subpart C

An applicant may meet the requirements of Sections 451.230 and 451.240 by entering into one or more contracts with others to provide the required experience levels services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.230 or 451.240 is disclosed in the application; and
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

**SUBPART D: PROCEDURES FOR APPLICANTS SEEKING
TO SERVE ALL RETAIL CUSTOMERS****Section 451.300 Applicability of Subpart D**

Subpart D shall apply to applicants who seek to serve all retail customers. The requirements of this Subpart are in addition to the requirements of Subpart A. Sections 451.320 through

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451.360340 do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act ~~[220 ILCS 5/17-300]~~ to become an alternative retail electric supplier.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.310 General Provisions of Subpart D

- a) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act ~~[220 ILCS 5/16-115A(c)]~~.
- b) An applicant that seeks to serve customers within a geographic area that is smaller than an electric utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 16-115A of the Act ~~[220 ILCS 5/16-115A]~~. Applicant shall state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served and certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.
- c) The applicant shall submit as part of its application a statement indicating:
 - 1) Whether the applicant has been denied an electric supplier license in any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action.
 - 2) Whether the applicant has had an electric supplier license suspended or revoked by any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action.
 - 3) Where, if any, other electric supplier license applications are pending in the United States.
 - 4) Whether the applicant is the subject of any lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.

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identifying the name, case number, and jurisdiction of each such lawsuit or complaint. For the purposes of this Section, formal complaints include only those complaints that seek a binding determination from a state or federal regulatory body.

- de) The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to residential and small commercial retail customers:
- 1) Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer.
 - 2) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer.
 - 3) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.
 - 4) The alternative retail electric supplier shall provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices; and **provide** an additional statement, at least annually, that adequately discloses the average monthly prices; and the terms and conditions; of the products and services sold to the customer.
- ed) The applicant shall certify that it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act ~~{220 ILCS 5/16-117}~~) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers.
- fe) The applicant shall certify that it will provide consumer education program materials (pursuant to Section 16-117 of the Act ~~{220 ILCS 5/16-117}~~) at no charge to residential and small commercial retail customers upon request.

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- g) The applicant shall certify that it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act ~~[220 ILCS 5/10-108]~~) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act).

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.320 Financial Qualifications under Subpart D

- a) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve all retail customers if it meets any of the following criteria:
- 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
 - 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the service territories of the utilities for which the applicant is seeking a certificatea borrowing agreement with an affiliate.
 - A) ~~The affiliate must have at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor.~~

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AB) The amount of credit available to the applicant under the credit agreements~~borrowing agreement~~ shall in aggregate be no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the credit agreements~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.

- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used; or-
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided; or-
- iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In these circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

BC) The credit agreements~~borrowing agreement~~ shall be valid for a period of not less than one year.

CD) The applicant shall provide a copy of the following:

- i) A schedule, with references to each input of the calculation, showing the currently available amount of each line of

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- credit, including all deductions resulting from any covenants or other limitations governing each agreement; The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;
- ii) The credit agreements~~borrowing agreement;~~
- iii) The applicant's certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; ~~and~~
- iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the accuracy of those internal documents; and~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
- v) A schedule showing the calculation of 10% of revenue with a reference to the applicant's certified financial statements or internal documents, as applicable, provided for the revenue input of the calculation.
- 3) The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale or lease or in exchange for other value received, are covered under a guarantee, payment bond, or letter of credit.
- A) The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of

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~~revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~

- ~~i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
 - ~~ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~
- ~~B) The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~
- ~~C) Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~
- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ~~ii) The guarantee;~~

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- ~~iii) The applicant's certified financial statements or those of the applicant's parent, as applicable, including the accountant's report. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements nor those of the applicant's parent are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:
 - ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~~~
- ~~E) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
 - ~~i) The letter of credit;~~
 - ~~ii) The ratings agency report that presents the long term obligation rating of the financial institution extending the credit;~~
 - ~~iii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iv) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~~~

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~~F) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~

4) The applicant ~~shall execute and maintain~~certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit ~~that, upon failure to comply with its contractual obligations to supply energy to its customers, shall be payable to the People of the State of Illinois.~~ Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the applicant's expected peak hourly demand expressed in MWs~~maximum number of MW the applicant expects to schedule over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each ~~February~~January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. All payments to be made through the unconditional guarantee, payment bond, or letter of credit under this Section shall be paid in accordance with a Commission Order authorizing the payment.

A) Unconditional Guarantee. The guarantor shall ~~maintain~~be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher

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from Fitch Ratings or its successor. The applicant shall provide a copy of the following:

- i) ~~The unconditional guarantee; The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
- ii) ~~The ratings agency report that presents the applicable ratings of the guarantor; The unconditional guarantee;~~ and
- iii) A good faith estimate of the ~~applicant's expected peak hourly demand expressed in MWs over the next 12 months; peak amount of MW the applicant will schedule during the remainder of the current calendar year.~~

B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better, ~~and~~ whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code and countersigned by the Surplus Line Association of Illinois or its successor. The applicant shall provide a copy of the following:

- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
- ii) ~~Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating and financial size category, as applicable; and~~
- iii) A good faith estimate of the ~~applicant's expected peak hourly demand expressed in MWs over the next 12 months; amount of MW the applicant will schedule during the remainder of the current calendar year.~~

C) Letter of Credit. The letter of credit shall be irrevocable and issued

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by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:

- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months ~~amount of MW the applicant will schedule during the remainder of the current calendar year.~~
- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
 - B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit agreement ~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.

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- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
 - ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
- i) The line of credit or revolving credit agreement;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
 - iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and
 - iv) A schedule showing the 10% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation. The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.
- ~~6) The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
- ~~A) Financial Ratios~~
- ~~i) Pre-Tax Interest Coverage (rounded to the nearest 0.1)~~
- ~~4.9 or above: 5 points~~

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~~4.4 to 4.8: 4 points~~

~~3.9 to 4.3: 3 points~~

~~3.4 to 3.8: 2 points~~

~~2.9 to 3.3: 1 point~~

~~2.8 or below: 0 points~~

ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~

~~5.4 or above: 5 points~~

~~4.9 to 5.3: 4 points~~

~~4.4 to 4.8: 3 points~~

~~3.9 to 4.3: 2 points~~

~~3.4 to 3.8: 1 point~~

~~3.3 or below: 0 points~~

iii) ~~Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~45% or above: 5 points~~

~~40% to 44%: 4 points~~

~~35% to 39%: 3 points~~

~~30% to 34%: 2 points~~

~~25% to 29%: 1 point~~

~~24% or below: 0 points~~

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~~iv) Total Debt to Total Capitalization (rounded to the nearest 1%)~~

~~41% or below: 5 points~~

~~42% to 44%: 4 points~~

~~45% to 47%: 3 points~~

~~48% to 50%: 2 points~~

~~51% to 53%: 1 point~~

~~54% or above: 0 points~~

~~B) The applicant shall provide the following:~~

~~i) The applicant's certified financial statements for its most recently completed fiscal year;~~

~~ii) The accountant's report for the applicant's certified financial statements; and~~

~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~

b) An applicant that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to provide. If the applicant's financial resources are not sufficient for the services it seeks to provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

1) An explanation of how its supporting documentation demonstrates that its

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financial resources are sufficient for the goods and services it seeks to provide; and

- 2) The applicant's certified financial statements, or those of its parent if the segment information contained in the parent's financial statements is sufficiently detailed to establish the adequacy of the applicant's financial resources, and accountant's report. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
 - A) A balance sheet that reflects the applicant's current financial condition and includes a statement of assets, liabilities and owner's equity;
 - B) An income statement that reflects the applicant's current earnings. If the applicant has not yet started operations, it shall provide a projected income statement;
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and
 - G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;

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- ii) The most recent federal and state income tax return;
 - iii) General ledgers for the most recent 12 month period available; and
 - iv) The applicant's Dun & Bradstreet Business Information Report.
- e) ~~An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.~~
- 1) ~~The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A or better and Best's financial sizes of VII or larger.~~
 - 2) ~~The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.~~
 - 3) ~~Applicants having commercial general liability insurance coverage in an amount that is less than \$100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in~~

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~~establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and fuel of electric power production plant and the amount of its annual revenues and assets and number of employees.~~

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.330 Technical Qualifications under Subpart D

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains ~~at least two~~ at least two technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The technical staff must have at least two years of technical operational experience in an electric generation, transmission or distribution facility substantially similar to the facility that the applicant owns, controls or operates in serving customers, and meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one individual ~~individuals~~ on its staff with at least demonstrated ~~demonstrated~~ four years electric sales experience, buying and selling power and energy in wholesale markets and one year of scheduling experience working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers or equivalent certification. ~~four years electric system operational experience, six months experience with OASIS reservation processes, six months experience with NERC tagging processes, and two years experience working with rules and practices established by NERC and MAIN and/or MAPP and provides, or has arranged to provide, the following:~~
- 1) ~~A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and~~
 - 2) ~~The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service~~

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~~or machine, pager, or similar message-taking procedure does not satisfy this requirement.~~

- c) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager or similar message-taking procedure does not satisfy this requirement.
- d)e) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.350, with the technical experience required under Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section, containing occupational background information on the persons who are being used to meet the requirements of this Section.
- e)d) In the event the applicant does not meet length of experience qualifications set forth in this Sectionabove, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.340 Managerial Qualifications under Subpart D

An applicant shall be deemed to possess sufficient managerial capabilities to serve retail customers identified in this Subpart if it has three or more individuals in management positions with four or more years ~~demonstrated~~ experience ~~in a management position~~ with enterprise financial and administration responsibilities including profit and loss responsibilities, four years ~~electric sales~~ experience buying and selling power and energy in wholesale markets, and four years electric system operational experience and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to

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Section 451.350, with the managerial experience required under this Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section, containing occupational background information on the persons who are being used to meet the requirements of this Section.

- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of the persons or agents who are being used to meet the requirements~~indicated in subsection (a)~~ of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth in this Section~~above~~, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.
- d) With respect to serving residential and small commercial retail customers, an alternative retail electric supplier must maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority. In determining the level of managerial resources and abilities that the alternative retail electric supplier must demonstrate, the Commission shall consider the following:
- 1) complaints to the Commission by consumers regarding the alternative electric supplier, including those that reflect on the alternative electric supplier's ability to properly manage solicitation and authorization; and
 - 2) the alternative electric supplier's involvement in the Commission's consumer complaint process, including the resources the alternative electric supplier dedicates to the process and the alternative electric supplier ability to manage the issues raised by complaints, and the resolutions of the complaints.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.350 Qualifications of Agents and Contractors under Subpart D

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An applicant may meet the requirements of Sections 451.330 and 451.340 by entering into one or more contracts with others to provide the required ~~experience levels~~services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.330 or 451.340 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION
TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

Section 451.400 Applicability of Subpart E

This Subpart shall apply to a retail customer that seeks certification as an ARES ~~only~~ to provide electric power and energy ~~exclusively to the applicant itself (i.e., the applicant), or~~and to ~~subsidiaries or other corporate affiliates of the applicant that are retail customers,~~ at separate locations, ~~if the customers are both owned by, or are subsidiaries or other corporate affiliates of, the applicant and are eligible for delivery services.~~ This includes, but is not limited to, applicants seeking certification pursuant to Section 16-115(e) of the Act.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.410 Required Filings and Procedures under Subpart E

- a) The applicant shall publish, ~~as provided by the Notice of Publication Act [715 ILCS 5],~~ notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant ~~shall will~~ file proof of publication with the Clerk of the Commission ~~within five days following publication, when notice publication has been accomplished.~~
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).

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- c) The applicant shall ~~provide~~verify the following:
- 1) Applicant's name, street address and phone number.
 - 2) Description and location of cogeneration or self-generation facilities within the State of Illinois~~facility~~ that applicant owns, if any.
 - 3) ~~Descriptions~~Description(s) and ~~locations~~location(s) of retail customers to be serviced by applicant and shall provide a description of the relationship between applicant and retail customers.~~;~~
 - ~~A) Description of relationship between applicant and retail customers; and~~
 - ~~B) Verification that the retail customers are eligible for delivery service.~~
- d) The applicant shall verify that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118.
- e) The applicant shall comply with the requirements of Section 451.20(a).
- f) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.420 Technical Qualifications under Subpart E

- a) Applicant shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers under this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed.
- ~~b) Applicant provides, or has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.~~

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- b)e) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- c)d) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.430, with the technical experience required under this Subpart E. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and duration of the duties being used to meet each experience requirement of this Section. ~~containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.~~

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.430 Qualifications of Agents and Contractors under Subpart E

An applicant may meet the requirements of Section 451.420 by entering into one or more contracts with others to provide the required experience levels~~services~~, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.420 is disclosed in the application; and
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

SUBPART F: FINANCIAL QUALIFICATIONS FOR
THE PROVISION OF SINGLE-BILLING SERVICE**Section 451.510 Financial Qualifications under Subpart F**

An applicant may request authorization from the Commission to provide single billing services at the time it seeks certification as an ARES or at any time thereafter. However, under no circumstances may an ARES provide single billing services without authorization from the Commission. An applicant that seeks to provide single billing services shall demonstrate an

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ability to establish and maintain sufficient financial resources to satisfy the obligation to remit to utilities monies that the ARES collects under single billing tariffs adopted pursuant to Section 16-118(b) of the Act ~~[220 ILCS 5/16-118(b)]~~. The applicant for single billing services may demonstrate this credit worthiness in one of four ways:

- a) The applicant may undertake to post and maintain a bond or bonds issued by a qualifying surety or financial institution chartered by the United States or the State of Illinois in favor of any Illinois utility in whose service territory the applicant will serve retail customers. The bond or bonds shall be in an amount equal to 15% of a good faith estimate of the total amount that the applicant expects to be obliged to pay to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act during the next twelve months. The applicant shall provide a copy of the bonding ~~agreements~~ agreement(s) and the ~~bonds~~ bond(s) to the Commission with the application to provide single billing service. The ~~bonds~~ bond(s) shall be conditioned on the full and timely payment of all amounts due to the utility in accordance with the terms specified in the single billing tariffs and shall be valid for a period of not less than one year.
- b) The applicant may deliver an irrevocable letter of credit issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor in the same amount and in favor of the same parties as the bond that would otherwise be required. The letter of credit shall provide that a draft will be honored in accordance with the terms specified in the single billing tariffs. The letter of credit shall be valid for a period of not less than one year. The applicant shall provide a copy of the letter of credit and the ratings agency reports that present the long-term obligation ratings of the issuer of the letter of credit to the Commission with the application to provide single billing service.
- c) The applicant maintains at least 2 of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least two of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the ratings agency reports that present applicant's ratings to the Commission with its application to provide single billing service.

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- d) All obligations of the applicant to Illinois utilities are unconditionally guaranteed by ~~a counterparty affiliate of the applicant~~ that maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least two of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The unconditional guarantee shall be valid for a period of not less than one year. The applicant shall provide a copy of the ratings agency reports that presents these ratings of the ~~counterparty affiliate~~ and a copy of the guarantee to the Commission with its application.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

SUBPART H: PROCEDURES FOR REPORTING CONTINUING
COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section 451.710 General Provisions

- a) All ARES shall at all times, continue to remain in compliance with the provisions of the Act and this Part, as now or hereafter amended. If an ARES received a certificate before the effective date of any provision of this Part, which provision applies to applicants seeking certification to serve customers with the same electrical demand or usage characteristics as the ARES, the ARES must demonstrate that it has come into compliance with such provision no later than ~~April 30~~January 31 of the year following the year during which such amendment took effect.
- b) No later than April 30 of each year, each ARES shall file all~~all~~ reports required under this Subpart. Reports shall be under oath, contain a cover letter title "Part 451 Continuing Compliance" and ~~shall~~ be filed with the Chief Clerk of the Commission with copies provided to the ~~Manager of the~~ Energy Division ~~– ARES~~ and the ~~Manager of the~~ Financial Analysis Division ~~– ARES~~ or their successors. The reports shall be identified with the name of the ARES as it appears in the most recent Commission order granting the ARES certification, as well as any post-certification name changes.
- c) For each supporting piece of documentation the ARES provides, it shall

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specifically state how this information complies with each applicable subsection of this Part 451.

- d) All reports shall provide the name, telephone number, email address and mailing address of at least one person to address questions from Commission Staff pertaining to that report.
- e)e) All reports made to the Commission by any ARES, other than ARES certified under Subpart E of this Part, and the contents of the reports thereof shall be open to public inspection, unless otherwise ordered by the Commission. The Such reports shall be preserved in the office of the Commission.
- f) Any ARES acquiring customers from another ARES shall report any such purchase or transfer of customer accounts no later than 30 days after the execution of the transaction. Any ARES receiving customer accounts from another ARES shall be responsible to demonstrate its ability to meet the applicable financial, managerial and technical requirements.
- g) The compliance filing shall include the applicant's name and street address and the names and addresses of all the ARES's affiliated companies involved in electric retail sales or purchases in North America.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.720 Erroneous or Defective Reports

- a) When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the ARES to amend that report within 30 days after that notice, and before or after the termination of the period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of the ARES, and correct items in the report the Commission finds defective or erroneous.
- b) Any ARES that fails to make and file any report required by the Commission within the time specified, or to specifically answer any question propounded by the Commission within 30 days after the time it is lawfully required to do so, or within such further time, not to exceed 90 days, as may in its discretion be allowed by the Commission, shall, after notice and hearing forfeit its certificate.

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(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.740 Financial Reporting Requirements

The ARES shall provide a copy of only those documents that the ARES requires to demonstrate that it continues to possess sufficient financial resources to serve the retail customers for which it has received a certificate of service authority. The applicable documents shall be submitted at the times specified below:

- a) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(1), ~~(a)(2), (a)(3)(C), (a)(3)(E), (a)(4)(A), (a)(4)(C)~~, or (a)(5) of Section 451.110, 451.220, or 451.320 or Section 451.510(b), (c) or (d) shall submit a copy of the latest ratings report presenting the commercial paper or long-term credit or obligation ratings of the ARES, creditors, ~~affiliates~~, or guarantors, as applicable, from the ratings agencies between ~~April~~ ~~January~~ 1 and ~~April 30~~ ~~January 31~~ of each year and within 15 days following any downgrade of such ratings previously filed with the Commission to a rating below A-1 or A-, if issued from Standard & Poor's or its successor, P-1 or A3, if issued from Moody's Investors Service or its successor, or F-1 or A-, if issued from Fitch Ratings or its successor. Within 30 days after a downgrade of the commercial paper or long-term credit or obligation ratings of the ARES or its creditors, affiliates, or guarantors, as applicable, to a level below the minimum required under this Part, the ARES shall submit a report that identifies the subsection under which the ARES is seeking to demonstrate that its financial resources remain sufficient for providing the services for which it has received a certificate of service authority and includes the information and documents that subsection requires.
- b) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), ~~(a)(3)~~, (a)(4), or (a)(5) of Section 451.110, 451.220, or 451.320 or Section 451.510(a) or (b) shall submit a copy of any modified, replacement or additional ~~credit borrowing~~ agreements, ~~unconditional guarantees~~, ~~lines of credit~~, ~~revolving credit agreements~~, ~~payment bonds~~, and letters of credit, as applicable. ~~This documentation~~ shall be submitted at least 15 days in advance of any modification, cancellation or expiration of the financial agreements.

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- c) Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES that seeks to use the criteria specified in Section 451.110(a)(4), 451.220(a)(4), or 451.320(a)(4) to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority shall provide the peak hourly demand expressed in MW~~amount of MW~~ scheduled during the previous calendar year and the date on which that amount was scheduled, as well as the applicant's expected peak hourly demand expressed in MWs over the next 12 months. ~~If the ARES has been serving Illinois retail customers for less than 12 months, then the ARES shall also provide an estimate of the maximum amount of MW it will schedule during the current calendar year.~~
- d) Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES that seeks to demonstrate that it maintains sufficient financial resources to provide single billing services under Section 451.510(a) or (b) shall submit an updated good faith estimate of the amount the ARES expects to be obligated to remit to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act between ~~April~~January 1 and ~~April 30~~January 31 of each year.
- e) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), ~~(a)(3), (a)(5),~~ or (a)(~~5~~6) of Section 451.110, 451.220, or 451.320 shall submit a copy of its certified financial statements, or those of its parent, and accountant's report, as applicable, within 120 days after the close of its fiscal year.
- f) An ARES that seeks to maintain its certificate of service authority under Section 451.220(b) or 451.320(b) shall submit an updated version of the annual financial statements and accountant's report, if available, within 120 days after the close of its fiscal year.
- g) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2) of Section 451.110, 451.220 or 451.320 shall provide:
- 1) A copy of the security or agreement that was provided and approved by the RTO used to serve as collateral for the energy the applicant procures from generation asset owners directly through the RTO, including any updates, revisions or modifications that may occur, within 15 days after

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filing the document with the RTO.

- 2) Using the alternative method, the applicant's revenue from sales to Illinois retail customers may be used. In these circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.
- h) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(3) of Section 451.110, 451.220 or 451.320 shall demonstrate and certify it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate.
- i) Each ARES is required to certify that the most recent copy of its license or permit bond on file with the Commission is current and in full effect. In the event the original license or permit bond on file with the Commission is replaced or modified, the ARES shall submit the new copy of its license or permit bond pursuant to Section 451.50.
- j)g) Insurance. Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES required to have in force commercial general liability insurance pursuant to ~~Section~~Sections 451.110(b), ~~451.220(e), or 451.320(e)~~ shall submit proof of that insurance in an amount not less than that in force when the ARES was granted its certificate of service authority. In addition, the ARES shall demonstrate that its commercial general liability insurance is effective for a period of not less than one year.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.750 Managerial Reporting Requirements

- a) An ARES shall certify during ~~April~~January of each year that it continues to maintain the required managerial qualifications for the service authority granted in its certificate. An ARES that meets the managerial qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply

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with all Sections of this Part applicable to the function or functions to be performed by the respective agent or contractor.

- b) Any changes in personnel, agents or contractors in the past calendar year that were used to meet the managerial qualifications shall be addressed in the annual compliance filing by providing evidence showing how the ARES is continuing to meet the managerial qualifications.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.760 Technical Reporting Requirements

- a) An ARES shall certify during April of each year that it continues to maintain the required technical qualifications for the service authority granted in its certificate. An ARES that meets the technical qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply with all Sections of this Part applicable to the function or functions to be performed by the respective agent or contractor.
- b) Any changes in personnel, agents or contractors in the past calendar year that were used to meet the technical qualifications shall be addressed in the annual compliance filing by providing evidence showing how the ARES is continuing to meet the technical qualifications.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

Section 451.770 Kilowatt-hour Reporting Requirement

No later than March 1 of every year, each ARES shall file with the Chief Clerk of the Commission, and provide to the Energy Division – ARES and the Financial Analysis Division – ARES or their successors~~its successor~~, a report stating the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory and the total annual kWh delivered and sold to retail customers in all utility service territories in the preceding calendar year.

(Source: Amended at 34 Ill. Reg. 15283, effective September 25, 2010)

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
25.710	Amendment
25.720	Amendment
25.765	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: September 21, 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: June 4, 2010; 34 Ill. Reg. 7624
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: This group of revisions to several sections of Subpart I of Part 25 respond, in part, to feedback that staff in the Division of Educator Certification had been receiving from the field regarding the test of basic skills. The basic skills test addresses four areas (reading, language arts, mathematics, and writing). Beginning with the September 2010 administration of the basic skills test, an examinee

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will be able to test in one or several of the areas. In these instances, an examinee might pass one or more areas but not all. While the examinee doing so would not have passed the test of basic skills, he or she also should be able to rely on passing scores in individual subject areas without having to take the entire test again.

For this reason, Sections 25.710 and 25.720 have been amended to score each subject area of the test of basic skills separately as a "subtest" and to allow individuals to "bank" their passing scores in any area for future use. Section 25.720(b)(6) also clarifies that the testing limit of five (which took effect in January 2010) applies to the test of basic skills as a whole rather than to individual subtests. In other words, an examinee may not continue to retake an individual subtest if doing so would mean that he or she has participated in the test of basic skills more than five times. Examinees will see the results of these changes in score reports issued after September 30, 2010 (i.e., those issued for the September administration of the test of basic skills).

Section 25.765 also was amended to allow institutions of higher education with educator preparation programs to have access to any of the results (i.e., pass or fail) of tests taken by examinees. This change will enable institutions to review the candidates' results to help them prepare for, and be successful taking, the required tests. Additionally, the institution may monitor a candidate's activity to determine if he or she is nearing the five-take limit. Accessing all test results also will allow the institution to analyze those to determine whether a candidate should be considering career paths other than education.

Several new language proficiency tests are available for those seeking a transitional bilingual education certificate or endorsement, and these are noted in Section 25.710. Two other revisions proposed in Sections 25.720(b)(3) and (c) incorporate changes pertaining to the basic skills test and content-area tests for out-of-state candidates seeking Illinois certification. These changes are the result of Public Act 96-689, effective August 25, 2009.

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

Linda Jamali, Division Administrator 217/557-6763
Illinois State Board of Education
100 North First Street, S-306
Springfield, Illinois 62777

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Accredited Institution

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates (Repealed)
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for "Full" Certification
25.30 Endorsement in Teacher Leadership
25.32 Requirements for the Secondary Certificate (2004) (Repealed)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Certificates (2004)
25.40 Requirements for the Special Certificate (Repealed)
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate – Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 Provisional Vocational Certificate
25.72 Temporary Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for the Early Childhood Certificate (Repealed)
25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)

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- 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates (Repealed)
- 25.100 Endorsing Teaching Certificates (2004)
- 25.105 Temporary Substitute Teaching Permit

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Accreditation Review of the Educational Unit
- 25.127 Review of Individual Programs
- 25.130 Mid-Cycle Intervention
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for Educational Unit Assessment Systems
- 25.142 Assessment Requirements for Individual Programs
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

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SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.200	Relationship Among Credentials in Subpart D
25.210	Requirements for the Certification of School Social Workers (Repealed)
25.215	Certification of School Social Workers (2004)
25.220	Requirements for the Certification of Guidance Personnel (Repealed)
25.225	Certification of School Counselors (2004)
25.227	Interim Certification of School Counselor Interns (2004)
25.230	Requirements for the Certification of School Psychologists (Repealed)
25.235	Certification of School Psychologists (2004)
25.240	Standard for School Nurse Endorsement (Repealed)
25.245	Certification of School Nurses (2004)
25.252	Certification of Non-Teaching Speech-Language Pathologists
25.255	Interim Certification of Speech-Language Pathologist Interns
25.275	Renewal of the School Service Personnel Certificate

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY STAFF

Section

25.300	Relationship Among Credentials in Subpart E
25.310	Definitions (Repealed)
25.311	Administrative Certificate (Repealed)
25.313	Alternative Route to Administrative Certification
25.314	Alternative Route to Administrative Certification for Teacher Leaders
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement (Repealed)
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement (Repealed)
25.335	General Administrative Endorsement (2004)
25.338	Designation as Master Principal
25.344	Chief School Business Official Endorsement (Repealed)
25.345	Chief School Business Official (2004)
25.355	Superintendent Endorsement (Repealed)
25.360	Superintendent (2004)
25.365	Director of Special Education

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SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College (Repealed)
25.420	Psychology Accepted as Professional Education (Repealed)
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval (Repealed)
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE (Repealed)
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses (Repealed)
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled
25.465	Credit (Repealed)
25.470	Meaning of Experience on Administrative Certificates (Repealed)
25.475	Renewal Requirements for Holders of Multiple Types of Certificates
25.480	Credit for Certification Purposes (Repealed)
25.485	Certification of Persons with Certificates Previously Denied, Suspended, or Revoked
25.486	Certification of Persons Who Are Delinquent in the Payment of Child Support
25.487	Certification of Persons with Illinois Tax Noncompliance
25.488	Certification of Persons Named in Reports of Child Abuse or Neglect
25.489	Certification of Persons Who Are in Default on Student Loans
25.490	Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns (Repealed)
25.495	Approval of Out-of-State Institutions and Programs (Repealed)
25.497	Supervisory Endorsements

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OTHER NONCERTIFICATED PERSONNEL

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25.510	Paraprofessionals; Teacher Aides
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25.530	Specialized Instruction by Noncertificated Personnel (Repealed)
25.540	Approved Teacher Aide Programs (Repealed)
25.550	Approval of Educational Interpreters

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25.630	Pay for Student Teaching (Repealed)

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25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration – Paper-and-Pencil Testing
25.731	Registration – Computer-Based Testing
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
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25.780	Fees

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25.800	Professional Development Required
25.805	Continuing Professional Development Options
25.810	State Priorities
25.815	Submission and Review of the Plan (Repealed)
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25.825	Progress Toward Completion (Repealed)
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs) (Repealed)
25.872	Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses (Repealed)

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THE STANDARD TEACHING CERTIFICATE

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25.900	Applicability of Requirements in this Subpart
25.905	Choices Available to Holders of Initial Certificates
25.910	Requirements for Induction and Mentoring
25.915	Requirements for Coursework on the Assessment of One's Own Performance
25.920	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
25.925	Requirements Related to Advanced Degrees and Related Coursework
25.930	Requirements for Continuing Professional Development Units (CPDUs)
25.935	Additional Activities for Which CPDUs May Be Earned

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- 25.940 Examination
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25.945 Procedural Requirements
- 25.APPENDIX A Statistical Test Equating – Certification Testing System
25.APPENDIX B Certificates Available Effective February 15, 2000
25.APPENDIX C Exchange of Certificates
25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency

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amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010.

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

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"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test ~~that~~which measures specific content, and for any test administration for which scores are reported before September 30, 2010, the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, language arts, and mathematics.

"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests of subject matter knowledge (or "content-area tests") for the Illinois Certification Testing System. Through June 30, 2004, these tests are:

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary
- Assessment of Professional Teaching – Special
- Basic Skills
 - Language Arts
 - Mathematics
 - Reading Comprehension
 - Writing
- Biological Science
- Blind and Partially Sighted
- Business/Marketing/Management

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Chemistry
Chief School Business Official
Computer Science
Dance
Deaf and Hard of Hearing
Early Childhood
Educable Mentally Handicapped
Elementary/Middle Grades (K-9)
English
English as a Second Language
English Language Proficiency
French
General Administrative
General Science
General Supervisory (available through June 30, 2003)
German
Guidance
Health
Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)
Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology

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School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education
Arabic
Cantonese
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education. Beginning with score reports issued after September 30, 2010, "test" or "tests" will also refer to subtests (reading comprehension, writing, language arts, and mathematics) of the basic skills test.

Agricultural Education
Assessment of Professional Teaching
Early Childhood
Elementary
Secondary
Special
Basic Skills

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Business, Marketing, and Computer Education

Chief School Business Official

Dance

Director of Special Education (required beginning July 1, 2005)

Drama/Theatre Arts

Early Childhood

Early Childhood Special Education

Elementary/Middle Grades (K-9)

English Language Arts

English Language Proficiency

English as a New Language

Family and Consumer Sciences

Foreign Languages

Arabic (available in September 2008)

Chinese (Cantonese or Mandarin)

French

German

Hebrew

Italian

Japanese

Korean

Latin

Russian

Spanish

General Administrative

Guidance (through June 30, 2005)

Health Education

Health Careers

Library Information Specialist

Mathematics

Music

Physical Education

Reading Teacher

Reading Specialist

School Counselor (beginning July 1, 2005)

School Nurse

School Psychologist

School Social Worker

Sciences

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Biology
Chemistry
Earth and Space Science
Environmental Science
Physics
Social Sciences
Economics
Geography
History
Political Science
Psychology
Sociology and Anthropology
Superintendent
Technology Education
Technology Specialist
Transitional Bilingual Education – Language Proficiency
Arabic
[Assyrian](#)
[Bosnian](#)
[Bulgarian](#)
Cantonese
[Filipino](#)
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Mandarin
Polish
Russian
[Serbian](#)
Spanish
Urdu
Vietnamese
Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to

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produce a written or oral response.

"Test objective" is a statement of the behavior or performance measured by test items.

"Unauthorized aids" are materials and devices that candidates are prohibited from bringing to a test administration. These include notes, calculators, calculator watches, calculator manuals, cellular phones, electronic communication devices, visual or audio recording or listening devices, and any other items whose use may compromise the security or validity of a test. However, any material or device that is permitted as part of an accommodation arranged pursuant to Section 25.740 of this Part shall not be considered an unauthorized aid. Furthermore, a calculator shall not be considered an unauthorized aid when its use is authorized pursuant to the current ICTS registration bulletin and the contractor's web site.

(Source: Amended at 34 Ill. Reg. 15357, effective September 21, 2010)

Section 25.720 Applicability of Testing Requirement and Scores

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- b) **Basic Skills Test**

Except as provided in subsections (b)(1) and (3) of this Section, each candidate seeking his or her first Illinois certificate (teaching, administrative, or school service personnel) shall be required to pass the test of basic skills. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program beginning with the 2002-2003 academic year.

 - 1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.
 - 2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.

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- 3) *A person who passed another state's test of basic skills as a condition of certification or of admission to a teacher preparation program shall not be required to pass this State's*~~*A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills.*~~
(Section 21-1a of the School Code [105 ILCS 5/21-1a]) ~~For purposes of this subsection (b)(3), a "comparable certificate" is one that either:~~
- A) ~~was issued on or before June 30, 2004; or~~
 - B) ~~was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.~~
- 4) The provisions of subsection (b)(3) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.
- 5) When a person who was not required to take the basic skills test pursuant to subsection ~~(b)(3)~~~~(b)(3)(A)~~ of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection (b)(3) of this Section.
- 6) The basic skills test will be administered as four separate subtests: reading, language arts, mathematics, and writing.
- A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.
 - B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score.
 - C) Each test administration of the basic skills test in which an examinee participates shall count toward the testing limit established under subsection (h) of this Section, regardless of the number of subtests the examinee includes as part of that particular test administration.

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c) Content-Area Tests

- 1) ~~Each~~ Except as provided in subsection (e)(2) of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test for program completion. No waivers or exemptions are available.
- 2) ~~A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a certification test in another state or territory that is directly related in content to the specific area of certification. (Section 21-1a of the School Code) For purposes of this Section, a test is "directly related in content" if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement. 3)~~ A person who has passed a test of language proficiency in order to qualify for a transitional bilingual certificate and received that certificate shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

d) Assessment of Professional Teaching (APT)

Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:

- 1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or
- 2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.

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- e) Except as provided in subsections (b)(1), ~~(c)(2)(e)(3)~~, and (d)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than ten years old at the time application is made. The ten-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than ten years old will not be accepted as part of an application.
- 1) The ten-year period discussed in this subsection (e) shall apply to each score that forms part of an application received on or after July 1, 2008.
 - 2) The ten-year period discussed in this subsection (e) shall also apply to each score that forms part of an application that is pending as of June 30, 2008, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427 of this Part.
- f) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (h) of this Section, an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.
- g) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (h) of this Section, an individual who has taken a computer-based test may retake that test by computer after no fewer than 120 days but also may retake that test during any subsequent, regularly scheduled administration of the test in paper-and-pencil format.
- h) Subsequent to January 1, 2010, no individual may attempt to pass the same test more than five times in any combination of the two formats (i.e., computer-based test or paper-and-pencil format).

(Source: Amended at 34 Ill. Reg. 15357, effective September 21, 2010)

Section 25.765 Individual Test Score Reports

- a) The State Board of Education will report each individual's test scores only to:

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- 1) the individual candidate earning such scores;
 - 2) the Illinois teacher education institutions and community colleges to which the candidate requested the scores be sent; and
 - 3) any other institution, entity, or person authorized or required by law.
- b) The score report released to each individual by the State Board of Education will:
- 1) indicate the test date and whether or not the person has passed the test; and
 - 2) report the person's total score and the applicable subarea or subtest scores as scaled scores.
- c) No test scores will be released via facsimile or over the telephone.
- d) A person shall have the right to request additional copies of his or her score report, subject to payment of the required fee.
- e) Beginning with the score reports issued after September 30, 2010, an Illinois institution with an approved educator preparation program will be able to access any of an examinee's test results (i.e., pass or fail) posted to the Teacher Certification Information System.

(Source: Amended at 34 Ill. Reg. 15357, effective September 21, 2010)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Public Records of the Illinois Environmental Protection Agency
- 2) Code Citation: 2 Ill. Adm. Code 1828
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1828.203	Amendment
1828.301	Amendment
1828.406	Amendment
1828.601	Amendment
1828.602	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3h)] and implementing Section 7 of the Illinois Environmental Protection Act [415 ILCS 5/7].
- 5) Effective Date of Amendments: September 23, 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 is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: Because this rulemaking is not subject to Section 5-35 of the Illinois Administrative Procedures Act (APA) [415 ILCS 100/5-35], the Agency was not required to publish Proposed Amendments
- 10) Has JCAR issued a Statement of Objections to these Amendments? 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 proposal and final version: 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 JCAR.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 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 JCAR.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is amending its Access to Public Records regulations to reflect changes recommended by JCAR and to add contact information for Agency FOIA Officers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kimberly Geving, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATIONS
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XIV: ENVIRONMENTAL PROTECTION AGENCYPART 1828
ACCESS TO PUBLIC RECORDS OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SUBPART A: INTRODUCTION

Section	
1828.101	Summary, Purpose and Compliance Date
1828.102	Definitions

SUBPART B: CLASSIFICATION OF PUBLIC RECORDS

Section	
1828.201	Public Records that Will Be Disclosed
1828.202	Public Records that Will Not Be Disclosed
1828.203	Public Records that May <u>Be</u> Disclosed to Governmental Requesters

SUBPART C: PROCEDURES FOR REQUESTING
PUBLIC RECORDS FROM THE AGENCY

Section	
1828.301	Submittal of Requests for Public Records
1828.302	Form of Requests for Public Records
1828.303	Information To Be Provided in Requests for Public Records
1828.304	Requests for Public Records Relating to Pending Litigation (Repealed)
1828.305	Requests for Public Records To Be Used for Commercial Purposes

SUBPART D: PROCEDURES FOR CLAIMING AND DETERMINING THAT
PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE

Section	
1828.401	Claims by Submitters that Public Records are Exempt from Disclosure
1828.402	Agency Review of Claims of Exemption from Disclosure
1828.403	Agency Actions Following a Determination that a Public Record is Not Exempt from Disclosure

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- 1828.404 Agency Actions Following a Determination that a Public Record is Exempt from Disclosure
- 1828.405 Review of Agency Determination
- 1828.406 Agency's Treatment of Public Record Claimed or Determined To Be Exempt from Disclosure

SUBPART E: AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section

- 1828.501 Timeline for Agency Response
- 1828.502 Requests for Public Records that the Agency Considers Unduly Burdensome
- 1828.503 Requests for Public Records that Require Electronic Retrieval
- 1828.504 Denials of Requests for Public Records
- 1828.505 Requests for Review of Denials – Public Access Counselor
- 1828.506 Right to Review in Circuit Court
- 1828.507 Administrative Review

SUBPART F: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section

- 1828.601 Inspection of Public Records at the Agency
- 1828.602 Fees for Public Records
- 1828.603 Reduction and Waiver of Fees

1828.APPENDIX A Fee Schedule for Duplication and Certification of Public Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], implementing Section 7 of the Illinois Environmental Protection Act [415 ILCS 5] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 23 Ill. Reg. 11895, effective September 20, 1999; amended at 26 Ill. Reg. 6525, effective April 18, 2002; amended at 34 Ill. Reg. 9028, effective June 22, 2010; amended at 34 Ill. Reg. 15377, effective September 23, 2010.

SUBPART B: CLASSIFICATION OF PUBLIC RECORDS

Section 1828.203 Public Records that May Be Disclosed to Governmental Requesters

- a) *Any information accorded confidential treatment may be disclosed or transmitted*

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to other officers, employees or authorized representatives of this State or of the United States concerned with or for the purposes of carrying out this Act or federal environmental statutes and regulations; provided, however, that such information shall be identified as confidential by the Agency, the Board, or the Department, as the case may be. Any confidential information disclosed or transmitted under this provision shall be used for the purposes stated herein. (Section 7(e) of the Act).

- b) Governmental requesters seeking confidential information must demonstrate that they qualify under subsection (a) of this Section to obtain such information.

(Source: Amended at 34 Ill. Reg. 15377, effective September 23, 2010)

SUBPART C: PROCEDURES FOR REQUESTING
PUBLIC RECORDS FROM THE AGENCY**Section 1828.301 Submittal of Requests for Public Records**

- a) Any request for public records ~~must~~ **should** be submitted to the FOI Officer ~~in the applicable FOIA sector or sectors~~ at the Agency. ~~The Agency has 5 FOIA sectors, located in the Bureau of Air, Bureau of Land, Bureau of Water, Office of Emergency Response, and Division of Legal Counsel. If a requester seeks public records from more than one FOIA sector, a separate written request for the public records should be submitted to each applicable FOIA sector. If a requester is uncertain as to which FOIA sector may possess the public records, the written request should be submitted to the Director's Office.~~ The requester may use an internet form, which can be found at www.epa.state.il.us/foia.
- b) FOIA requests may be submitted via U.S. Mail, e-mail, fax, or hand delivery. Requests that are sent via U.S. Mail or hand delivery should be sent to:

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Attn: _____, FOIA ~~Officer, MC #16~~ **Sector**

(Source: Amended at 34 Ill. Reg. 15377, effective September 23, 2010)

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SUBPART D: PROCEDURES FOR CLAIMING AND DETERMINING THAT
PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE**Section 1828.406 Agency's Treatment of Public Record Claimed or Determined ~~To Be~~ Exempt from Disclosure**

- a) Where any public record, or portion thereof, is determined to be exempt from disclosure, the Agency shall:
 - 1) Mark the public record or portion thereof, or the public record file, accordingly;
 - 2) Segregate the public record or portion thereof from public records that are open to public inspection;
 - 3) Keep the public record or portion thereof secure from unauthorized access;
 - 4) Allow the public access to the claim letter and, if only a portion is exempt, to a copy of the public record with the exempt portion deleted; and
 - 5) Limit access to the public record or portion thereof to employees and officers who are authorized to review such public records.
- b) The Agency shall insure that all authorized employees and officers are given notice of the restrictions contained in this Part on disclosure to and use by the public. No Agency officer, employee, or authorized representative may disclose, except as authorized by this Subpart, or use for private gain or advantage, any public record or portion thereof that is determined to be exempt from disclosure.
- c) The Agency shall manage any public record or portion thereof claimed to be exempt from disclosure as exempt pending disposition of the claim.

(Source: Amended at 34 Ill. Reg. 15377, effective September 23, 2010)

SUBPART F: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section 1828.601 Inspection of Public Records at the Agency

- a) Public records may be made available for personal inspection at the Agency's

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headquarters office located at 1021 North Grand Avenue East, Springfield, Illinois or may be provided in duplicate forms including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo. No original record shall be removed from State-controlled premises except under constant supervision of Agency staff.

- b) The Agency will provide public records in requested formats or media only if the public records are kept in those formats or media at Agency headquarters. *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester.* (Section 6(a) of FOIA)
- c) A requester may inspect public records at the Agency's headquarters by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 AM to 5:00 PM Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area at the Agency's headquarters.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection. The requester shall copy the documents at the Agency's headquarters or arrange for the copying of the documents at the Agency's headquarters by an outside service.
- h) Prior to inspecting records, the Agency may require the requester to provide a

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photo identification card.

(Source: Amended at 34 Ill. Reg. 15377, effective September 23, 2010)

Section 1828.602 Fees for Public Records

- a) In accordance with Section 1828.603, unless a fee is otherwise fixed by statute, the Agency may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Agency to copy records. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. If the Agency provides copies in color or in a size other than letter or legal, the Agency may not charge more than its actual cost for reproducing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)
- b) The Agency will provide copies of public records and certifications of public records in accordance with the fee schedule set forth in Section 1828.Appendix A.
- c) In order to expedite the copying of public records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1828.501, the requester may provide, at the requester's expense, the copy machine, all necessary materials and the labor to copy the public records at the Agency headquarters in Springfield, Illinois. No original record shall be removed from State-controlled premises except under constant supervision of Agency staff.
- d) Copies of public records will be provided to the requester only upon payment of any fees due. The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois." (Section 6(a) of FOIA)
- e) If a contractor is used to inspect or copy public records, the following procedures

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shall apply:

- 1) The requester rather than the Agency must contract with the contractor;
- 2) The requester is responsible for all fees charged by the contractor;
- 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
- 4) Only Agency personnel may provide public records to the contractor;
- 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the public records before providing the public records to the contractor; and
- 6) The requester must provide to the Agency the contractor's written agreement to hold the public records secure, to copy the records only for the purpose stated by the requester, and to return the records at a specified date and time.

(Source: Amended at 34 Ill. Reg. 15377, effective September 23, 2010)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3000.100	Amendment
3000.200	Amendment
3000.222	Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c)(2), (3), and (6) of this Act [230 ILCS 10/5 (c)(2), (3), and (6)]
- 5) Effective date of amendments: September 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: July 9, 2010; 34 Ill. Reg. 8813
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The definition of "Supplier" is amended in Section 3000.100 of the Illinois Gaming Board's rules (86 Ill. Adm. Code 3000.100) so that it no longer includes Gaming Operations Managers or providers of any goods and services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues. As amended, the definition of "Supplier" will include only providers of

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gaming equipment and supplies, gaming equipment maintenance or repair services, and security services and lessors of riverboat or dock facilities.

In addition, language is stricken in Section 3000.200 (86 Ill. Adm. Code 3000.200) that required employees of Gaming Operations Managers to hold occupational licenses.

Finally, Section 3000.222 (86 Ill. Adm. Code 3000.222) is amended by expanding the definition of "key person" to include a Gaming Operations Manager or a functional equivalent who has influence and/or control over the conduct of gaming or the Riverboat Gaming Operation.

The rationale for the adopted changes is the following: Under the previous language of Section 3000.100, Gaming Operations Managers were deemed suppliers. This classification contradicts the language of Section 8 of the Riverboat Gambling Act [230 ILCS 10/8], which provides that holders of a supplier's license are authorized only "to sell or lease, gambling equipment and supplies to any licensee involved in the ownership or management of gambling operations". The management function itself does not fall within the purview of this statutory authority. The adopted amendment classifies a Gaming Operations Manager as a Key Person rather than a supplier, thus bringing the Board's rules into conformity with the underlying statute. Moreover, the amendment retains the Board's ability to perform a background investigation on a Gaming Operations Manager and requires it to maintain Key Person status in order to continue as a Gaming Operations Manager. Employees of a Gaming Operations Manager who have any duty, authority or function over the Gaming Operation must have an Occupational License or Key Person status.

16) Information and Questions regarding these adopted amendments may be addressed to:

Michael Fries
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

312/814-4640
Fax No. 312/814-4143
mfries@revenue.state.il.us

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

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TITLE 86: REVENUE
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RIVERBOAT GAMBLING

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3000.103	Organization of the Illinois Gaming Board
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3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
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3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
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3000.280	Registration of All Gaming Devices
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3000.300	General Requirements – Internal Control System
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3000.635	Issuance and Use of Tokens for Gaming
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3000.660	Minimum Standards for Electronic Gaming Devices
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3000.700	Organization of Subpart
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3000.770	Duties of Licensees
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3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
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3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
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3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967,

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effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

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"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage

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and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier's cage of a Riverboat Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

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"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

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"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Remote Access": Communication with an electronic information system from a

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remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": ~~A~~ Either a Gaming Operations Manager or a provider of Gaming Equipment/Supplies, Gaming Equipment maintenance or repair services, security services or a lessor of a Riverboat or dock ~~facility~~ facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming

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Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

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"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 34 Ill. Reg. 15386, effective September 23, 2010)

SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Subpart.

- a) Owner's License. An owner of a Riverboat Gaming Operation is required to hold an Owner's license.
- b) Supplier's License. The following persons or entities are required to hold a Supplier's ~~license~~ license:
 - ~~1) Gaming Operations Manager (individual or entity). All employees of a Gaming Operations Manager who have any duty, authority or function relating directly or indirectly to the Gaming Operation will be required to hold an Occupation License in accordance with subsection (c) of this Section.~~
 - 12) Supplier of Gaming Equipment/Supplies, including a manufacturer, distributor, wholesaler, or retailer. All manufacturers of Electronic Gaming Devices, Chips, Tokens, Voucher Systems, Voucher Validation Terminals, Voucher Printers, and Computer Monitoring Systems must be licensed as a Supplier regardless of whether the manufacturer uses an independent distributor or wholesaler to distribute its Equipment/Supplies.
 - 23) Supplier of Gaming Equipment maintenance or repair services.
 - 34) Supplier of security services.

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- ~~45)~~ Lessors of Riverboat and/or dock facilities.
 - ~~6)~~ ~~Supplier of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.~~
 - ~~57)~~ Junketeers.
 - ~~68)~~ Any other purveyor of goods or services to a Riverboat Gaming Operation, as deemed necessary by the Board.
- c) Occupation License. A person employed at a Riverboat Gaming Operation by the Owner licensee or by a Gaming Operations Manager is required to hold an Occupation ~~license~~License. An Occupation licensee may perform any activity included within the licensee's level of Occupation ~~license~~License or any lower level of Occupation ~~license~~License.
- 1) Occupation ~~license~~License, Level 1, includes the following positions, or their equivalent:
 - A) Audit Manager;
 - B) Casino Manager;
 - C) Chief of Security;
 - D) Chief of Surveillance;
 - E) Chief Financial Officer and/or Controller;
 - F) EDP Manager;
 - G) Electronic Gaming Device Manager;
 - H) General Manager; ~~and~~
 - I) Table Games Manager; ~~and~~.

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J) Any other individual who, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines holds a position or a level of ownership, control or influence that is material to the regulatory concerns and obligation of the Board for the specified licensee or applicant.

- 2) Occupation License, Level 2. A Gaming or security/surveillance employee not required to hold an Occupation ~~license~~License, Level 1 under subsection (c)(1) of this Section.
- 3) Occupation License, Level 3. An employee not required to hold an Occupation ~~license~~License, Level 1 or Level 2 under subsections (c)(1) and (c)(2) of this Section.

(Source: Amended at 34 Ill. Reg. 15386, effective September 23, 2010)

Section 3000.222 Identification and Requirements of Key Persons

- a) The Board shall certify for each applicant for or holder of an Owner's or Supplier's license each position, individual or Business Entity that is to be approved by the Board and maintain suitability as a Key Person of the licensee.
- b) Supplier Key Persons. With respect to an applicant for or holder of a Supplier's license, Key Person shall include:
 - 1) The Chief Executive Officer and the Chief Operating Officer, or their functional equivalents, and each individual or Business Entity that is a Substantial Owner.
 - 2) Each individual or Business Entity that is a Substantial Owner of any Business Entity that is a Substantial Owner of the Illinois applicant or licensee.
 - 3) All other individuals or Business Entities that, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines hold a position or a level of ownership, control or influence that is material to the regulatory concerns and obligations of the Board for the specified licensee

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or applicant.

- c) Owner Licensee Key Persons. With respect to an applicant for or the holder of an Owner's license, Key Person shall include:
- 1) Any Business Entity and any individual with an ownership interest or voting rights of more than 5 percent in the licensee or applicant, and the trustee of any trust holding such ownership interest or voting rights.
 - 2) The directors of the licensee or applicant and its chief executive officer, president and chief operating officer, or their functional equivalents.
 - 3) [A Gaming Operations Manager or any other business entity or individual who has influence and/or control over the conduct of gaming or the Riverboat Gaming Operation.](#)
 - 43) All other individuals or Business Entities that, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines hold a position or a level of ownership, control or influence that is material to the regulatory concerns and obligations of the Board for the specified licensee or applicant.
- d) Level 1 Occupational Licensees. Individuals required to apply for and hold a Level 1 Occupational ~~license~~[Licensee](#), pursuant to Section 3000.200(c), may also be certified by the Board as Key Persons. For such individuals, the disclosure and approval requirements and the standards for compliance with this Part shall be those related to occupational licensure.
- 1) An individual denied occupational licensure or whose license is revoked by a final determination of the Board is unsuitable and shall not be allowed to function as a Key Person of any applicant or licensee.
 - 2) An individual who, by voluntary action, relinquishes status as a Level 1 Occupational ~~licensee~~[Licensee](#) and remains or becomes a Key Person shall be required to comply with all requirements imposed by the Board and this Part upon Key Persons.
- e) Each individual or Business Entity designated as a Key Person shall:

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- 1) File a Business Entity Form or Personal Disclosure Form 1 or its equivalent.
- 2) File, on an annual basis, a disclosure affidavit, updated personal and background information, and updated tax and financial documents and information.
- 3) Comply with the applicable provisions of this Part and disclose promptly to the Board any material changes in status or information previously provided to the Board.
- 4) As required, cooperate fully with any investigation conducted by the Board.
- 5) Maintain suitability as a Key Person.
- 6) Be subject to a fine for each act or omission that is grounds for discipline of a licensee under the provisions of Section 3000.110.

(Source: Amended at 34 Ill. Reg. 15386, effective September 23, 2010)

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- 1) Heading of the Part: Child Support Services
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
160.20	Amendment
160.100	Amendment
160.110	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: September 27, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 9, 2010; 34 Ill. Reg. 5089
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: The following changes have been made:

The title of Part 160 has been changed to read as "CHILD SUPPORT SERVICES" from "CHILD SUPPORT ENFORCEMENT".

In Section 160.110 deleted the word "Enforcement" from the Section title.

In all subsections (a)(b)(c)(d) and (g) of Section 160.110, deleted the word "enforcement" from all reference to "child support enforcement services".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No

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- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments reflect the Deficit Reduction Act mandatory change, which became effective October 1, 2009, that specifies that assignment of child support rights is limited to support that accrues while a TANF (Temporary Assistance for Needy Families) family is receiving assistance. This change allows more money to be distributed to the family. Current rules comply with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which contained more complicated assignment rules that were dependent upon many factors and did not provide as much money for distribution to the family.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1233

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT SERVICES ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section

- 160.70 Enforcement of Support Orders
- 160.71 Credit for Payments Made Directly to the Title IV-D Client
- 160.75 Withholding of Income to Secure Payment of Support
- 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
- 160.80 Amnesty – 20% Charge (Repealed)
- 160.85 Diligent Efforts to Serve Process
- 160.88 State Case Registry
- 160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

- 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

- 160.95 State Disbursement Unit
- 160.100 Distribution of Child Support for TANF Recipients
- 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support ~~Enforcement~~ Services
- 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
- 160.130 Distribution of Intercepted Federal Income Tax Refunds
- 160.132 Distribution of Child Support for Non-TANF Clients
- 160.134 Distribution of Child Support For Interstate Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

- 160.140 Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

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effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010.

SUBPART A: GENERAL PROVISIONS

Section 160.20 Assignment of Rights to Support

- a) *By accepting financial aid under the Public Aid Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Department of any and all rights, title, and interest in any support obligations up to the amount of assistance provided. The rights to support assigned to the Department shall constitute an obligation owed to the State by the person who is responsible for providing the support, and shall be collectible under all applicable processes.* (Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1])~~:-~~
- b) Notwithstanding the authority cited in subsection (a) of this Section, the following provisions shall apply:
 - 1) For an assignment entered into prior to October 1, 1998, the applicant assigns the Department all rights that have previously accrued and that shall accrue prior to the family leaving assistance.

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- 2) For an assignment first entered into on or after October 1, 1998 but before October 1, 2009:
- A) With respect to any support collections by federal income tax refund offsets, the applicant assigns the Department all rights that have previously accrued and that shall accrue prior to the family leaving assistance; and
 - B) With respect to any support collections by other than federal income tax offset:
 - i) The applicant assigns to the Department any support rights that accrue and will accrue while the family is receiving assistance; and
 - ii) The applicant temporarily assigns to the Department all rights to support that accrued prior to the family receiving assistance, such assignment to be in effect only until the family ceases to receive assistance.
- 3) For an assignment entered into on or after October 1, 2009:
- A) With respect to any support collections by federal income tax refund offsets, the applicant assigns the Department all rights that have accrued prior to October 1, 2009 and that may accrue while the family receives assistance; and
 - B) With respect to any support collections by other than federal income tax offset, the applicant assigns to the Department any support rights that accrue while the family receives assistance.
- c) The amount of support assigned to the Department shall not exceed the cumulative amount of unreimbursed assistance provided to the family during all periods of assistance.
- d) For an explanation of assignment of medical support, see 89 Ill. Adm. Code 112.54, Assignment of Medical Support Rights and also 89 Ill. Adm. Code 120.319, Assignment of Rights to Medical Support and Collection of Payments.

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(Source: Amended at 34 Ill. Reg. 15406, effective September 27, 2010)

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100 Distribution of Child Support for TANF Recipients

- a) For the purposes of distribution under this Section, amounts collected shall be treated first as payment on the required support obligation for the month in which the child support was collected and, if any amounts are collected ~~thatwhich~~ are in excess of ~~those amountssuch amount~~, these excess amounts shall be treated as amounts ~~thatwhich~~ represent payment on the required support obligation for previous months. "Date of collection" shall be as defined in Section 160.5.
- b) Child support payments which are received for a month in which a client is a TANF recipient shall be distributed as follows:
 - 1) **Pass Through:** Of any amount that is collected in a month which represents payment on the required support obligation for that month, the first \$50 of ~~thatsueh~~ amount shall be paid to the family. One payment will be forwarded to the family within two business days after the date of initial receipt in the State (see Section 160.5) of the first \$50 of support collected in a month, or, if less than \$50 is collected in a month, within two business days after the end of the month in which the support is collected. This payment will be disregarded when determining eligibility for TANF and the amount of the TANF grant. However, when there is a served income withholding notice and the payor of income transmits multiple months of support in a lump sum, the family shall receive the first \$50 of each month of support withheld. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive the first \$50 of the amount ~~thatwhich~~ represents the required support obligation for the month in which the support was collected. If amounts are collected for a single filing unit (see 89 Ill. Adm. Code 112.300(b)) ~~thatwhich~~ represent support payments from two or more responsible relatives, only the first \$50 of the amount collected ~~thatwhich~~ represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subsection **(b)(1)**. No payment shall be made to a family under this subsection for a month in which there is no child support collection.

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- 2) Reimbursement of Current TANF: If the amount of child support collected in a month on behalf of a TANF recipient exceeds the amount to be paid to the family pursuant to subsection (b)(1), the excess shall be retained by the Department to reimburse the Department for the assistance payment for the month in which the support was collected or the next month.
- 3) Current Excess: If the amount of child support collected in a month on behalf of a TANF recipient exceeds the amount to be distributed pursuant to subsections (b)(1) and (b)(2)-above, the family shall be paid thesueh excess up to the difference between the TANF grant for the month in which the amount of the collection was used to redetermine eligibility for TANF and the amount ordered for that month. If thesueh court ordered amount is less than the TANF grant, no amount shall be paid to the family under this subsection. In those cases where there is no court order, the family shall not be paid any amount under this subsection (b)(3).
- 4) Reimbursement of Past AFDC or TANF: If the amount of child support collected in a month on behalf of a TANF recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(3)-above, any sueh-excess shall be retained by the Department as reimbursement for past assistance payments made to the family for which the Department has not been reimbursed. The Department will apply the amount retained to any sequence of months for which the Department has not yet been reimbursed. If past assistance payments made to the family are greater than the unpaid support obligation, the maximum amount the Department can retain as reimbursement for thesueh assistance payments is the amount of thesueh obligation, unless amounts are collected thatwhich represent the required support obligation for periods prior to the first month in which the family received assistance, in which case thosesueh amounts can be retained by the Department to reimburse the difference between thesueh support obligation and sueh-assistance payments.
- 5) Past Excess: If the amount of child support collected in a month on behalf of a TANF recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(4)-above, thesueh excess shall be paid to the family.

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- c) If an amount collected as support represents payment on behalf of a TANF recipient that is in excess of the amount required to be distributed pursuant to subsection (b), and an amount of past-due support exists that is not assigned to the Department after October 1, 2009 pursuant to Section 160.20(b)(3), such amount shall be paid to the family.
- d) If an amount collected as support represents payment on the required support obligation for future months, the amount collected shall be applied to ~~such~~ future months. However, no such amounts shall be applied to future months unless amounts have been collected ~~that~~~~which~~ fully satisfy the support obligation assigned for the current month and all past months.
- e) Identification of Child Support Payment: Any support payment issued to the family under subsection (b)(3) or (b)(5)-~~above~~ shall be identified on its face as being for child support.

(Source: Amended at 34 Ill. Reg. 15406, effective September 27, 2010)

Section 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support ~~Enforcement~~ Services

Child support payments that are received on behalf of a former AFDC or TANF recipient who continues to receive child support ~~enforcement~~ services shall be distributed in accordance with the provisions of subsections (a) through ~~(g)~~~~of this Section~~.

- a) Current Support: Upon cancellation of TANF or AFDC, a client's assignment of support ceases (see Section 160.20), except with respect to the amount of any unpaid support obligation that has accrued under the assignment. For any month in which a client is not a TANF recipient, regardless of whether the client continues to receive child support ~~enforcement~~ services, the client is entitled to the amount of current support paid for that month, up to the amount of the monthly support obligation for that month. Current support payments to former AFDC or TANF recipients who do receive child support ~~enforcement~~ services from the Department shall be issued within two business days after the payment is initially received~~initial receipt~~ in the State.
- b) Unpaid Current Support Accrued Following Cancellation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who

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receives child support ~~enforcement~~ services exceeds the amount of current support distributed pursuant to subsection (a), the client shall be paid any such amount, up to the unpaid current support obligation that has accrued for any month following cancellation of the client's AFDC or TANF case in which the client received child support ~~enforcement~~ services. The payments to former AFDC or TANF recipients shall be issued within two business days after initial receipt in the State.

- c) Unpaid Current Support Accrued Prior to the Family Receiving Assistance (only in cases where the assignment of support rights under Section 160.20 of this Part was entered into on or after October 1, 1998 ~~but before October 1, 2009~~): If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support ~~enforcement~~ services exceeds the amount of support distributed pursuant to subsections (a) and (b) ~~of this Section~~, the client shall be paid any such amount, up to the unpaid current support obligation that has accrued for any month prior to the family having first received assistance, but only if the first month commenced on or after October 1, 1998 ~~and before October 1, 2009~~, and only if ~~that~~ such amount was not collected by use of federal income tax refund offset. Payments to former TANF recipients shall be issued within two business days after initial receipt in the State.
- d) Unpaid Current Support Accrued Prior to the Family Receiving Assistance (only in cases in which the assignment of support rights under Section 160.20(b)(3) was entered into on or after October 1, 2009: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support services exceeds the amount of support distributed pursuant to subsections (a) and (b), the client shall be paid any such amount, up to the unpaid current support obligation that has accrued for any month prior to the family having first received assistance. Payments to former TANF recipients shall be issued within two business days after initial receipt in this State.
- ~~ed~~) Unreimbursed AFDC or TANF: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a) and (b) ~~of this Section~~ and, ~~when~~ ~~where~~ applicable, subsection (c) ~~of this Section~~, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC or TANF. If the unpaid support obligation is greater than the past unreimbursed AFDC or TANF, then the maximum reimbursement amount is the amount of unreimbursed AFDC or TANF the Department has provided. If the past unreimbursed AFDC or TANF is greater

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than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected that represent the required support obligation for periods prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, and that first month of receipt of AFDC or TANF occurred prior to October 1, 1998, or the amounts are collected by use of offset of federal income tax refunds, in which case those amounts will be retained by the Department to reimburse the difference between ~~thesueh~~ support obligation and ~~thesueh~~ past unreimbursed AFDC or TANF.

- fe) Past Excess: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a), (b), (c), ~~and (d)~~ and (e) of this Section, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, shall be paid to the client. Payments to former AFDC or TANF recipients shall be issued within two business days after initial receipt in the State.
- gf) Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who continues to receive child support ~~enforcement~~ services exceeds the amount to be distributed pursuant to subsections (a), (b), (c), (d), ~~and (e)~~ and (f) of this Section, and a support obligation exists for future months, the amount shall be applied to the future months and paid to the client, except when the collection was the result of a federal income tax refund intercept. In any collection resulting from a federal income tax refund intercept, distribution will be applied in accordance with Section 160.130 ~~of this Part~~. If no future support is due, the excess shall be refunded to the responsible relative.
- hg) Identification of Child Support Payment: Any support payment issued to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.

(Source: Amended at 34 Ill. Reg. 15406, effective September 27, 2010)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.1	Amendment
1030.25	New
1030.65	Amendment
1030.115	Amendment
1030.140	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-103; 625 ILCS 5/1-148.2; 625 ILCS 5/2-104; 625 ILCS 5/6-109; 625 ILCS 5/6-110; 625 ILCS 5/6-110.1
- 5) Effective Date of Amendments: September 22, 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed Published in Illinois Register: 34 Ill. Reg. 8914; July 9, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1030.1, a non-substantive technical change was made for consistency.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking corrects, deletes and adds several definitions, including the definition of approved driver education school (per

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Public Act 96-470) and motorized pedalcycle and moped (per Public Act 96-554), as well as setting forth the process for safe driver renewal, which allows eligible customers to renew their driver's licenses without visiting a Secretary of State facility. In addition, this rulemaking corrects a reference to the abolished judicial driving permit and clarifies that customers who wish to renew an instruction permit must complete vision screening and a written exam.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

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- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

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effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

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Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

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a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

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motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

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"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

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has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of

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whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

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"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

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

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) ~~or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.~~

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

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a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group

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sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

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"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver

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endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

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"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

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"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

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"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

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a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew,

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mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

~~*"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]*~~

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

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First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

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"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

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Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

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"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

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"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

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On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific

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commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

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"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

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"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a

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physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

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"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 34 Ill. Reg. 15418, effective September 22, 2010)

Section 1030.25 Safe Driver License Renewals

- a) The Department may centrally issue a driver's license renewal to an applicant who is not otherwise ineligible for a driver license and meets the eligibility criteria for renewal through the Safe Driver Renewal Program. Eligible applicants are sent a Safe Driver Renewal notice indicating current eligibility for the program, by mail, approximately 90 days prior to the expiration of their current driver's license.
- b) Safe Driver Renewal applicants may renew their driver's license by making application by mail, Internet, or telephone. Applicants who are no longer eligible due to a change in their driving record will be denied at time of application through the Internet and telephone and shall be instructed to appear at a driver's license facility. Applicants who are no longer eligible at time of renewal who have submitted the application by mail will have their application and fee

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returned, with the reason of ineligibility, and shall be directed to appear at a driver's license facility.

- c) A driver is not eligible for Safe Driver Renewal if any of the following apply:
- 1) The driver is the holder of a Commercial Driver's License;
 - 2) The driving record contains a withdrawal action;
 - 3) The driver is under the age of 22 or greater than the age of 74;
 - 4) The driver's license has been expired over one year;
 - 5) The driver's last renewal was completed through the Safe Driver Renewal program;
 - 6) The driver's license expiration is greater than one year;
 - 7) The driver is required to submit a medical or vision specialist report;
 - 8) The driving record contains a conviction;
 - 9) The driver holds a school bus driver permit;
 - 10) The driving record contains a disposition of court supervision;
 - 11) The driving record indicates the driver has been involved in a property damage, personal injury, or fatal accident;
 - 12) The driver holds a restricted local license;
 - 13) The driver is less than 26 years of age and has not met his Selective Service obligation;
 - 14) The driver holds a Temporary Visitor's Driver's license;
 - 15) The driver's social security number has not been verified through the Social Security On-line Verification System;

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- 16) The driver must meet the reporting requirements of the Sex Offender Registration Act;
- 17) The driver's file does not contain a suitable image.
- d) By submission of a Safe Driver Renewal application, the driver affirms that:
 - 1) The driver has not been issued corrective lenses (eyeglasses/contacts) for driving since his or her last renewal.
 - 2) The driver's license or privilege to obtain a license is not suspended, revoked, cancelled or refused in this or any other state.
 - 3) The driver does not presently hold a valid driver's license in any other state.
 - 4) The driver's license is not being held by a court in lieu of bail.
 - 5) The driver does not have any condition that might cause a temporary loss of consciousness.
 - 6) The driver has no mental or physical condition that might interfere with safe driving.
 - 7) The driver does not use any drugs, including prescription medication, or alcohol to an extent that they impair driving ability.
 - 8) A court has not found the driver to have a mental disability or disease or a court has not committed the driver to a mental health facility.
 - 9) The driver's legal name or gender has not changed.
- e) The fees collected for the issuance of a driver's license shall be in accordance with IVC Section 6-118 except that a processing fee will be charged by the service provider for applications received by telephone and Internet.
- f) If the renewal applicant does not receive the driver's license by mail, he/she may be issued one duplicate driver's license, at no fee, provided the driver makes application for a duplicate within 90 days after the date of the renewal application

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and the driver's license was not returned to the Department as undeliverable. If a centrally issued driver's license is returned to the Department by the U.S. Post Office as undeliverable, the applicant shall be required to appear at a driver services facility with two forms of proof of residence address as outlined in Appendix B. The applicant shall be charged the fee for a corrected license as set forth in IVC Section 6-118 if a change is required upon submission of the residence address documents.

(Source: Added at 34 Ill. Reg. 15418, effective September 22, 2010)

Section 1030.65 Instruction Permits

- a) A person who wishes to practice driving before obtaining a driver's license shall obtain an instruction permit from a Driver Services Facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and is occupying a seat beside the driver.
- b) Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected Driver Services Facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or person in loco parentis, who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and is occupying a seat beside the driver.
- c) An instruction permit issued to any foreign national shall only be in a Class D, L or M as established in Section 1030.30.
- d) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with IVC Section 6-118(a).
- e) A minor who wishes to receive an instruction permit shall be at least 15 years old

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and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of that enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

- f) A minor who is at least 15 years and six months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course, provided the minor:
- 1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and IVC Section 6-103(1) and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and
 - 2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.
- g) An instruction permit issued to a minor under subsection (f) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.
- h) The minor who is not legally emancipated by marriage or court order shall have

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the application signed by a parent, guardian or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

- i) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in IVC Section 6-118(a) must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.
- j) An Illinois instruction permit issued to a minor may be canceled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.
- k) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.
- l) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services Facility to take the written test and vision test and submit the fee required by IVC Section 6-118(a). Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall

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send the applicant an authorization form instructing the applicant to appear at a Driver Services Facility to take the drive portion of the test. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- m) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.
- n) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation (see 92 Ill. Adm. Code 455). A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit will be issued.
- o) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.
- p) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to the classification of permit being renewed.
- q) Prior to renewing a non-commercial instruction permit, an applicant is required to successfully complete vision screening and a written test.

(Source: Amended at 34 Ill. Reg. 15418, effective September 22, 2010)

Section 1030.115 Change-of-Address

- a) Pursuant to IVC Section 6-116, a person who changes address must inform the Secretary of State in writing within 10 days after the change. After proper notification of change of address, the address shall be changed on the driver's license file.
- b) To notify the Department of an address change, an individual may go to a Driver Services Facility and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary

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of State's official website.

- c) Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, the individual's attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: post office change-of-address card, Secretary of State change-of-address card, court documents with "new address" written on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a monitoring device driving permit~~judicial driving permit~~ order, or money orders reflecting new address.
- d) Documents not acceptable as notification to the Department of an address change include the following: conviction reports; failure to appear notices; statutory summary suspension sworn reports (unless there is an out-of-state address indicated on the statutory summary suspension sworn report that corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois); court transcripts (unless "new address" is written on documents); accident reports; or addresses on checks unless "new address" is specified.

(Source: Amended at 34 Ill. Reg. 15418, effective September 22, 2010)

Section 1030.140 Use of Captured Images

- a) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.
 - 1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.
 - 2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice

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agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.

- 3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency, except for the purposes of transmission.
 - 4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards and for use on their Sex Offender Registry.
 - 5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.
- b) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.
- 1) The images shall be confidential and shall not be disclosed, except to the following persons and for the following reasons:
 - A) The individual upon written request;
 - B) A family member or estate executor of a deceased individual, upon written request and submission of a copy of the death certificate or other proof of death and other information, at the discretion of the Department, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death and last address;
 - C) Police officers and employees of the Secretary of State who have a need to have access to the stored images to:
 - i) issue or control driver's licenses and identification cards;
 - ii) conduct an investigation into fraudulent activities;

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- iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or
 - iv) register individuals under the Lobbyist Registration Act [25 ILCS 170];
- D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;
- E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations;
- F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry; or
- G) Other jurisdictions that issue official State driver's licenses and identification cards to ensure that an individual has a valid driver's license or identification card, is not fraudulently using identity information, is not fraudulently attempting to obtain or use a driver's license or identification card, or for similar investigations by a jurisdiction that are related to the issuance and control of driver's licenses and identification cards.
- H) A Central Issuance driver's license/identification card vendor contracted by the Department solely for the purpose of producing a driver's license/identification card.
- 2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:
- A) No other suitable image is available;

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- B) Additional methods of verification of the person's identity and image have been completed;
 - C) The following disclaimer language is included:
"Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification."; and
 - D) It is approved in advance in writing by the Secretary of State Department of Police.
- 3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array.
- c) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.
- 1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.
 - 2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination, and must have the ability to ensure that the secondary recipient/requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable, and may require other levels of verification defined by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.
 - 3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images, and must include any disclaimers required by the Secretary of State.

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(Source: Amended at 34 Ill. Reg. 15418, effective September 22, 2010)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Information Requests
- 2) Code Citation: 2 Ill. Adm. Code 5376
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5376.10	Repeal
5376.20	Repeal
5376.110	Repeal
5376.120	Repeal
5376.210	Repeal
5376.220	Repeal
5376.310	Repeal
5376.320	Repeal
5376.410	Repeal
5376.420	Repeal
5376.430	Repeal
5376.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective Date of Repealer: October 1, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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: In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no First or Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 10) Has JCAR issued a Statement of Objection to these amendments? No. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no First or

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Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]

- 11) Differences between proposed and final version: None. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no First or Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were made, as there is no First or Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part has been updated to reflect amendments made to the Illinois Freedom of Information Act (5 ILCS 140) pursuant to Public Act 96-542, effective January 1, 2010. As a result, ISAC is repealing the administrative rules for this program and adopting new rules reflecting the new statute.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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

847/948-8500, ext. 2216
email: lhynes@isac.org

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- 1) Heading of the Part: Information Requests
- 2) Code Citation: 2 Ill. Adm. Code 5376
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5376.101	New Section
5376.102	New Section
5376.201	New Section
5376.202	New Section
5376.203	New Section
5376.301	New Section
5376.302	New Section
5376.303	New Section
5376.401	New Section
5376.402	New Section
5376.403	New Section
5376.404	New Section
5376.405	New Section
5376.406	New Section
5376.407	New Section
5376.501	New Section
5376.502	New Section
5376.503	New Section
5376.APPENDIX A	New Section
- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective date of rules: October 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 these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

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- 9) Notice of proposal published in Illinois Register: None. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act (IAPA), there is no First or Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 10) Has JCAR issued a Statement of Objections to these amendments: There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]
- 11) Differences between proposed and final version: None. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act (IAPA), there is no First or Second Notice period, and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: These rules have been updated to reflect amendments made to the Illinois Freedom of Information Act [5 ILCS 140] pursuant to Public Act 96-542, effective January 1, 2010.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

PH: 847/948-8500 ext. 2216
email: lhynes@isac.org

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

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NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 5376
INFORMATION REQUESTS

SUBPART A: INTRODUCTION

Section	
5376.101	Summary and Purpose
5376.102	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
5376.201	Records that Will Be Disclosed
5376.202	Records that Will Be Withheld from Disclosure
5376.203	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section	
5376.301	Submittal of Requests for Records
5376.302	Information To Be Provided in Requests for Records
5376.303	Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
5376.401	Timeline for Agency Response
5376.402	Requests for Records that the Agency Considers Unduly Burdensome
5376.403	Requests for Records that Require Electronic Retrieval
5376.404	Denials of Requests for Records
5376.405	Requests for Review of Denials – Public Access Counselor
5376.406	Circuit Court Review
5376.407	Administrative Review

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

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Section

- 5376.501 Inspection of Records
5376.502 Copying of Records; Fees
5376.503 Reduction and Waiver of Fees

5376.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], implementing Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Old Part repealed at 34 Ill. Reg. 15461 and new Part adopted at 34 Ill. Reg. 15463, effective October 1, 2010.

SUBPART A: INTRODUCTION

Section 5376.101 Summary and Purpose

- a) This Part states the policy of the Illinois Student Assistance Commission for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Agency's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure.
 - 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and
 - 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

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Section 5376.102 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means the Higher Education Student Assistance [110 ILCS 947].

"Agency" means Illinois Student Assistance Commission as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles of opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Executive Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station,

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television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the

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subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 5376.201 Records that Will Be Disclosed

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 5376.202 or Section 5376.203. Records covered under this Section shall include, but are not be limited to:

- a) *Records of funds. All records relating to the obligation, receipt, and use of public funds of the Agency are records subject to inspection and copying by the public.* (Section 2.5 of FOIA)
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure.* (Section 2.10 of FOIA)
- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
 - 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 5376.202(a)(5)(F) of this Part.* (Section 2.15(b) of FOIA)
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 5376.202 or 5376.203 of this Part may be redacted.* (Section 2.20 of FOIA)

Section 5376.202 Records that Will Be Withheld from Disclosure

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When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Agency shall make the remaining information available for inspection and copying. (Section 7(1) of FOIA)

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*
 - 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law; (Section 7(1)(a) of FOIA)*
 - 2) *Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order; (Section 7(1)(b) of FOIA)*
 - 3) *Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects; (Section 7(1)(b-5) of FOIA)*
 - 4) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA)*
 - 5) *Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:*

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- A) *Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;*
 - B) *Interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;*
 - C) *Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;*
 - D) *Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the Agency will provide traffic accident reports, the identities of witnesses to traffic accidents, and rescue reports, except when disclosure would interfere with an active criminal investigation;*
 - E) *Disclose unique or specialized investigative techniques other than those generally used and known, or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the Agency;*
 - F) *Endanger the life or physical safety of law enforcement personnel or any other person; or*
 - G) *Obstruct an ongoing criminal investigation by the Agency;*
(Section 7(1)(d) of FOIA)
- 6) *Records that relate to or affect the security of correctional institutions and detention facilities; (Section 7(1)(e) of FOIA)*
- 7) *Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the Agency. The exemption provided in this subsection (a)(7)*

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extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents; (Section 7(1)(f) of FOIA)

- 8) *Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this subsection (a)(8) does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this subsection (a)(8) does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(8) shall be construed to prevent a person or business from consenting to disclosure; (Section 7(1)(g) of FOIA)*
- 9) *Proposals and bids for any contract, grant, or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made; (Section 7(1)(h) of FOIA)*
- 10) *Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by the Agency when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subsection (a)(10) does not extend to requests made by news media as defined in Section 5376.102 when the requested information is not otherwise exempt*

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and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public; (Section 7(1)(i) of FOIA)

- 11) *The following information pertaining to educational matters:*
 - A) *Test questions, scoring keys, and other examination data used to administer an academic exam;*
 - B) *Information received by a primary or secondary school, college, or university under its procedure for the evaluation of faculty members by their academic peers;*
 - C) *Information concerning a school's or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and*
 - D) *Course materials or research materials used by faculty members; (Section 7(1)(j) of FOIA)*
- 12) *Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security; (Section 7(1)(k) of FOIA)*
- 13) *Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act; (Section 7(1)(l) of FOIA)*
- 14) *Communications between the Agency and an attorney or auditor representing the Agency that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Agency in anticipation of a criminal, civil or administrative proceeding upon the*

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- request of an attorney advising the Agency, and materials prepared or compiled with respect to internal audits of the Agency; (Section 7(1)(m) of FOIA)*
- 15) *Records relating to the Agency's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)*
- 16) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section; (Section 7(1)(o) of FOIA)*
- 17) *Records relating to collective negotiating matters between the Agency and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying; (Section 7(1)(p) of FOIA)*
- 18) *Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment; (Section 7(1)(q) of FOIA)*
- 19) *The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt only until a sale is consummated; (Section 7(1)(r) of FOIA)*
- 20) *Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.*

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Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications; (Section 7(1)(s) of FOIA)

- 21) *Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law;* (Section 7(1)(t) of FOIA)
 - 22) *Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175];* (Section 7(1)(u) of FOIA)
 - 23) *Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this subsection (a)(23) may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations;* (Section 7(1)(v) of FOIA)
 - 24) *Information about students exempted from disclosure under Section 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009 [110 ILCS 26].* (Section 7(1)(z) of FOIA)
- b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function*

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and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)

Section 5376.203 Statutory Exemptions

To the extent provided for by the following statutes, the following shall be exempt from inspection and copying:

- a) *All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700].*
- b) *Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act [110 ILCS 979].*
- c) *Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430] and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.*
- d) *Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40].*
- e) *Information prohibited from being disclosed by the Illinois School Student Records Act [105 ILCS 10].*

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section 5376.301 Submittal of Requests for Records

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency office located in the Deerfield, Illinois office.
- b) Contact information for the FOI Officer can be found online at www.collegezone.com.
- c) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

The Illinois Student Assistance Commission

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1755 Lake Cook Road
Deerfield, Illinois 60015
Attn: FOI Officer

- d) E-mailed requests should be sent to the FOI Officer at: FOIA@isac.org, and should indicate in the subject line of the e-mail that it contains a FOIA request. The specific request should be in the body of the email and should indicate whether an emailed response is adequate. Faxed FOIA requests should be faxed to 847-948-5033, Attn: FOI Officer, and should indicate whether a faxed response is adequate.

Section 5376.302 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 5376.402 of this Part.);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Agency to use in providing the records sought: for example, inspection at Agency headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

Section 5376.303 Requests for Records for Commercial Purposes

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- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency. (Section 3.1(c) of FOIA)*
- b) *The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 5376.202 or 5376.203;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section 5376.401 Timeline for Agency Response

- a) *Except as stated in subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for such copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 5376.402. (Section 3(d) of FOIA) A written request from the*

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Agency to provide additional information shall be considered a response to the FOIA request.

- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*

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- d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 5376.402. (Section 3(f) of FOIA)*

Section 5376.402 Requests for Records that the Agency Considers Unduly Burdensome

- a) *The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. Such a response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests for records that are unchanged or identical to records previously provided or properly denied under this Part from the same person shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

Section 5376.403 Requests for Records that Require Electronic Retrieval

- a) *A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.*
- b) *The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.*

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Section 5376.404 Denials of Requests for Records

- a) The Agency will deny requests for records when:
 - 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 5376.402, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 5376.202 or 5376.203 of this Part.
- b) The denial of a request for records must be in writing.
 - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
 - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or Section 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Agency has given written notice pursuant to Section 5376.401(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.

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- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 5376.401. (Section 9(c) of FOIA)*

Section 5376.405 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)*
- b) *If the Agency asserts that the records are exempt under Section 5376.202(a)(4) or (a)(7), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice will include:*
- 1) *A copy of the request for access to records;*
 - 2) *The proposed response from the Agency; and*
 - 3) *A detailed summary of the Agency's basis for asserting the exemption. (Section 9.5(b) of FOIA)*
- c) *Upon receipt of a notice of intent to deny from the Agency, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Agency under Section 5376.401 will be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)*
- d) *Within 7 working days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- e) *Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access*

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Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)

- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 5376.407. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 5376.407. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 5376.407. (Section 9.5(f) of FOIA)*
- k) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- l) *If the requester files suit under Section 5376.406 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the Agency. (Section 9.5(g) of FOIA)*
- m) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written*

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request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)

Section 5376.406 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Cook County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 5376.407 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 5376.501 Inspection of Records

- a) The Agency may make available records for personal inspection at the Agency's office where the documents are located or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.
- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if*

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feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)

- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 5376.502 Copying of Records; Fees

- a) In accordance with Section 5376.503, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 5376.401, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the

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public records at the Agency headquarters in Section 5376.301, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.

- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Illinois Student Assistance Commission".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Agency, must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Agency personnel may provide records to the contractor;
 - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

Section 5376.503 Reduction and Waiver of Fees

- a) *Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:*

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- 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public. (Section 6(c) of FOIA)*
- b) The Agency will provide copies of records without charge to federal, State, and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.
 - c) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

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Section 5376 APPENDIX A Fee Schedule for Duplication and Certification of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
100.130	Amendment
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) Effective Date of Amendments: September 22, 2010
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will be in force until replaced by regular rulemaking or until the end of the 150-day period, whichever occurs sooner.
- 7) Date Filed with the Index Department: September 22, 2010
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Illinois has received approximately \$415 million under the Education Jobs Fund (Ed Jobs) Program. Districts that have submitted an application under the American Recovery and Reinvestment Act (ARRA) will not be required to prepare a new application for Ed Jobs; however, districts will be held to the same transparency and accountability measures required under the provisions of that program. Districts also must track their expenditures very carefully so that the reporting that is eventually required can be accomplished. This includes accounting for these funds separately from funds from other sources.

This material is being treated as an emergency rulemaking. The Fiscal and Procurement Division has been working with the Comptroller to disburse the Ed Jobs funds, and it is expected that districts will receive their first payment later this month. Once the funds are released, it will be necessary for district staff to know how to enter amounts correctly in the district's chart of accounts. The urgency to release the funds, coupled with the need for accountability, means that rules need to be put in place as soon as possible.

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- 10) A Complete Description of the Subjects and Issues Involved: The range of revenue accounts found in Table C of Part 100 does not currently offer a means of segregating these federal funds from State funds received for the same purposes. As with ARRA, the agency must ensure that districts will use a uniform system of capturing this information. For this reason, a code previously designated for ARRA but not yet used for a particular program will be assigned for use by districts for Ed Jobs funds, ensuring comparability in the eventual reporting and data collection.

In addition, Section 100.130 is being amended to include the Ed Jobs program. Section 100.130 provides districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these amendments shall be directed to:

Debbie Vespa, Division Administrator
School Business Services Division
Illinois State Board of Education
100 North First Street, N-330
Springfield, Illinois 62777

217/785-8779

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER c: FINANCE

PART 100
 REQUIREMENTS FOR ACCOUNTING, BUDGETING,
 FINANCIAL REPORTING, AND AUDITING

Section	
100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
100.130	Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) <u>and the Education Jobs Fund Program (Ed Jobs)</u>
	<u>EMERGENCY</u>
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
	<u>EMERGENCY</u>
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

SOURCE: Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17,

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2009, for a maximum of 150 days; emergency expired September 13, 2009; emergency amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16728, effective November 23, 2009; emergency amendment at 34 Ill. Reg. 15489, effective September 22, 2010, for a maximum of 150 days.

Section 100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and the Education Jobs Fund Program (Ed Jobs)
EMERGENCY

This Section applies only to funds received pursuant to P.L. 111-5, the American Recovery and Reinvestment Act of 2009, and P.L. 111-226, which authorizes the Education Jobs Fund Program.

- a) Accounting; Treatment of Funds
 - 1) Records of expenditures shall identify the source of the ARRA or Ed Jobs funds by using the account numbers set forth in Table C of this Part, as well as the applicable funds, functions, and object classes, using the account numbers set forth in Tables A, D, and F of this Part, respectively.
 - 2) ARRA General State Aid funds received in account number 4850 or 4870 (see Table C of this Part) may be deposited into any fund other than the Working Cash Fund and may be spent for any lawful purpose, except as limited by Section 14003 of the ARRA. That Section prohibits a local education agency from using Education Stabilization funds for:
 - A) payment of maintenance costs;
 - B) stadiums or other facilities used primarily for athletic contests, exhibitions, or other events for which admission is charged to the general public;
 - C) purchasing or upgrading vehicles;
 - D) improvements to stand-alone facilities whose purpose is not the education of children, including facilities housing central office administration, operations, or logistical support functions; or

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- E) school modernization, renovation, or repair that is inconsistent with State law.
- 3) No Education Stabilization funds or Government Services funds may be used to provide financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Improvement Act. (Section 14011 of the ARRA)
- 4) Funds received under any other account number in the range from 4851 through 4880 shall be expended only for the purposes authorized by the relevant federal law, regulations, and guidance.
- b) **Budgeting**
Each local education agency intending to spend ARRA funds during Fiscal Year 2009 or Ed Jobs funds in Fiscal Year 2011 shall amend its budget as necessary, pursuant to the provisions of Section 17-1 of the School Code [105 ILCS 5/17-1] and shall submit the amended budget to the State Superintendent of Education pursuant to Section 100.90 of this Part. Subsequent annual budgets shall address the receipt and disbursement of ARRA or Ed Jobs funds as provided in Section 17-1 and applicable federal regulations and guidance.
- c) **Financial Reporting**
In order to comply with federal reporting requirements, each local education agency receiving funds under the ARRA or Ed Jobs shall include in its annual financial report, in addition to all other requirements set forth in Section 100.100 of this Part, a detailed schedule of its receipts and disbursements of those funds, as distinct from any other receipts and expenditures for the same purposes made from other sources of funds.
- d) **Auditing**
- 1) The receipt and disbursement of ARRA or Ed Jobs funds shall be subject to the audit requirements of Section 100.110 of this Part. In addition to the other applicable requirements of Section 100.110 of this Part, the scope of each audit shall include the schedule of receipts and disbursements required under subsection (c) of this Section.

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- 2) Each local education agency receiving ARRA **or Ed Jobs** funds shall review its amended budget to determine whether its increased expenditure of federal funds will make the agency subject to the audit requirements of OMB Circular A-133 (available at www.whitehouse.gov/omb/circulars/index.html) and, if so, shall maintain records accordingly.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15489, effective September 22, 2010, for a maximum of 150 days)

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Section 100.TABLE C Revenue Accounts**EMERGENCY**

Label	Account Number	Source; Notes
RECEIPTS/REVENUE FROM LOCAL SOURCES	1000	
AD VALOREM TAXES	1100	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/ Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/17-2.2a.

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FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.
Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).

PAYMENTS IN LIEU OF TAXES	1200	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

TUITION	1300	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.

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Summer School Tuition from Pupils or Parents (In-State)	1321	
Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	
Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.

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Adult Tuition from Pupils or Parents (In-State)	1351	
Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	

TRANSPORTATION FEES	1400	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	

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Summer School Transportation Fees from Other Sources (In-State)	1423	
Summer School Transportation Fees from Other Sources (Out-of- State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In- State)	1432	
CTE Transportation Fees from Other Sources (In- State)	1433	
CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In- State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of- State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.

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Adult Transportation Fees from Pupils or Parents (In-State)	1451	
Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	

EARNINGS ON INVESTMENTS	1500	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.

FOOD SERVICE	1600	
Sales to Pupils – Lunch	1611	
Sales to Pupils – Breakfast	1612	
Sales to Pupils – A la Carte	1613	
Sales to Pupils – Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.

DISTRICT/SCHOOL ACTIVITY INCOME	1700	
Admissions – Athletic	1711	Amounts received from school-sponsored athletic events.
Admissions – Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	

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Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.
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TEXTBOOK INCOME	1800	
Rentals – Regular Textbooks	1811	
Rentals – Summer School Textbooks	1812	
Rentals – Adult/Continuing Education Textbooks	1813	
Rentals – Other	1819	Describe and itemize.
Total Textbook Rentals	1810	105 ILCS 5/10-22.25.
Sales – Regular Textbooks	1821	
Sales – Summer School Textbooks	1822	
Sales – Adult/Continuing Education Textbooks	1823	
Sales – Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.

OTHER LOCAL REVENUES	1900	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).

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Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.
Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-23.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.

FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT	2000	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).

RECEIPTS/REVENUE FROM STATE SOURCES	3000	
General State Aid Section 18-8.05 (GSA)	3001	105 ILCS 5/18-8.05.

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General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.
Reorganization Incentives – Deficit Fund Balance	3005	105 ILCS 5/18-8.3.
Reorganization Incentives – Attendance	3010	105 ILCS 5/18-8.05i.
Reorganization Incentives – Salary Difference	3015	105 ILCS 5/18-8.2.
Reorganization Incentives – Certified Salary	3020	105 ILCS 5/18-8.5.
Reorganization Incentives – Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
GSA Fast Growth District Grants	3030	105 ILCS 5/18-8.10.
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
GSA Transition Assistance	3095	Amounts received pursuant to appropriations for this purpose.
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education – Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education – Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education – Personnel	3110	105 ILCS 5/14-13.01.
Special Education – Orphanage – Individual	3120	105 ILCS 5/14-7.03.
Special Education – Orphanage – Summer	3130	105 ILCS 5/14-7.03.
Special Education – Summer School	3145	105 ILCS 5/18-4.3.

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Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.
Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
CTE – Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE – Student Organizations	3270	105 ILCS 435
CTE – Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education – Downstate – TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education – Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.
Adult Education (from ICCB)	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation – Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation – Special Education	3510	105 ILCS 5/14-13.01b.
Transportation – ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation – Other	3599	Amounts received pursuant to other appropriations (describe and itemize).

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Learning Improvement – Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64.
National Board Certification	3651	105 ILCS 5/21-27.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Scientific Literacy	3660	105 ILCS 5/2-3.94.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood – Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
Reading Improvement Block Grant	3715	105 ILCS 5/2-3.51.
Reading Improvement Block Grant – Reading Recovery	3720	Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51.
Continued Reading Improvement Block Grant	3725	105 ILCS 5/2-3.51a.
Continued Reading Improvement Block Grant	3726	Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.63, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.
School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology – Learning Technology Centers	3780	105 ILCS 5/2-3.117.

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Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.
Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements – Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure – Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs – Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	Amounts received pursuant to appropriations.
Arts Education	3962	Amounts received pursuant to appropriations.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.
Education of Homeless Children and Youth State Grant Program	3984	105 ILCS 45.

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Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).

RECEIPTS/REVENUE FROM FEDERAL SOURCES	4000	
Federal Impact Aid	4001	ESEA Title VIII – Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	
Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).
Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	

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TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V – Innovation and Flexibility Formula	4100	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – SEA Projects	4105	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – Rural and Low-Income Schools (REI)	4107	NCLB, Title VI, Part B – Rural Education (CFDA 84.358).
Title V – Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act – National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act – Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act – School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13 – Adult Day Care	4226	Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CFDA 10.574).
Fresh Fruit and Vegetables	4240	Child Nutrition – Cash Payments
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).
Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service – Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).

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Title I – Low Income	4300	No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010).
Title I – Low Income – Neglected, Private	4305	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Low Income – Delinquent, Private	4306	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – School Improvement and Accountability	4331	NCLB, Title I, Part A
Title I – Comprehensive School Reform	4332	NCLB, Title I, Part F – Comprehensive School Reform (CFDA 84.332).
Title I – Reading First	4334	NCLB, Title I, Part B-1 – Reading First (CFDA 84.357).
Title I – Even Start	4335	NCLB, Title I, Part B-3 – Even Start (CFDA 84.213).
Title I – Reading First SEA Funds	4337	NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357).
Title I – School Improvement Grant	4339	NCLB, Title I, section 1003g (CFDA 84.357).
Title I – Migrant Education	4340	NCLB, Title I, Part C – Education of Migrant Children (CFDA 84.011).
Title I – Other	4399	Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize).
Title IV – Safe and Drug-Free Schools – Formula	4400	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – Safe & Drug-Free Schools – State-Level Program	4415	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – 21 st Century	4421	NCLB, Title IV, Part B – 21 st Century Community Learning Centers (CFDA 84.287).
Title IV – Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B – Preschool (CFDA 84.173).

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Federal Special Education Preschool Discretionary	4605	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education – IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA – Part D – Improvement	4631	IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C – Deaf/Blind	4635	IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education – IDEA – Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
CTE – Perkins – State Leadership	4720	Carl D. Perkins Career and Technical Education Act of 2006 – State Leadership (CFDA 84.048A)
CTE – Perkins – DHS Ed	4740	Carl D. Perkins Career and Technical Education Act of 2006 – Corrections or Institutions (CFDA 84.048A)
CTE – Perkins – Secondary	4745	Carl D. Perkins Career and Technical Education Act of 2006 – Secondary (CFDA 84.048A)
CTE – Perkins Title II – Tech Prep	4770	Carl D. Perkins Career and Technical Education Act of 2006 – Title II – Tech Prep (CFDA 84.243A)
CTE – Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal – Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).
ARRA General State Aid – Education Stabilization	4850	Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.
ARRA Title I – Low Income	4851	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.

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ARRA Title I – Neglected, Private	4852	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – Delinquent, Private	4853	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – School Improvement (Part A)	4854	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – School Improvement (section 1003g)	4855	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B – Preschool	4856	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B – Flow-Through	4857	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Other ARRA Fund – XII	4860	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Title IID – Technology – Competitive	4861	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA McKinney-Vento Homeless Education	4862	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Child Nutrition Equipment Assistance	4863	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Formula Grants	4864	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Competitive Grants	4865	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified Zone Academy Bond Tax Credits	4866	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified School Construction Bond Credits	4867	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Tax Credits	4868	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Interest Reimbursement	4869	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.

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ARRA General State Aid – Other Government Services Stabilization	4870	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Other ARRA Funds – II	4871	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – III	4872	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – IV	4873	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – V	4874	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Early Childhood	4875	Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.
Other ARRA Funds – VII	4876	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – VIII	4877	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – IX	4878	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.

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Other ARRA Funds – X	4879	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
<u>Education Jobs Fund Program</u> Other ARRA Funds – XI	4880	Available for recording sources of federal funds received pursuant to the <u>Education Jobs Fund Program</u> ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize ; see Section 100.130 of this Part.
Advanced Placement Fee/International Baccalaureate	4904	ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).
Emergency Immigrant Assistance	4905	NCLB, Title III – English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365).
Title III – English Language Acquisition	4909	NCLB, Title III – English Language Acquisition Grants (CFDA 84.365).
Learn & Serve America	4910	National and Community Service Act of 1990 – Learn & Serve America (CFDA 94.004).
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	NCLB, Title X – Education for Homeless Children (CFDA 84.196).
Title II – Teacher Quality	4932	NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).
Title II – Teacher Quality	4935	ESEA, Title II, Part A – Improving Teacher Quality State Grants (CFDA 84.367).
Title II – Math and Science Initiative	4936	ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).
Federal Charter Schools	4960	NCLB, Title V, Part B – Public Charter Schools.
Title II – Technology – Enhancing Education Formula Grants	4971	ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).
Title II – Technology – Enhancing Education Competitive Grants	4972	ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)

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Medicaid Matching Funds – Administrative Outreach	4991	Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds – Fee-for-Service Program	4992	Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15489, effective September 22, 2010, for a maximum of 150 days)

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- 1) Heading of the Part: Amnesty Regulations
- 2) Code Citation: 86 Ill. Adm. Code 520
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
520.101	New Section
520.105	New Section
- 4) Statutory Authority: 35 ILCS 745/1
- 5) Effective Date of Emergency Rules: September 24, 2010
- 6) If the Emergency Rules are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date filed with Index Department: September 24, 2010
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 96-1435, which became law on August 16, 2010, created an amnesty program granting abatement of interest and penalties for taxpayers who pay qualifying tax debts between October 1, 2010, and November 8, 2010. Emergency rules are needed to provide guidance for this program.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 96-1435, created an amnesty program granting abatement of interest and penalties for taxpayers who pay qualifying tax debts between October 1, 2010, and November 8, 2010. This rulemaking provides guidance on which tax debts qualify for amnesty, the procedures for participating in the amnesty program, and the consequences of participation or failure to participate.
- 11) Are there any proposed amendments to this Part pending? A rulemaking proposing permanent regulations is being submitted simultaneously with this emergency rulemaking.
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

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- 13) Information and questions regarding these Emergency Rules shall be directed to:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 520

AMNESTY REGULATIONS

Section

520.101 Amnesty Program In General

EMERGENCY

520.105 Amnesty Program Requirements

EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Tax Delinquency Amnesty Act [35 ILCS 745].

SOURCE: Emergency Rules adopted at 34 Ill. Reg. 15515, effective September 24, 2010, for a maximum of 150 days.

Section 520.101 Amnesty Program In General
EMERGENCY

- a) Pursuant to the Illinois Tax Delinquency Amnesty Act (ITDAA), as amended by P.A. 96-1435, the Department will conduct an amnesty program ("the Amnesty Program"). As more fully described in Section 520.105, the Amnesty Program will apply to payments of contested and uncontested tax liabilities received by the Department from October 1, 2010 through November 8, 2010. If a taxpayer participates in the Amnesty Program and complies with all the requirements of this Part, the Department *shall abate and not seek to collect any interest or penalties that may be applicable and the Department shall not seek civil or criminal prosecution for any taxpayer for the period of time for which amnesty has been granted to the taxpayer.* (ITDAA Section 10)
- b) Definitions and special provisions. For purposes of this Part:
 - 1) "200% Sanction" means the doubling of the rates of penalty and interest imposed on a taxpayer with an Eligible Liability who fails to participate in the Amnesty Program. See UPIA Sections 3-2(g), 3-3(j), 3-4(e), 3-5(e), 3-6(d) and 3-7.5(c). The 200% Sanction does not apply to:

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- A) a liability that results from a Federal Change, if the Federal Change is not final as of the end of the Amnesty Program Period.
 - B) a taxpayer in bankruptcy proceedings during the Amnesty Program Period.
 - C) a taxpayer who, prior to the beginning of the Amnesty Program Period, has entered into an installment payment agreement with the Department and pays the liability in full compliance with the agreement.
- 2) "Amnesty Issue" means an issue taken into account in determining an Eligible Liability, including all issues of law that must be resolved in making the determination and all facts relevant to the determination, as in existence as of the end of the Amnesty Program Period. See Section 520.105(k)(1).
 - 3) "Amnesty Program Period" means the period from October 1, 2010, through November 8, 2010.
 - 4) "Eligible Liability" means a tax liability with respect to which a taxpayer may participate in the Amnesty Program. See subsections (h) and (i) of Section 520.105.
 - 5) "Established Liability" means an Eligible Liability that has been assessed or become final prior to the beginning of the Amnesty Program Period; any amount paid under the Protest Act prior to the beginning of the Amnesty Program Period; or any amount of tax shown on a notice of deficiency, notice of assessment or notice of tax liability that was issued prior to the beginning of the Amnesty Program Period or on an amended return or waiver of restrictions on assessment presented by the Department to the taxpayer prior to the beginning of the Amnesty Program Period after the conclusion of an audit (including any proceedings before the Informal Conference Board).
 - 6) "Estimated Federal Change Liability" means the Eligible Liability that a taxpayer estimates will result from a Federal Change that has not become final under IITA Section 506(b) as of the end of the Amnesty Program Period.

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- 7) "Federal Change" means a change affecting the taxpayer's federal income tax liability that must be reported to the Department under IITA Section 506(b).
 - 8) "Notice and Demand" means any demand for payment issued by the Department that is eligible for the 30-day interest-free grace period under UPIA Section 3-2(c-5).
 - 9) "Protest Act" means the State Officers and Employees Money Disposition Act [30 ILCS 230].
 - 10) "Taxable Period" means *the period of time for which any tax is imposed by and owed to the State of Illinois.* (ITDAA Section 5)
- c) The Amnesty Program under this Part authorized by the ITDAA is separate from and independent of the amnesty program to be conducted from January 1, 2011, through October 15, 2011, for individuals with liabilities under the Use Tax Act under P.A. 96-1388.

Section 520.105 Amnesty Program Requirements
EMERGENCY

- a) The Department has no duty to notify taxpayers of liabilities that may make them eligible for participation in the Amnesty Program. Failure of the Department to notify a taxpayer of the existence or correct amount of a liability eligible for amnesty shall not preclude the taxpayer from participating in the Amnesty Program, nor shall such failure be grounds for abating the 200% Sanction for failure to pay the liability.
- b) Participation in the Amnesty Program.
 - 1) A taxpayer may participate in the Amnesty Program selectively, provided that the taxpayer completely satisfies its Eligible Liability for the tax type and tax period for which amnesty is sought. Thus, a taxpayer may participate in the Amnesty Program with respect to:
 - A) particular types of tax liability, but not others (e.g., Illinois Income Tax, but not Illinois Retailers Occupation Tax), or

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- B) particular tax periods but not others (e.g., 2003 Illinois Income Tax but not 2004 Illinois Income Tax).
- 2) Except as otherwise expressly provided in this Section:
- A) In the case of an Eligible Liability that has been assessed or has otherwise become subject to collection action by the Department, the taxpayer participates in the Amnesty Program by paying the Eligible Liability during the Amnesty Program Period.
 - B) In the case of an Eligible Liability that has not been assessed or otherwise become subject to collection action by the Department, the taxpayer participates in the Amnesty Program by filing the appropriate return or amended tax return to report the Eligible Liability and making payment of the Eligible Liability to the Department during the Amnesty Program Period. Unless a special form or schedule is provided by the Department for filing an original or amended return to report an Eligible Liability, the taxpayer must use the form ordinarily prescribed by the Department for that return or amended return.
- 3) Separate payments should be made for each Eligible Liability to insure proper application by the Department. A single payment that is made for multiple Eligible Liabilities must be accompanied by a clear identification of the liabilities to which the payment is to be applied, and in what amounts it is to be applied. Any portion of any payment that is not expressly designated by the taxpayer as applicable to a specifically-identified liability will be applied against liabilities of the taxpayer in accordance with 86 Ill. Adm. Code 700.500, which may result in failure of the taxpayer to pay all Eligible Liabilities it intended to pay.
- c) Form of Payment. *Payments must be made by cash, check, guaranteed remittance, or ACH debit.* (ITDAA Section 10)
- 1) The reduction of a liability that results from claiming a credit or the carryover of a credit under Article 2 or Section 601(b)(3) or (b)(4) of the IITA, from claiming a federal capital or net operating loss or Illinois net loss under IITA Section 207, or from the use of a Manufacturer's Purchase

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Credit under Section 3-85 of the Use Tax Act, is not a payment of tax. Therefore, if the taxpayer is entitled to an income tax credit or loss or to a Manufacturer's Purchase Credit that reduces the taxpayer's unpaid liability for a tax in a particular period to zero, the application of the credit or loss is not a payment that may qualify under amnesty.

- 2) Payments by check that are returned due to insufficient funds in the taxpayer's account do not qualify as payments during the Amnesty Program Period.
- 3) Payments of amounts due from individuals under the IITA may be made by credit card, provided that the taxpayer must pay any discount fee charged by the credit card issuer. (IITA Section 605)
- 4) Other forms of payment:
 - A) The Department will treat the following items as payments qualifying under the Amnesty Program:
 - i) Offset of a verified overpayment or credit memorandum relating to sales and excise taxes, to the extent available to the taxpayer prior to the end of the Amnesty Program Period; or
 - ii) For a taxpayer under audit (including matters pending before the Informal Conference Board), an overpayment tentatively determined by the Department for a tax period in the audit may be offset against an Eligible Liability for another tax period in the same audit.
 - B) The return, amended return or other allowable amnesty filing reporting the Eligible Liability to be offset must identify each verified overpayment, credit memorandum, or overpayment tentatively determined by the Department in an audit to be used as an Amnesty Program payment by tax type, period and amount.
 - C) If a taxpayer in good faith requests an offset of a verified overpayment, credit memorandum, or audit overpayment against an Eligible Liability, and the amount that is actually allowable as

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an offset is less than the amount requested by the taxpayer, the 200% Sanction shall be imposed as provided in subsection (j)(2).

- 5) The Department will not offset an unpaid overpayment of income tax shown on a return or refund claim filed by a taxpayer prior to the beginning of the Amnesty Program Period against an Eligible Liability. Except as otherwise provided in this Section if a taxpayer has reported an income tax overpayment for a taxable year that has not been paid or denied as of the beginning of the Amnesty Program Period, and wishes to report and pay an Eligible Liability for the same taxable year, the taxpayer must file an amended return, reporting its corrected liability taking into account all adjustments that must be made to its original return, including any adjustments reported on its refund claim and any additional adjustments creating the Eligible Liability, and pay the increase in tax reported on the amended return, as if it had already received a refund of the previously-reported overpayment. The taxpayer may preserve its claim for refund of that overpayment by writing in the explanation section of its amended return it files under the Amnesty Act, "This amended return is filed for purposes of Amnesty, and does not take into account an overpayment in the amount of [dollar amount] reported on [date]. This amended return shall be treated as a claim for refund of this amount, and as a confirmation of any outstanding claim for refund." The refund claim will be allowable to the same extent it would have been allowed had no Amnesty Program report and payment been made, and shall accrue interest without regard to the provisions in subsection (k)(5).
- d) Eligible Taxpayers – Civil Cases Pending in State Courts. ITDAA Section 10 provides that amnesty may not be granted to a taxpayer that is *a party to any civil litigation that is pending in any circuit court or appellate court or the Supreme Court of this State* with respect to an otherwise Eligible Liability.
 - 1) A payment made under the Protest Act initiates a civil suit in circuit court. Accordingly, payment of a liability under the Protest Act disqualifies the taxpayer from participation in the Amnesty Program with respect to that liability, even if the liability would otherwise be an Eligible Liability and the payment is made during the Amnesty Program Period.
 - 2) A taxpayer that is ineligible for the Amnesty Program under this Section becomes eligible if the taxpayer ceases to be a party to a civil action by

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dismissing the action prior to the end of the Amnesty Program Period. The action is dismissed on or before the November 8, 2010, deadline if the taxpayer has executed an agreed order stipulating to judgment in favor of the Department, and during the Amnesty Program Period has either paid the Eligible Liability that is the subject of the action, or, in a Protest Act case, agreed to a dissolution of the injunction and a court order that directs the amount of the Eligible Liability to be released to the Department. A taxpayer participating in the Amnesty Program under this subsection (d)(2) need not file a return or amended return under subsection (b) with respect to the liability that is the subject of the litigation, but must specify in its motion to dismiss the action that it is doing so in order to participate in the Amnesty Program and its payment of the Eligible Liability must be accompanied by a statement that the payment is being made under the Amnesty Program and must identify the Eligible Liability being paid.

- 3) Bankruptcy proceedings take place in federal courts, and a taxpayer in bankruptcy may be eligible to participate in the Amnesty Program.
 - 4) Because a taxpayer that is a party to civil litigation in an Illinois court is not eligible to participate in the Amnesty Program with respect to a liability in dispute in that litigation, that taxpayer will not be subject to the 200% Sanction on that liability for failure to participate in the Amnesty Program with respect to that liability. The taxpayer may still participate in the Amnesty Program with respect to other liabilities, and will be subject to the 200% Sanction for failure to do so.
- e) Eligible Taxpayers – Matters Pending in the Department's Office of Administrative Hearings. Matters pending in the Department's Office of Administrative Hearings are not *pending in any circuit court or appellate court or the Supreme Court of this State*. (ITDAA Section 10) Therefore, a tax liability that is being contested before one of the Department's Administrative Law Judges is eligible for the Amnesty Program.
- 1) A taxpayer who wishes to participate in the Amnesty Program with respect to an Eligible Liability at issue in a matter pending in the Office of Administrative Hearings must stipulate to judgment in favor of the Department with respect to that liability on or before November 8, 2010 and pay that liability during the Amnesty Program Period.

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- 2) A taxpayer participating in the Amnesty Program under this subsection (e)(2) need not file a return or amended return under subsection (b) with respect to the liability that is the subject of the proceeding, but must specify in the stipulation that it is participating in the Amnesty Program and pay the Eligible Liability to the Department during the Amnesty Program Period.
 - 3) A taxpayer that fails to participate in the Amnesty Program with respect to the liability that is the subject of the proceeding will be subject to the 200% Sanction.
 - 4) A liability being contested in the Office of Administrative Hearings is an Established Liability, and no refund of the payment is allowed with respect to an Amnesty Issue.
- f) Eligible Taxpayers – Matters Under Audit or Pending Before the Informal Conference Board. A tax liability under Audit (including audits under review before the Informal Conference Board) is eligible for the Amnesty Program.
- 1) After an audit has been concluded by the issuance of an amended return or waiver of restrictions on assessment, the liability determined by the Department is an Established Liability so that failure to pay the full amount of the Eligible Liability during the Amnesty Program Period will subject the taxpayer to the 200% sanction on the entire liability under subsection (j)(2) and no refund with respect to an Amnesty Issue will be allowed.
 - 2) Prior to the issuance of an amended return or waiver of restrictions on assessment after the conclusion of an audit, a taxpayer may participate in the Amnesty Program by reporting the amount of Eligible Liability that it estimates will result from the audit on an original or amended return, and paying that amount during the Amnesty Program Period. The Department will continue with the audit (including any proceedings before the Informal Conference Board) in the same manner as if no amnesty payment had been made, except that the interest and penalties related to the amnesty payment will be abated.

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- 3) Examples. The principles for participating in the Amnesty Program for an Eligible Liability that is currently under audit may be illustrated as follows:
- A) EXAMPLE 1. As of the beginning of the Amnesty Program Period, the Department is auditing Taxpayer for occupation and use taxes due for the periods July 1, 2005, through June 30, 2007. The audit will not be completed before the end of the Amnesty Program Period. After consulting with the Department's auditor, Taxpayer estimates that it owes an additional Use Tax obligation of \$300 for each of the months of July, August and September of 2006. During the Amnesty Program Period, Taxpayer files amended returns and pays the additional \$300 in tax for each month. After the audit is completed (including any proceedings before the Informal Conference Board) in 2011, the Department determines that, taking into account the \$300 payments made during the Amnesty Program Period, Taxpayer has overpaid its Use Tax obligation for July of 2006 by \$150 and owes an additional \$50 in Use Tax for August of 2006. As provided in subsection (k), Taxpayer may receive a refund of the overpayment for July of 2006. As provided in subsection (j)(3)(A), Taxpayer will be assessed the 200% Sanction with respect to its \$50 underpayment for August of 2006. Also, if Taxpayer unsuccessfully contests any portion of the \$50 underpayment after the conclusion of the audit, or fails to pay in full the \$50 liability and the related 200% Sanction no later than the due date for payment of the demand for payment made by the Department, the 200% sanction will also be imposed on the \$300 amount paid during the Amnesty Program Period with respect to August of 2006, as provided in subsection (j)(3)(B). The abatement of penalties and interest with respect to the \$300 paid for September of 2006 is not affected by any changes or proceedings related to the liabilities for July or August of 2006. The Department will offset the \$50 in additional tax for August of 2006, plus the 200% Sanction on that amount, against the overpayment for July of 2006 and allow a refund or credit of the remaining overpayment for July of 2006, to the extent the refund or credit is not otherwise barred. Taxpayer may also claim a refund or credit for some or all of the \$50 additional tax for August of 2006, for some or all of the 200%

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Sanction, or for any other amount for July or August of 2006, providing the refund or credit would otherwise be allowable.

- B) EXAMPLE 2: During an audit of Taxpayer's corporate income tax returns, the Department issued a Notice of Proposed Deficiency to Taxpayer, proposing deficiencies of \$500 with respect to its 2005 liability and \$800 with respect to 2006. Taxpayer timely requested review of both deficiencies by the Informal Conference Board under 35 Ill. Adm. Code 215.115, and the review had not been completed as of the beginning of the Amnesty Program Period. Taxpayer decides to participate in the Amnesty Program by paying the entire \$500 for 2005 in full, but only pays \$600 for 2006 during the Amnesty Program Period. After the Department receives the payment for 2005, penalties and interest related to the 2005 deficiency will be abated. The Informal Conference Board review and the remaining audit processes for 2006 will continue. If, at the conclusion of the audit, the Department determines that the 2006 deficiency was the \$600 paid by Taxpayer during the Amnesty Program Period, penalties and interest related to 2006 will be abated. If the Department determines that the 2006 deficiency was greater than the \$600 paid by Taxpayer, the 200% Sanction will be imposed only on the additional deficiency, unless Taxpayer unsuccessfully contests the additional liability, as provided in subsection (j)(3)(B). If the Department determines that the 2006 deficiency was less than the \$600 paid by Taxpayer, a refund or credit will be granted, providing the refund or credit would otherwise be allowable.
- g) Eligible Taxpayers – Criminal Investigation or Case. ITDAA Section 10 provides that amnesty may not be granted to taxpayers that are a party to *any criminal investigation for nonpayment, delinquency or fraud in relation to any State tax imposed by any law of the State of Illinois* with respect to an otherwise Eligible Liability. A taxpayer who is a party to a pending investigation or case is ineligible to participate in the Amnesty Program with respect to the specific taxes and tax periods under investigation or contained in the complaint, information, or indictment, and will not be subject to the 200% Sanction for failure to participate in the Amnesty Program with respect to that liability.

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- h) **Eligible Liabilities.** Under ITDAA Section 10, the Amnesty Program applies to *any tax, except for the motor fuel use tax imposed under 35 ILCS 505/13a, imposed by reason of or pursuant to authorization by any law of the State of Illinois and collected by the Department.* Each liability that comes within this definition and meets the other criteria for a taxpayer to participate in the Amnesty Program is generally divisible into two parts: the Eligible Liability that must be paid during the Amnesty Program and the penalty and interest that may be abated under the Amnesty Program. An exception to this rule is the reimbursement of collection expenses incurred by the Department, when those expenses are not deemed by statute to be part of the related tax liabilities. The obligation to pay these expenses is not a penalty that may be abated by participation in the Amnesty Program, nor does failure to pay one of these expenses during the Amnesty Program Period disqualify the taxpayer from the benefits of amnesty. The following examples are illustrative of items that may be characterized as Eligible Liabilities or as penalties or interest that may be abated, or as expenses that are neither Eligible Liabilities nor penalties:
- 1) A taxpayer who has paid all of the tax due for a period, but has not yet paid all of the penalty and interest associated with the liability, may not participate in the Amnesty Program with respect to the penalty or interest. This rule applies regardless of the reason the tax has been paid, but not the penalty or interest, including instances when the taxpayer filed a return and paid its tax late, and so incurred late filing and late payment penalties, or because amounts paid by or collected from the taxpayer were applied against tax before being applied against penalty and interest pursuant to UPIA Section 700.500. A taxpayer may not seek to retroactively reapply payments previously made to the Department for the purpose of creating Eligible Liabilities eligible for the Amnesty Program or increasing the amount of penalties and interest that will be abated as the result of the taxpayer's participation in the Amnesty Program.
 - 2) Over-collections of Use Tax that are required to be remitted to the Department by reason of Section 2-40 of the Retailers' Occupation Tax Act [35 ILCS 120/2-40] are tax liabilities that may be Eligible Liabilities rather than penalties that may be abated if the related Eligible Liability is paid during the Amnesty Program Period.
 - 3) The vendor's discount from tax allowed in Section 3 of the Retailers' Occupation Tax for the expenses of collecting and remitting is forfeited

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when the tax is not timely paid. Any lost discount is a tax liability that may be an Eligible Liability rather than a penalty that may be abated if the related Eligible Liability is paid during the Amnesty Program Period.

- 4) A collection agency fee that is added to a taxpayer's tax liability under Section 2505-400(a) of the Civil Administrative Code [20 ILCS 2505/2505-400] is not a penalty, but is a tax liability that may be an Eligible Liability. If an Eligible Liability has been referred to a collection agency and the fee is owed to the collection agency, the fee related to the Eligible Liability must be paid during the Amnesty Program Period in order for the taxpayer to qualify for abatement of penalties and interest. No collection agency fee is due on amounts paid directly to the Department under the Amnesty Program. However, if a taxpayer makes any payment of any portion of an Eligible Liability to a collection agency, the fee due the collection agency will be added to and included in the Eligible Liability that must be paid during the Amnesty Program Period for the taxpayer to qualify for amnesty.
- 5) The recording fees that must be paid by a taxpayer before a lien for unpaid taxes may be released under Section 1105(a) of the Illinois Income Tax Act [35 ILCS 5/1105] or under Section 5a, 5b or 5c of the Retailers' Occupation Tax Act [35 ILCS 120/5a, 5b or 5c] are not added to the tax liability of the taxpayer, and are neither tax liabilities nor penalties. A taxpayer's obligation to pay these fees is not abated by participation in the Amnesty Program, nor is failure to pay one of these fees grounds for denying the abatement of penalties and interest under the Amnesty Program.
- 6) Responsible officer penalties imposed pursuant to Section 3-7 of the Uniform Penalty and Interest Act for failure to collect, account for and pay over trust taxes are penalties imposed on the responsible officer, even though the penalty includes unpaid tax, and therefore cannot be Eligible Liabilities of the responsible officer. However, a responsible officer's employer may participate in the Amnesty Program. If the underlying trust tax liability of the employer is paid under the Amnesty Program, the related penalties and interest, and therefore the responsible officer penalty, will be abated.

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- i) Eligible Periods. Only taxes due for a Taxable Period ending after June 30, 2002 and prior to July 1, 2009 are eligible for amnesty. The following examples are illustrative:
- 1) The usual Taxable Period for Retailers' Occupation Tax purposes is the calendar month. A taxpayer reporting and paying Retailers' Occupation Tax on a monthly basis may participate in the Amnesty Program with respect to a liability based on taxable receipts received after June 30, 2002, and prior to July 1, 2009.
 - A) One exception to this general rule is the case of a taxpayer authorized to pay and who does pay Retailers' Occupation Tax liability on an annual or quarterly basis. The Taxable Period for annual taxpayers of Retailers' Occupation Tax is the calendar year during which gross receipts from retail sales were received. Consequently, annual taxpayers of Retailers' Occupation Tax may participate in the Amnesty Program with respect to a liability based on receipts received on and before December 31, 2008, but not with respect to a liability based on receipts received on and after January 1, 2009. Liabilities for receipts received by an annual taxpayer at any time during the 2002 taxable year are eligible for amnesty. The Taxable Period for quarterly taxpayers is the quarterly period in which gross receipts from retail sales were received.
 - B) Another exception to this general rule is the case of a taxpayer required to file and pay occupation or use tax liabilities from the sale or use of an aircraft, watercraft, motor vehicle or trailer on a separate transaction reporting return. Each liability required to be reported on a separate transaction reporting return is a separate liability for purposes of the ITDAA, and the Taxable Period for that liability is the date of delivery.
 - 2) The Taxable Period for Illinois Income Tax purposes is the taxable year. Taxpayers whose taxable year is the calendar year may participate in the Amnesty Program with respect to a liability based on income earned or received on and before December 31, 2008, but not with respect to a liability based on income earned or received on and after January 1, 2009. Taxpayers whose taxable year is a fiscal year may participate in the

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Amnesty Program for taxable years ending after June 30, 2002, and prior to July 1, 2009.

- j) Payment of All Taxes Due for a Taxable Period. ITDAA Section 10 provides that *failure to pay all taxes due to the State for a taxable period shall invalidate any amnesty granted under this Act*. In order to participate in the Amnesty Program a taxpayer must pay the entire Eligible Liability for a tax type and tax period, irrespective of whether that liability is known to the Department or the taxpayer, or whether the Department has assessed it.
- 1) The requirement that the Eligible Liability be paid in full precludes a taxpayer from receiving abatement of penalties and interest by entering into an installment payment agreement with the Department under which the Eligible Liability will not be paid until after the end of the Amnesty Program Period. A taxpayer who has been making installment payments under an agreement with the Department may participate in the Amnesty Program by paying during Amnesty Program Period any Eligible Liability that remains unpaid, but will not be subject to 200% Sanction if the Eligible Liability is not paid in full during the Amnesty Program Period unless the taxpayer fails to pay the liability in full compliance with the installment payment agreement.
 - 2) A taxpayer may participate in the Amnesty Program with respect to an Established Liability only by paying during the Amnesty Program Period the full amount of the Established Liability that is actually due. If a taxpayer pays only a portion of an Established Liability during the Amnesty Program Period, and it is subsequently determined that the taxpayer has not paid the full amount of the Eligible Liability, abatement of penalties and interest for that tax period will be revoked and the 200% Sanction will apply to the entire Eligible Liability.
 - 3) Except in the case of an Established Liability, the taxpayer should make a good faith estimate of the Eligible Liability, report that amount on an original or amended return as required under subsection (b)(2)(B), and pay the reported amount in full. A taxpayer that fails to pay the reported amount of Eligible Liability in full during the Amnesty Program Period does not qualify for amnesty.

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- A) If the taxpayer later determines that its Amnesty Program payment was less than the total Eligible Liability, and voluntarily reports and pays the additional amount due, the 200% Sanction will be assessed only with respect to the additional amount of tax due.
- B) If the Department later determines that a payment made during the Amnesty Program Period is insufficient to completely satisfy the Eligible Liability, and the applicable statute of limitations has not yet expired, the Department will assess the additional liability and issue a demand for payment to the taxpayer for the remaining taxes due, following the procedures applicable to that liability. If the taxpayer does not contest the assessment and pays the additional tax due no later than the due date shown on the demand for payment, the Department will assess the 200% Sanction only with respect to the portion of the Eligible Liability that was not paid during the Amnesty Program Period. A taxpayer who unsuccessfully contests any portion of the additional liability (whether by protesting the notice of deficiency or notice of tax liability by filing an action under the Protest Act, by paying the liability and filing a claim for refund, or by any other means) or who fails to pay any portion of the additional liability by the due date on the demand for payment will be liable for 200% Sanction as if no payment had been made during the Amnesty Program Period. For purposes of this subsection, requesting review by the Informal Conference Board is not contesting an additional liability. Also, a taxpayer may contest the imposition or the amount of interest or penalty due with respect to a tax liability, without becoming subject to the 200% Sanction for contesting the tax liability. However, failure to pay any assessed amount of interest or penalty within 30 days after receiving a notice and demand for payment of that amount will subject the taxpayer to the 200% Sanction as if no payment had been made during the Amnesty Program Period.
- C) Subsections (j)(3)(A) and (B) do not apply to an underpayment of an Established Liability, which must be paid in full, except in the case where the underpayment is caused solely by the disallowance of some or all of an offset requested by the taxpayer in good faith under subsection (c)(4).

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- D) If the payment made during the Amnesty Program Period is less than the Eligible Liability because the taxpayer failed to report and pay a liability resulting from a Federal Change that was not final as of the end of the Amnesty Program Period, the 200% Sanction does not apply. However, if the taxpayer fails to timely report and pay the liability as required under IITA Section 506(b), or to pay any related interest and penalties no later than 30 days after receiving a notice and demand from the Department for payment of those amounts, the abatement of penalties and interest originally allowed under the Amnesty Program for that income tax liability will be forfeited and the abated amounts will be deemed assessed and payable.
- 4) The following examples are illustrative:
- A) EXAMPLE 1: In October 2010, a taxpayer files an amended Retailers' Occupation Tax return for May of 2008, reporting an additional tax of \$5,000 and paying that amount. After November 8, 2010, the taxpayer discovers an additional \$1,000 in Retailers' Occupation Tax liability for May, 2008 that was omitted from its Amnesty Program payment. The taxpayer can avoid the 200% Sanction on the \$5,000 in tax liability already paid by voluntarily filing an amended return, and paying the additional \$1,000 with the amended return, and paying the 200% Sanction on the \$1,000 no later than 30 days after the Department has issued a notice and demand for payment of the penalty and interest.
- B) EXAMPLE 2: In November 2010, the Department is conducting an audit of the taxpayer's calendar year 2002 Illinois income tax return. The taxpayer is considering whether to participate in the Amnesty Program and asks the auditor to complete the audit prior to the November 8, 2010 amnesty deadline. The auditor advises the taxpayer that the audit cannot be completed prior to November 8, 2010. The taxpayer makes a good faith estimate that \$3,000 in Income Tax liability will be owed at the end of the audit. The taxpayer pays the \$3,000 with an amended return during the Amnesty Program Period. After November 8, 2010, the auditor determines that an additional \$500 in Income Tax liability

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attributable to tax year 2002 is due. The Department sends a notice of deficiency to the taxpayer for the additional \$500 in income tax, plus the 200% Sanction. The taxpayer can avoid paying the 200% Sanction on the \$3,000 amount of Income Tax liability paid during the Amnesty Program Period attributable to tax year 2002 by allowing the deficiency to be assessed and by paying the additional \$500 tax, plus the 200% Sanction on the \$500, by the due date of the notice and demand issued by the Department after the assessment. The taxpayer may also protest the imposition or amount of any penalty or interest shown in the notice of deficiency, or contest the penalty and interest by paying the amounts and filing a claim for refund, without incurring the 200% Sanction on the \$3,000 paid during the Amnesty Program Period. If, however, the taxpayer files a protest of the \$500 deficiency or pays the \$500 deficiency and contests it under the Protest Act, and any portion of the deficiency is upheld, the 200% Sanction will apply to the \$3,000 paid during the Amnesty Program as well as to the amount of deficiency upheld.

- C) EXAMPLE 3: In May 2010, a taxpayer was issued a notice of assessment in the amount of \$10,000 plus penalty and interest for Retailers' Occupation Tax incurred in January 2008. The taxpayer conceded only one-half of the Established Liability, but has never requested an administrative hearing on the disputed portion and the assessment has, therefore, become final. The taxpayer requests amnesty on the \$5,000 agreed portion of the assessment and attempts to participate in the Amnesty Program by making a \$5,000 payment on November 8, 2010. Because the \$10,000 Established Liability was not paid in full, the taxpayer will be subject to the 200% Sanction on the entire Retailers' Occupation Tax liability attributable to January 2008.
- D) EXAMPLE 4: Company A operates a retail mail order and internet business that makes sales to Illinois residents. Company A does not collect or remit Illinois Use Tax on such sales. Company A's failure to participate in the Amnesty Program would subject it to the 200% sanction on uncollected Illinois Use Tax if it is subsequently determined that Company A was obligated to collect and pay over Illinois Use Tax on its sales to Illinois residents.

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- E) EXAMPLE 5: A retailer does not participate in the Amnesty Program. The Department audits the retailer for all tax periods in 2007. In completing the audit, the Department has determined that the retailer was overpaid Retailers' Occupation Tax for some tax periods within the audit period while others were underpaid. The Department will assess the 200% Sanction on the underpaid tax periods even if the taxpayer has a net overpayment for the periods under audit. Each tax type for each tax period qualifies for amnesty separately, and failure to participate for any Eligible Liability for any tax type or period incurs the 200% Sanction. The retailer was allowed to participate in the Amnesty Program only on a month-by-month basis, and could have avoided paying any interest or penalties on the deficient months only by making timely amnesty payments for each deficient month.
- F) EXAMPLE 6: During the Amnesty Program Period, Taxpayer files an amended Illinois income tax return reporting an Estimated Federal Change Liability of \$10,000 it believes it will owe once an IRS audit of its 2007 federal income tax return is completed. When the IRS audit is completed in 2011, the changes determined by the IRS increase Taxpayer's Illinois income tax liability by an additional \$1,000. If Taxpayer timely reports the \$1,000 under IITA Section 506(b) and pays the tax and any related interest and penalties resulting from the federal change no later than 30 days after the Department has issued a notice and demand for payment, any interest and penalties abated as a result of the Taxpayer's participation in the Amnesty Program will remain abated. If, however, Taxpayer fails to timely report and pay the \$1,000 or fails to pay any related interest or penalties within 30 days after the Department issues a notice and demand for payment, any Amnesty Program abatement interest and penalties related to Taxpayer's 2007 income tax liability will be forfeited, and those amounts will be deemed assessed and immediately collectible by the Department. In this example, all penalties and interest are related to federal changes, so the 200% Sanction will not apply to the penalties and interest related to the \$1,000 additional liability or to the penalties and interest abated with respect to the amnesty payment, if the abatement is subsequently forfeited. If Taxpayer

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believes the interest or penalties in the notice and demand are incorrect for any reason, it may pay those amounts within 30 days after the issuance of the notice and demand and file a refund claim in order to contest those amounts without forfeiting the original abatement of interest or penalties.

- G) EXAMPLE 7: If, in addition to the \$10,000 Estimated Federal Change Liability paid during the Amnesty Program Period in Example 6, Taxpayer also reports and pays a \$500 liability that is not related to a federal change, and fails to pay the \$1,000 additional liability determined in 2011 or any related interest and penalties within 30 days after the Department issues a notice and demand for payment, the 200% Sanction will apply to any interest or penalty related to that \$500 liability. Also, if the additional liability determined in 2011 includes any amount that is not related to a federal change, the 200% Sanction will apply to that amount. However, the 200% Sanction will not apply to the \$10,000 Estimated Federal Change Liability paid during the Amnesty Program Period or to any federal change liability determined after the Amnesty Program Period.
- H) EXAMPLE 8: An individual files his original income tax return for 2008 during the Amnesty Program Period, and pays the full amount of tax reported on the return. The Department determines that the individual erroneously transcribed the amount of Illinois income tax withholding reported on his Form W-2, and issues a notice and demand for payment of the resulting underpayment, plus interest and penalty for late payment computed on the underpayment. If the individual pays the entire amount shown on the notice and demand by the due date for payment shown in the notice and demand, no penalty or interest will be imposed on the amount paid with the return. If the individual fails to pay the entire amount shown due in the notice and demand by the due date, the 200% Sanction will apply to both the amount paid with the return and to the underpayment.
- k) *Overpayments of Eligible Liabilities. Participation in the Amnesty Program shall not preclude a taxpayer from claiming a refund for an overpayment of an Established Liability based on an issue that is not an Amnesty Issue, an*

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overpayment of an Eligible Liability that is not an Established Liability, or an overpayment of an Estimated Federal Change Liability. (ITDAA Section 10)

- 1) Amnesty Issues. An issue is an Amnesty Issue unless it is *unrelated to the issues for which the taxpayer claimed amnesty.* (ITDAA Section 10) An Amnesty Issue is therefore every issue of law that must be resolved in determining the amount of an Eligible Liability paid during the Amnesty Program and all facts relevant to those issues, as in existence as of the time the amnesty payment is made.
 - A) The amount and nature of any item of income, gross receipt or other positive item included in the tax base in computing the amount paid by the taxpayer under the Amnesty Program is an Amnesty Issue, except to the extent that item is properly reduced after taking into account only facts not in existence as of the time the amnesty payment is made.
 - B) The taxpayer's entitlement to any deduction, exclusion, credit or other item reducing the amount of tax paid by the taxpayer under the Amnesty Program, and the amount of that item, is an Amnesty Issue, except to the extent that item is properly allowable or altered after taking into account only facts not in existence as of the time the amnesty payment is made.
 - C) An overpayment of tax does not result from an Amnesty Issue to the extent the overpayment results from the taxpayer's payment during the Amnesty Program Period of the amount of a liability shown in a statement issued by the Department that failed to take into account either a payment made by the taxpayer prior to the issuance of the statement or an amount collected by the Department by garnishment, levy, offset or other collection action.
 - D) An overpayment of tax does not result from an Amnesty Issue to the extent the overpayment results from a clerical or transcription error made by the taxpayer on a return or amended return filed as part of the Amnesty Program or in completing the check or other method of payment of an Eligible Liability during the Amnesty Program Period.

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- E) In order to qualify for a refund or credit of an overpayment, a taxpayer must provide clear and convincing evidence that the overpayment did not result from an Amnesty Issue.
- F) Examples. The principles for determining whether an item is an Amnesty Issue may be illustrated as follows:
- i) **EXAMPLE 1:** On its Illinois income tax return for calendar 2008, Taxpayer claimed \$2,000 in enterprise zone investment credits under IITA Section 203(f) that were earned in 2007 and carried forward to 2008 because Taxpayer had credits in excess of its liability for 2007. Taxpayer determines that, because of an error in computing its 2008 sales factor, it has underpaid its 2008 Illinois income tax liability by \$1,000, and it pays that amount under the Amnesty Program. Taxpayer subsequently determines that it had failed to claim a subtraction for interest on federal obligations for 2007. Taking the subtraction reduces its pre-credit liability by \$400 and increases its allowable enterprise zone investment credit carryover to 2008 by \$400. No refund for 2008 is allowed, because the reduction in base income for 2007 is based on facts that were in existence as of the time the amnesty payment is made.
 - ii) **EXAMPLE 2:** If, in Example 1, Taxpayer is an individual whose 2007 base income is reduced by a carryback to 2007 of a federal net operating loss incurred in calendar 2010, the refund from carrying forward the additional credit results from the fact of the 2010 loss, which was not in existence as of the time the amnesty payment is made, and the 2008 refund is allowable.
 - iii) **EXAMPLE 3:** If Taxpayer in Example 1 receives a Schedule K-1-P from a partnership in 2011, reporting that Taxpayer was entitled to a credit for 2008 or for 2007 and the credit may be carried forward to 2008, and the credit had not previously been reported to Taxpayer, Taxpayer may claim a refund based on that credit.

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- iv) EXAMPLE 4: On its Retailers' Occupation Tax return for January 2009, Taxpayer reports \$1,000,000 in taxable gross receipts. During the Amnesty Program Period, Taxpayer files an amended return and reports and pays tax on an additional \$50,000 in taxable receipts. Taxpayer subsequently discovers that its records contain a resale certificate for a sale of \$20,000 in January 2009, which it had erroneously reported as taxable. No refund is allowed in this instance, whether the \$20,000 in receipts were included in the original return or only in the amended return, because the facts in existence as of the time the amnesty payment is made indicated that the receipts were not taxable.
- v) EXAMPLE 5: If, subsequent to the end of the Amnesty Program Period, one of the customers of the Taxpayer in Example 3 presents a resale certificate for a purchase made during January 2009 for which Taxpayer had collected Use Tax because no resale certificate had been provided at that time, Taxpayer may refund the Use Tax to the customer and claim a refund for its Retailers' Occupation Tax. The reduction in Taxpayer's liability results from a fact that was not in existence as of the time the amnesty payment is made.
- vi) EXAMPLE 6: On September 15, 2010, the Department issues a statement to Taxpayer indicating that it has an outstanding tax liability of \$2,000. On September 20, 2010, the Department collects \$300 of the liability by offsetting against it an overpayment of a different tax. If Taxpayer pays the entire \$2,000 shown in the statement during the Amnesty Program Period, the resulting \$300 overpayment of the liability is not the result of an Amnesty Issue.
- vii) EXAMPLE 7: During the Amnesty Program Period, Taxpayer files a return reporting an Eligible Liability. Due to an arithmetic error made in completing the return,

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Taxpayer reports an Eligible Liability of \$2,530 rather than \$2,350. The \$180 overpayment resulting from this error is not the result of an Amnesty Issue. Similarly, if the return reported a \$2,350 liability, but Taxpayer paid \$2,530 with the return, the \$180 overpayment is not the result of an Amnesty Issue.

- 2) Estimated Federal Change Liabilities. A taxpayer may file a claim for refund of the overpayment that results from the finalization of a Federal Change that was not final as of the end of the Amnesty Program Period, even if the taxpayer participated in the Amnesty Program based on an Estimated Federal Change Liability and the facts related to the determination of its federal change were in existence before the end of the Amnesty Program Period.
- 3) If a taxpayer participates in the Amnesty Program with respect to an Eligible Liability that is under audit during the Amnesty Program Period, the refund or credit allowable for the taxable period may not exceed the amount determined by the audit, except to the extent the refund results from an issue that is not an Amnesty Issue or from the finalization of a federal change after the Amnesty Program Period. For example:
 - A) EXAMPLE 1: Taxpayer's income tax return for the calendar year 2005 is under audit during the Amnesty Program Period, but no Established Liability has been created. Taxpayer participates in the Amnesty Program for 2005. After the audit is concluded, the Department determines that Taxpayer has overpaid its 2005 liability by \$300. Taxpayer may receive a refund of that \$300, but no additional refund is allowable unless the additional refund results from issue that is not an Amnesty Issue or from the finalization of a federal change after the Amnesty Period.
 - B) EXAMPLE 2: If Taxpayer in Example 1 also participates in the Amnesty Program for 2006, a year that is not under audit during the Amnesty Program Period and for which there is no Established Liability, Taxpayer's participation in the Amnesty Program for 2005 does not limit Taxpayer's right to a refund for 2006.

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- 4) No refunds are allowed for any tax liability and period with respect to which the taxpayer participated in amnesty other than as allowed under this subsection (k).
 - 5) No interest is payable by the Department on any refund or credit allowed for a tax and period for which the taxpayer participated in the Amnesty Program. (See UPIA Section 3-2(h).) However, interest will be allowed on any refund or credit based on a refund claim that was outstanding as of the beginning of the Amnesty Program Period, as described in subsection (c)(5).
- 1) Statutes of Limitation and Other Filing Periods. Participation in the Amnesty Program does not toll or extend any applicable statute of limitations or other time period for the filing of refund claims, protests with the Department, or actions in circuit court under the Protest Act. The Taxpayers' Bill of Rights does not toll or extend any applicable statute of limitations. A statute of limitations or other time period that expires during or after the Amnesty Program Period cannot be revived, even if the taxpayer has failed to satisfy all the requirements of the Amnesty Program. The Department's procedures for obtaining waivers of statutes of limitations for taxpayers under audit shall continue to apply.
- 1) The following examples are illustrative:
 - A) Corporation A reported federal taxable income of \$1,000,000 on its calendar 2006 federal and Illinois income tax returns. During November 2010, Corporation A is undergoing a federal income tax audit of its 2006 federal income tax return, which it expects will result in an increase in its federal taxable income to as much as \$1,500,000. In order to participate in the Amnesty Program, Corporation A files an amended Illinois income tax return on November 8, 2010 that reports federal taxable income of \$1,500,000, and pays the Estimated Federal Change Liability resulting from the increase in its federal taxable income.
 - B) If, as a result of the federal audit, its federal taxable income is determined to be \$1,300,000, Corporation A will be allowed to file a refund claim under subsection (k) for the amount it paid under the Amnesty Program in excess of the tax liability computed using \$1,300,000 in federal taxable income. However, because

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participation in the Amnesty Program does not toll or extend the statute of limitations for filing the refund claim, the claim must be denied unless it was filed within one year after the date of the Amnesty Program payment under IITA Section 911(a)(2) or the Corporation A and the Department have entered into an agreement under IITA Section 911(c) extending the period for filing a refund claim. Although the statute of limitations for filing a refund claim is reopened under IITA Section 911(b) as a result of the conclusion of the federal audit, IITA Section 911(b)(1) provides that the claim is limited to the overpayment that results from the federal change. In this case, the federal change is an increase in federal taxable income of \$300,000, and the overpayment attributable to that increase is zero. The difference between the \$1,500,000 in federal taxable income reported on the amended return filed in the Amnesty Program and the \$1,300,000 finally determined is not a federal change that reopens the limitations period for filing a refund claim because, for federal income tax purposes, the \$1,500,000 was never reported or finally determined to be Corporation A's federal taxable income.

- C) If, as a result of the federal audit, its federal taxable income is determined to be \$900,000, Corporation A will be entitled to file a refund claim for the overpayment that results from the \$100,000 reduction in its federal taxable income from the \$1,000,000 amount reported on its original federal income tax return, provided that its claim is filed within the period set by IITA Section 911(b). The difference between the \$1,500,000 in federal taxable income reported on the amended return filed in the Amnesty Program and the \$1,000,000 reported on its original federal income tax return is not a federal change that reopens the limitations period for filing a refund claim, and the overpayment resulting from that \$500,000 difference must be claimed within one year after the payment date unless Corporation A and the Department have entered into an agreement extending the limitations period.
- 2) A taxpayer who reports and pays an Estimated Federal Change Liability under the IITA may claim a refund of any excess of the Estimated Federal Change Liability over the liability resulting from the final federal change by writing in the explanation section of its amended return it files under

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the Amnesty Act, "This amended return reports an Estimated Federal Change Liability for purposes of Amnesty, and is a claim for refund of any excess of the Estimated Federal Change Liability over the liability resulting from the final federal change." When the federal change becomes final under IITA Section 506(a), the taxpayer should then file another amended return, reporting the difference between the final federal change and the Estimated Federal Change Liability, and paying any increased liability reported or requesting a refund of any decreased liability.

- m) Reasonable Cause.
- 1) Nothing in the ITDAA or this Section is intended to change the meaning of "reasonable cause" as that term is used in the Uniform Penalty and Interest Act [35 ILCS 735/3-8]. Taxpayers needing clarification of "reasonable cause" should consult 86 Ill. Adm. Code 700.400.
 - 2) A taxpayer who would be entitled to abatement of a penalty due to "reasonable cause" for its delinquency remains entitled to abatement of that penalty even if it failed to participate in the Amnesty Program with respect to any unpaid liability associated with that penalty.
 - 3) A taxpayer who has "reasonable cause" for its failure to participate in the Amnesty Program with respect to an Eligible Liability will remain subject to any penalties otherwise applicable to that liability, but not to the doubled rates for the penalties that would otherwise apply. "Reasonable cause" abatement under Section 3-8 of the Uniform Penalty and Interest Act does not apply to interest, so any underpayment interest on the Eligible Liability will accrue at doubled rates even if the taxpayer had reasonable cause for failing to participate in the amnesty. The inability of a taxpayer in bankruptcy to obtain permission from the federal courts to participate in the Amnesty Program shall constitute reasonable cause for not participating. Failure of the Department to notify a taxpayer of its eligibility to participate in the Amnesty program or of the correct amount of its Eligible Liability does not constitute reasonable cause for the taxpayer's failure to participate in the Amnesty Program.

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- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|------------------------------------|
| 121.20 | Amendment | 34 Ill. Reg. 6564; May 14, 2010 |
| 121.63 | Amendment | 34 Ill. Reg. 8852; July 9, 2010 |
- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers and Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

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a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is ~~\$142~~^{\$144}. The standard deduction for a household size of four persons is \$153. The standard deduction for a household size of five persons is \$179. For households of six or more persons, the standard deduction is \$205.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

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- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$~~458459~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.

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- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$29; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$324. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$199. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$43. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$29 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
 - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
 - 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating

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standard allowance. When households (as defined at 7 CFR 273.1(a) (2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 15543, effective October 1, 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 September 21, 2010 through September 27, 2010 and have been scheduled for review by the Committee at its October 19, 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>
11/6/10	<u>State Board of Education</u> , Code of Ethics for Illinois Educators (23 Ill. Adm. Code 22)	7/9/10 34 Ill. Reg. 8961	10/19/10
11/10/10	<u>Capital Development Board</u> , Standards For Award of Grants: School Construction Program (71 Ill. Adm. Code 40)	7/9/10 34 Ill. Reg. 8791	10/19/10

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF ABANDONED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-16, the Illinois State Treasurer's Office is publishing the names and last known addresses of abandoned property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this agency for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

ILLINOIS STATE TREASURER'S OFFICE
UNCLAIMED PROPERTY DIVISION
P.O. Box 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, [765 ILCS 1025/12].

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AGFINANCE FERGUSON	469 S GATE ST	FANTASY ISLAND
ANVERSA DANIELA	RUA CATAGUAS30 APT101	SAO PAULO
AZAM FAROOQUE	PO BOX 128 JHANG NIA ROAD	
BANK OF CYPRUS	CY6300 LARNACA	CYPRUS
BARR PEARL M	2303 NORTHRIDGE CIRCLE N	STILLWATER
BENNETT GORDEN	RR 1	SHERMAN PARK
BERGWALL INGRID	LEOPOLDSGATAN 32 2TR	S75441 UPPSALA
BIOMAC GMBH	CHOPINSTRASSE 15	
BLAIR DALE T		TOPEKA
BOYER JEFF	4748 30TH ST	OAKVILLE
BYRNE FLORENCE		NORTH AUSTIN
CAMPBELL EDWIN MEREDITH		
	48 UPPER MONTAGU ST	UNITED KINGDOM
CASTILLO ALFONSO	3827 S FIR	EAST CHICAGO
CATAGUAS RUA	RUA CATAGUAS30 APT101	SAO PAULO
CECCOTTE LIZZIE	HIGLE AVE	HIGLEWOOD
CLANCY PATRICK C	JALAN DUYUNG 15 A	SUNEER BALI
CLE DESIGN LTD	LONDON 6771 HAYDONS ROAD	

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COLORADO SPRINGS CO FORD CREDIT

CORREA LUZ 164 PRESIDENTE RAMIREZ HATO REY

DANIELS LAWRENCE 718 E LACOSTA CHANDLER

DAVENPORT CITY

DELGADO JOSE 5720 16TH AVE KENOSHA

DEWARDER DESMOND

PIERREFONDS QC 4939 DOLLARD

DOLCI ROBERTO

UNIVERSITA CA FOSCARI DI VENEZIA SCIENZE DEL

DOLLINS CLARENCE WEST SUBURBAN

DUNCAN ANNETTE 324 WOODLAND ROAD WETUMPKA

DUNN ROY

ESTABROOKS JOSEPH

SACKVILLE NB E4L 4S5 CN 18 SUNRISE RIDGE

EXCEL TECH LTD

OAKVILLE ONTAR 2568 BRISTOL CIRCLE

FRANTZ LADON T

KAMLOOPS BRITISH COLUMBIA 650 BERMER PL CANADA

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GOEHLICH LILLIAN BOULEVARD

GOMEZ AGUSTIN AVILES

BARREAL DE HEREDIA 2123006

GRAN MELIA MADRID FENIX HERMOSILLA 2

GREEN STREET BINDERY 9 GREEN ST OXFORD

HALEY BERTA ANN

REGINA SK S4X 3S6 CAN 7110 LAWRENCE DR

HARCOURT BRACE JOANIVICH LTD

LONDON 2428 OVAL ROAD

HEBREW UNIVERSITY

JERUSELUM ISR 96225 BRACHIAHU 1 BETH HAKEREN

HIPSHER MALCOLM 1325 HICKORY LN ZIONSVILLE

ILLINIOS SECRETARY OF STATE

INEZ JAMES RR 1 SMULLERON

JACINTO GENEROSO R JR

341 J TEODORO ST GRACE PARK 2ND FLR GV JACINTO BUILDING

CALOOCAN CITY

JOHNSON EDWIN A AUSTIN

OFFICE OF THE TREASURER

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KOSTIC VESNA VOJVODE MILENKA 38

KUEHL HAROLD BOULEVARD MNR

LAWLER FRANCIS SUBURBAN

LEAK & SONS FUNERAL CHAPELS RUCKER

LEINONEN JILL A 4029 OAK ST CALUMET

LUX ERWIN A GNIEW KOWIEC 7 88180 ZLOTNIKIKUJAWSKIE
POLASKA POLAND

LUX NELLIE H RR 1 MOCOCO

MANCE HAROLD 18110 DIXIE HWY 2N FLETCHER

MAUI JIM CANADA ONE ALOHA LANE GAINESVILLE

MEDICARE PAYMENT PO BOX 999 MARION

MEINERT ALISON EVANS 1249 E LAKESHRE RD CANADA

MEYER MARY L PO BOX 7 PERKINS

MUGISHA AGGREY PO BOX 9918 KAMPALA

MUKHERJEE SHANT 22 WEST MAYFIELD EDINBURGH

PALMER GARY C 5 ANDREW CLOSE HAINAULT

PATRICK LEOLA 3737 HIGHLAND AVE APT 210 GOAMERS GROVE

PENDLETON JOHN 2713 NORMANDY DR OKLAHOMA CITY

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PENINSULA BANGKOK 333 CHAROENNAKORN ROAD

PHELPS ELLA RR 1 WEST SURBURBAN

PROMISSOR

QUESADACASTILLO CESAR

BARREAL DE HEREDIA 2123006

RADISSON DUSSELDORF SAS

KARLARNOLDPLATZ 5

RADLEY BOYD 53RD ASG CMR 438 BOX 1111 APO

RAFAEL MADRID ATOCHA MENDEZ ALVARO 30

RAHUL VIRMANI 25 WOODRIDGE CRESENT 709 NAPEAN ON

RE SCOTTISH

WINDSOR BERKS SL4 1PZ OLD BANK HOUSE THAMES STREET

REEVES REBECCA P

ONTARIO 78 GIVINS ST WOODSTOCK CANADA N4S5Y9

REGIER CARL E PATOKA

REGIER EUNICE PATOKA

ROOT PATRICIA 7647 W CHOLLA ST PEORIA

ROSENTHAL MARCIA 46 REUVEN BEIT SHEMESH

OFFICE OF THE TREASURER

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RZEPECKI EVELYN	2823 JESSOURIE	SAWTHORA
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RZEPECKI MAX B H	2823 JESSOURIE	SAWTHORA
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SALAH AND RAUFF AND MOHAMED

ALMANA HOSPITAL AL KHOBAR

SANTAMARTAHERNANDEZ DARIALY

BOX 425B	MADRID
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SAUNTRY NICHOLAS WILLIAM

520 HICKORY RD	HAZARD
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SCHMITT DENNIS	ASCHAFFENBURGERSTR 20
----------------	-----------------------

MOERFEIDEN WAUDORF

SCHULTZ DEAN L	1673 MARS 14
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SCHUMACHER KIRK W	11707 BRIGHTON LANE	STAFFORD
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SELLE JIM	504 PARKSTONE	WOODSTOCK
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SIRAJ HOZEFA	285 NORTH OAKHURST DRIVE APT 2	AURORA
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STUBBERT ESTHER M	475 ELGIN ST APT 712	OTTAWA
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STUBBERT RUSSELL	475 ELGIN ST APT 712	OTTAWA
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SZCZEPANSKI HELEN	5629 S	RACINE
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SZCZEPANSKI LEO L	5629 S	RACINE
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SZOT CECILIA BOULEVARD MNR

THALIA UNIVERSITATS BUCHHANDLUNG GMBH

THE MILSTEIN COMPANY 309 VINTAGE LANE BOTELO GROVE

THORNE PHILIP 8 DOG KENNEL HILL 3 LONDON ENGLAND

UNITOURS ISREAL LTD

8 PENINA STREET RAANANA 43000

URRUTIA SUSANA C

GALOLINERA ESO FRENTE AL HOSP SAN PEDRO USULUTAN

EL SALVADOR

VISUAL ANALYSIS GMBH

MUNCHEN GER 81673 NUEMARKER STR 87

WELLNESS OPPORTUNITIES GROUP OF OMAHA

PO BOX 4639 OMAHA NE

WM DATA SE10251 BOX 27030 STOCKHOLM SWEDEN

WOODALL TIMOTHY

16 FITZCLARENCE HOUSE HOLLAND PARK AVE LONDON UK

YATES WUEL 16TH COMPANY AFS DET KENTUCKY

ZIEMER LAUREN 1006 FOURTH ST DEPERE

PROCLAMATIONS

2010-320**Day of Service and Remembrance**

WHEREAS, on September 11, 2001, terrorists ruthlessly attacked the United States, leading to the tragic deaths of thousands of innocent Americans and citizens from more than 90 different countries and territories; and,

WHEREAS, in response to the attacks in New York City, Washington D.C., and Shanksville, PA, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel and other first responders, immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women; and,

WHEREAS, in the days, weeks and months following the attacks, thousands of people in the United States and other nations spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship; and,

WHEREAS, hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the United States Armed Forces, with thousands having given their lives, or been injured to defend our nation's security and prevent future terrorist attacks; and,

WHEREAS, the entire nation witnessed and shared in the tragedy of 9/11, and in the immediate aftermath of the September 11 attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the nation; and,

WHEREAS, in the years immediately following the September 11, 2001 attacks, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among citizens in the United States; and,

WHEREAS, hundreds of thousands of people from all 50 United States, as well as others who live in 170 different countries, already observe the anniversary of the September 11, 2001 attacks each year by personally engaging in service, good deeds and other charitable acts; and,

WHEREAS, families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized "National Day of Service and Remembrance," and for the President of the United States to proclaim the day as such; and,

WHEREAS, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time the authorization and federal recognition of September 11 as a

PROCLAMATIONS

"National Day of Service and Remembrance," a bill signed into law on April 21, 2009, by President Barack Obama; and,

WHEREAS, under the banner of "United We Serve," the Corporation for National and Community Service, in conjunction with thousands of national and local service agencies and non-traditional partners, has created the Web site Serve.gov to make it easier to find volunteer opportunities on September 11 and throughout the year and to promote impact-oriented service; and,

WHEREAS, participation in National Day of Service events by people from all walks of life across the Land of Lincoln embodies the spirit of unity and service that inspired Americans in the days after the September 11, 2001 tragedy:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11, 2010 as a **DAY OF SERVICE AND REMEMBRANCE** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise until sunset on this in honor and remembrance of the victims of the September 11 terror attacks, and further urge all citizens to commit to community service on this day and an ongoing basis.

Issued by the Governor September 10, 2010

Filed by the Secretary of State September 27, 2010

2010-321**Mexican Independence Bicentennial Week**

WHEREAS, indigenous people of Mexico created great civilizations known throughout the World, such as the Olmec, Teotihuacan, Maya, Toltec and the Aztec; and,

WHEREAS, in 1521, 500 Spanish soldiers arrived in Mexico to begin what would become a 300-year rule over what they called "Nueva Espana" or "New Spain"; and,

WHEREAS, this devastating rule brought with it unknown diseases, physical and economic hardships and challenges that would drastically diminish the Mexican population from 20 million to 1 million in just 100 years; and,

WHEREAS, in the early morning of September 16, 1810, in the small village of Dolores, Miguel Hidalgo y Costilla, better known as Father Hidalgo, accompanied by Iganacio Allende and Dona Josefa Ortiz de Dominguez rang the bell of his small church to make a passionate declaration for Mexicans to revolt against this oppressive authoritarian regime by proclaiming "Mexicanos, Viva Mexico!"; and,

PROCLAMATIONS

WHEREAS, the Cry of Dolores, begun by one man, would become the battle cry of Mexico's fight for independence during the 11-year battle and represent the unity of people to come together and fight because of the love they felt for their home and country; and,

WHEREAS, this year will mark the 200th anniversary of Mexico's independence from Spain and 100 years since the Mexican Revolution; and,

WHEREAS, more than 40 percent of our state's foreign born population can call Mexico their birthplace and Illinois is proud that 700,000 Mexican immigrants call the Land of Lincoln home; and,

WHEREAS, the contributions of Mexican Americans to the social, economic and cultural landscape of this State have greatly increased the quality of life for all Illinois residents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 16-23, 2010 as **MEXICAN INDEPENDENCE BICENTENNIAL WEEK** in Illinois, and join all Mexican American citizens in celebration of this very special Bicentenario. Mexicanos y Illinoisans, Viva Mexico!

Issued by the Governor September 13, 2010

Filed by the Secretary of State September 27, 2010

2010-322**Faith in Action Sunday**

WHEREAS, throughout the history of our nation, the spirit of volunteerism has been reflected in neighbors helping each other to overcome obstacles; and,

WHEREAS, in 1993, Faith in Action was established with support from the Robert Wood Johnson Foundation to provide volunteer care for people with long-term health needs such as arthritis, diabetes, cancer, Alzheimer's and HIV/AIDS; and,

WHEREAS, Faith in Action is a coalition of local religious congregations, healthcare providers, community organizations and service providers who work together to provide those in need with non-medical assistance; and,

WHEREAS, through Faith in Action, Americans of every faith including Christians, Hindus, Jews and Muslims work together to help members of their community with long-term health needs to maintain their independence for as long as possible; and,

PROCLAMATIONS

WHEREAS, there are 650 active Faith in Action programs across the country, including 31 in Illinois, where volunteers assist those in need by performing duties such as shopping for groceries, providing rides to medical appointments, cooking meals, doing light housework, running errands and providing companionship; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 19, 2010 as **FAITH IN ACTION SUNDAY** in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities across the Land of Lincoln.

Issued by the Governor September 13, 2010

Filed by the Secretary of State September 27, 2010

2010-323**Cyber Security Awareness Month**

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of our State and Nation because today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and,

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and,

WHEREAS, the use of the internet at the primary and secondary school levels in this State enhances the education of our youth by providing them access to online educational and research materials and at institutions of higher education, the use of information technology is integral to teaching and learning, research, and outreach and service; and,

WHEREAS, Internet users and our information infrastructure face an increasing threat of malicious cyber attack, loss of privacy from spyware and adware and significant financial and personal privacy losses due to identity theft and fraud; and,

WHEREAS, the Multi-State Information Sharing and Analysis Center was established in January 2003 to provide a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security and provide a comprehensive approach to help enhance their security; and,

PROCLAMATIONS

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of Illinois' information infrastructure and economy; and,

WHEREAS, the United States Department of Homeland Security, the Multi-State Information Sharing and Analysis Center, the National Cyber Security Alliance, and the National Association of State Chief Information Officers have declared October as National Cyber Security Awareness Month:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **CYBER SECURITY AWARENESS MONTH** in Illinois, and encourage all citizens to learn about cyber security and put that knowledge into practice in their homes, schools, workplaces, and businesses.

Issued by the Governor September 14, 2010

Filed by the Secretary of State September 27, 2010

2010-324**Gedern-Columbia Sister City Day**

WHEREAS, Sister Cities of Columbia, Illinois was incorporated by the State of Illinois on January 9, 1990; and,

WHEREAS, Sister Cities of Columbia was accepted for membership with Sister Cities International at their annual convention held in Albuquerque, New Mexico in July 1990; and,

WHEREAS, the board of directors of Sister Cities of Columbia, Illinois on Sept. 20, 1990 acknowledged receiving notice of its membership with Sister Cities International; and,

WHEREAS, the City of Columbia in late September 1990 recognized the new organization's membership with Sister Cities International and provided official support to their search for a sister city for Columbia; and,

WHEREAS, on April 29, 1992 an official Declaration of Friendship between the cities of Gedern, Germany and Columbia, Illinois was signed in Gedern, Germany; and,

WHEREAS, on May 8, 1993 an official Sister City Proclamation between the cities of Gedern, Germany and Columbia, Illinois was signed in Columbia, Illinois; and,

WHEREAS, to date, 513 adults and 323 high school exchange students (a total of 836 people) have actively participated in Columbia, Illinois and Gedern, Germany official delegation visits.

PROCLAMATIONS

Each individual citizen has made a significant contribution to global understanding by developing a friendship on an international level; and,

WHEREAS, this year, Sister Cities of Columbia is celebrating its twentieth anniversary of membership with Sister Cities International, a milestone that would not be possible without the support of the City Council of Columbia, whose efforts to obtain a sister city agreement has resulted in a vibrant, enthusiastic official relationship between Columbia, Illinois and Gedern, Germany for these past seventeen years:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 20, 2010 as **GEDERN-COLUMBIA SISTER CITY DAY** in Illinois.

Issued by the Governor September 20, 2010

Filed by the Secretary of State September 27, 2010

2010-325**Michael Gallo Day**

WHEREAS, Michael Gallo is the current President of Michael Gallo and Associates, and has dedicated many years to the trade industry as President, Vice-President, and Director of various international brokerage firms; and,

WHEREAS, Michael Gallo, among other achievements, has been a member of four exchanges, namely The New York Stock Exchange, The American Stock Exchange, The Chicago Stock Exchange, and The Chicago Board of Options Exchange; and,

WHEREAS, Michael Gallo nobly served his country as a member of the Rainbow 42nd Division in the United States Army as well as eight years in the United States Army Reserves; and,

WHEREAS, Michael Gallo's commitment both to improving the trade industry through his 39 years in the profession and serving his nation through military service are truly commendable and worthy of recognition; and,

WHEREAS, Michael Gallo, at the age of 70 has reached another milestone and Illinois is proud to join his friends and family in acknowledging him on this momentous day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 10, 2010 as **MICHAEL GALLO DAY** in Illinois, in honor of his achievements and in recognition of his contributions to the Land of Lincoln.

Issued by the Governor September 21, 2010

PROCLAMATIONS

Filed by the Secretary of State September 27, 2010

2010-326**Frazier International Beating the Odds and Educating Our Children Week**

WHEREAS, education is the key to equal opportunity and economic empowerment; and,

WHEREAS, respected education researcher Douglas B. Reeves coined the term "90/90/90" to describe the gold standard for urban education – schools in which ninety percent of all students are in poverty, ninety percent of all students are members of a minority group, and ninety percent of all students meet or exceed composite state standards; and,

WHEREAS, only a handful of schools in any state have beaten the odds and achieved 90/90/90 status in the last decade; and,

WHEREAS, Frazier International Magnet School is a non-selective magnet school in Chicago that admits students in grades K-8 through a random lottery, irrespective of their abilities or test scores; and,

WHEREAS, Frazier International Magnet School opened in 2007 as the first magnet school in Chicago's North Lawndale neighborhood with the intent to become a public International Baccalaureate school; and,

WHEREAS, sixty-two percent of Frazier International Magnet School students met or exceeded state standards in 2008; and,

WHEREAS, under the leadership of principal Colette Unger-Teasley and International Baccalaureate Coordinator Faren D'Abell, the hardworking staff of Frazier International Magnet School maintain an environment in which all students are respected and in which data is a key focus to improve student growth; and,

WHEREAS, in 2010 Frazier International Magnet School, with an impressive ninety-seven percent attendance rate, became the first school in Chicago to beat the odds with nearly ninety-two percent of their students meeting or exceeding state standards on the Illinois Standards Achievement Test (ISAT), more than ninety-six percent receiving free or reduced lunch, and one hundred percent being part of a minority group; and,

WHEREAS, Frazier International Magnet School will receive the Illinois Spotlight Schools Award and the Academic Improvement Awards from the Illinois State Board of Education; and,

PROCLAMATIONS

WHEREAS, Frazier International Magnet School, in 2010, became a fully authorized International Baccalaureate (IB) school authorized to continue offering the prestigious Primary Years Programme (PYP); and,

WHEREAS, Frazier International Magnet School is the highest performing IB PYP school in the Midwest; and,

WHEREAS, during the week of October 25, 2010, Frazier International Magnet School will host a "high performing urban school roundtable", several cultural events, and school tours to spread the wealth of knowledge about leading successful urban schools:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 25 - 31, 2010 as **FRAZIER INTERNATIONAL BEATING THE ODDS AND EDUCATING OUR CHILDREN WEEK** in Illinois, and encourage educators throughout the state to continue working tirelessly to create innovative ways to educate all of our children across the state.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-327**GFWC Illinois Junior Woman's Club Week and Junior Day**

WHEREAS, the General Federation of Women's Clubs (GFWC) is a worldwide service organization that also supports a variety of important community issues such as the arts, education, and civic responsibility; and,

WHEREAS, today, the GFWC has over 100,000 members active in communities throughout the United States, including the State of Illinois; and,

WHEREAS, the GFWC Illinois Junior Woman's Club's mission is to train women to be leaders, to help develop organizational and interpersonal skills, and to encourage volunteerism and community service; and,

WHEREAS, the GFWC Illinois Junior Woman's Club has served Illinois for over 64 years and presently has 54 clubs across the state; and,

WHEREAS, in 2009, Illinois members volunteered more than 39,145 hours of their time to numerous projects and charitable causes. Furthermore, GFWC Illinois Junior Woman's Clubs have supported the Children's Research Foundation continuously for 32 years, donating over \$373,345 during that time; and,

PROCLAMATIONS

WHEREAS, the current administration of the GFWC Illinois Junior Woman's Clubs will be focusing on advocacy for children through programs such as their partnership with Prevent Child Abuse Illinois: Our Promise a Safe Place for Every Child; a partnership with the Illinois Coalition Against Domestic Violence; youth art programs; education programs; and Emergency Medical Services for Children – specifically to ensure that every ambulance in the state is equipped with a Pediatric Jump Kit:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24-30, 2010 as **GFWC ILLINOIS JUNIOR WOMAN'S CLUB WEEK** and October 24, 2010 as **JUNIOR DAY** in Illinois, in recognition of their years of service and many contributions to improving the quality of life in communities throughout the Land of Lincoln.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-328**Canavan Disease Awareness Month**

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 18th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, on October 9, 2010, Canavan Research Illinois will honor Max Randell's 13th birthday, a momentous milestone for this inspirational young man living with Canavan disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

PROCLAMATIONS

2010-329**Career and Technical Organizations Week**

WHEREAS, the proper education of today's youth is a concern of all Americans; and,

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and,

WHEREAS, for more than 32 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced awareness of the importance of career and technical student organizations as an integral part of the educational curriculum; and,

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America (BPA), Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA, Illinois Association of DECA, Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA, and Technology Student Association (TSA):

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 3-9, 2010 as **CAREER AND TECHNICAL ORGANIZATIONS WEEK** in Illinois, in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-330**Dyslexia Awareness Month**

WHEREAS, millions of Americans throughout the country and the State of Illinois have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and,

WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. The disorder is not related to one's level of intelligence or desire to learn; and,

PROCLAMATIONS

WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and,

WHEREAS, the International Dyslexia Association is also dedicated to helping those with dyslexia. Their state branches, including the Illinois Branch, promote literacy through research, education, and advocacy; and,

WHEREAS, last year, state branches of the International Dyslexia Association offered more than 50 free and successful events about dyslexia to educators, parents, and the public during the month of October, which is recognized as Dyslexia Awareness Month, and they plan to repeat their public awareness campaign again this October:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **DYSLEXIA AWARENESS MONTH** in Illinois, in support of the campaign by the International Dyslexia Association and their state branches to raise awareness about this disorder and to help those afflicted with it.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-331**Illinois Association for Home and Community Education Week**

WHEREAS, since 1924, members of the Illinois Association for Home and Community Education (IAHCE) have been promoting social and economic wellbeing in Illinois homes and neighborhoods; and,

WHEREAS, the State Association is an educational and community service organization comprised of over 11,000 men and women from 82 associations in 102 counties; and,

WHEREAS, IAHCE members volunteer their skills and energy to many different community service projects that include sending our troops care packages and making blankets for children in crisis situations and hospitals; and,

WHEREAS, altogether, IAHCE members across the Land of Lincoln volunteered 378,862 hours of their time to service projects last year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 10 - 16, 2010 as **ILLINOIS ASSOCIATION FOR HOME AND COMMUNITY EDUCATION**

PROCLAMATIONS

WEEK in Illinois, in commendation of IAHCE members for their dedication and commitment to the welfare of local communities throughout our state.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-332**Lions Candy Day**

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and,

WHEREAS, Lions Club International has grown to incorporate more than 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and,

WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and,

WHEREAS, Candy Day allows the citizens of Illinois to contribute to an organization that will in turn give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and,

WHEREAS, all proceeds from Candy Day will go to programs the Lions Club of Illinois promotes to continue to help the visual and hearing impaired:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 8, 2010 as **LIONS CANDY DAY** in Illinois, and applaud the Lions Club for their continued service to our communities.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-333**Rett Syndrome Awareness Month**

WHEREAS, Rett syndrome is a debilitating neurological disorder, caused by mutations in the gene MECP2, located on the X chromosome, that is diagnosed almost exclusively in females; and,

WHEREAS, Rett syndrome, which affects approximately 1 in every 10,000 to 23,000 female births, was originally described by Dr. Andreas Rett of Austria in 1966; and,

PROCLAMATIONS

WHEREAS, infants with Rett syndrome often avoid detection until 6–18 months due to a relatively normal appearance and some developmental progress, but then this brief period of developmental progress is followed by stagnation and regression of previously acquired skills; and,

WHEREAS, Rett syndrome causes problems in brain function that are responsible for cognitive, sensory, emotional, motor and autonomic function. These can include learning, speech, sensory sensations, mood, movement, breathing, cardiac function, and even chewing, swallowing, and digestion; and,

WHEREAS, currently no cure for exists for Rett syndrome, but many symptoms of the disorder can be managed with medications and occupational, speech, and physical therapy; and,

WHEREAS, Rett syndrome remains little known in the general public, even within the medical community; and,

WHEREAS, Rett syndrome presents many challenges, but with support, therapy and assistance, those with the syndrome can benefit from school and community activities well into middle age and beyond; and,

WHEREAS, the International Rett Syndrome Foundation (IRSF) is a non-profit corporation dedicated to funding research for treatments and a cure for Rett syndrome while enhancing the overall quality of life for those living with Rett syndrome by providing information, programs, and services; and,

WHEREAS, October has been designated by the IRSF as Rett Syndrome Awareness Month. Throughout the month, the organization and its state and local affiliates will hold events designed to raise public awareness of Rett syndrome and provide support for individuals and families coping with the daily challenges of living with the disorder:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **RETT SYNDROME AWARENESS MONTH** in Illinois, to raise awareness of this disorder, to recognize the families affected by Rett syndrome, and in support of the important work of the International Rett Syndrome Foundation.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-334

Flag Honors – Deputy Chief Mark Johnson

PROCLAMATIONS

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but have the courage to act calmly and professionally in otherwise terrifying situations; and,

WHEREAS, on Monday September 20, 2010 one of these brave souls, Deputy Chief Mark Johnson of the Hinsdale Fire Department, was suddenly taken from us; and,

WHEREAS, we will always remember that throughout his 24 year career as a proud member and officer of the Hinsdale Fire Department, Deputy Chief Johnson courageously volunteered to walk into fires as everyone else ran out; and,

WHEREAS, although Deputy Chief Johnson is no longer with us we will not forget the countless lives that were impacted by his public service; and,

WHEREAS, having been the Hinsdale Fire Department's Training Officer and Paramedic Coordinator for several years, Deputy Chief Johnson trained a generation of Hinsdale Firefighters; and,

WHEREAS, Deputy Chief Johnson was 55, and leaves behind a wife and a son. Not only did he serve the citizens of Hinsdale and of this great state, but was a hero in his role as a husband and a father; and,

WHEREAS, a funeral for Deputy Chief Johnson will be held on Friday, September 24, 2010:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on September 22, 2010 until sunset on September 24, 2010 in honor and remembrance of Deputy Chief Johnson, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 21, 2010

Filed by the Secretary of State September 27, 2010

2010-335

Latino Veterans Recognition Day

PROCLAMATIONS

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

WHEREAS, the diversity of our great nation is reflected in the makeup of the men and women who serve our country in all branches of the United States Armed Forces; and,

WHEREAS, Latino men and women have served and distinguished themselves in times of peace as well as during every major American conflict; and,

WHEREAS, Latinos constitute our nation's largest minority group, and there are now more than 1.1 million Latino veterans; and,

WHEREAS, Latino men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and,

WHEREAS, the State of Illinois is proud to salute Latino Veterans on September 24, 2010, during Hispanic Heritage Month and acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 24, 2010 as **LATINO VETERANS RECOGNITION DAY** in Illinois, and encourage all citizens to honor those veterans who have courageously served our country.

Issued by the Governor September 22, 2010

Filed by the Secretary of State September 27, 2010

2010-336**Celebrate Senior Health Day**

WHEREAS, Illinois strives to improve the well-being of its citizens in recognizing the importance of a healthy, active lifestyle at all ages. It is especially important for Americans ages 50 and older to maintain an active lifestyle to extend longevity as well as create a balanced and well-rounded life; and,

WHEREAS, there are 39 million older Americans and 80 million Baby Boomers in the United States; and,

WHEREAS, only 41 percent of Baby Boomers consider their diet to be very healthy; and,

PROCLAMATIONS

WHEREAS, two in five younger Baby Boomers are obese; and,

WHEREAS, more than 37 million Baby Boomers (six out of every 10 people) will be managing more than one chronic condition by 2030; and,

WHEREAS, nearly 40 percent of deaths in America are linked to physical inactivity and poor diet, among other causes. Regular, moderate exercise contributes to improvements in strength, cardiovascular conditioning, flexibility, balance, and body composition; and,

WHEREAS, AstraZeneca, a Gold-Level Sponsor of the biennial Summer National Senior Games, also known as the Senior Olympics; the largest multi-sport event in the world for men and women over the age of 50, has created a call-to-action platform called "Celebrate EveryBody" with the objective to continue to support the importance of educating and encouraging older Americans to maintain an active and healthy lifestyle; and,

WHEREAS, it is the hope of these advocates to promote senior health and wellness and to encourage Illinois senior citizens to become advocates for themselves and others; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 26, 2010 as **CELEBRATE SENIOR HEALTH DAY** in Illinois, in honor of all older Americans and to raise awareness of the role and importance of health and wellness and an active lifestyle.

Issued by the Governor September 22, 2010

Filed by the Secretary of State September 27, 2010

2010-337**Adoption Awareness Month**

WHEREAS, adoption is a rewarding and enriching experience for individuals and couples who want to provide children with a stable, loving family environment; and,

WHEREAS, Illinois is recognized as a national leader when finding permanent homes for waiting children and has placed more than 51,000 foster children into adoptive and subsidized guardianship homes since 1997; and,

WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption guardianship placements than in substitute care; and,

WHEREAS, the Illinois Department of Children and Family Services, the Child Care Association of Illinois, the Adoption Information Center of Illinois, the Illinois Adoption

PROCLAMATIONS

Advisory Council, the Illinois Foster and Adoptive Parent Association, the Chicago Bar Association, and the many Illinois child welfare agencies and adoptive parent groups all encourage families to consider adopting a child in need of a home; and,

WHEREAS, hundreds of children in Illinois are still awaiting adoption:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2010 as **ADOPTION AWARENESS MONTH** in Illinois, and encourage all families to consider adopting a child into their family.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-338**Breast Cancer Awareness and Mammography Day**

WHEREAS, October 2010 marks the 26th year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer and the importance of early detection through mammography; and,

WHEREAS, in 2010 a projected 9,320 women in Illinois will be diagnosed with breast cancer and a projected 1,880 women in Illinois will lose their life to breast cancer; and,

WHEREAS, breast cancer is the most common cancer diagnosed in women and is the second leading cause of cancer deaths for women; and,

WHEREAS, the best chance for detecting breast cancer early is through mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free breast exams, mammograms, pelvic exams, and Pap tests to uninsured women. IBCCP has provided 29,155 women with free breast screenings in the past fiscal year alone; and,

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **BREAST CANCER AWARENESS MONTH and October 15, 2010, as MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

PROCLAMATIONS

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-339**Chronic Obstructive Pulmonary Disease Awareness Month**

WHEREAS, lung diseases, known collectively as chronic obstructive pulmonary diseases (COPD), are the fourth leading cause of death in the United States, with over 119,000 Americans dying from this disease each year; and,

WHEREAS, chronic obstructive pulmonary diseases cost the United States economy an estimated \$31.9 billion every year; and,

WHEREAS, 30 million people in the United States have been diagnosed with some form of COPD with a similar number undiagnosed; and,

WHEREAS, awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease in this country; and,

WHEREAS, the residents of the State of Illinois deserve the opportunity to grow, thrive and be healthy and informed about their respiratory health and of the factors that affect that health:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2010, as **CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH** in Illinois, and urge all citizens to be aware of the prevalence of chronic obstructive pulmonary disease and support efforts to find a cure for this disease.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-340**Respiratory Care Week**

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and,

WHEREAS, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and,

PROCLAMATIONS

WHEREAS, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug treatment, lung rehabilitation; and,

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week during the last week in October; and,

WHEREAS, respiratory therapy centers throughout the country participate in events throughout the week by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and,

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and,

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 24-30:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24-30, 2010 as **RESPIRATORY CARE WEEK** in Illinois, in support of notable efforts by the American Association and Illinois Society for Respiratory Care, and urge all Illinoisans to be aware of the important role of Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our state.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-341**Childhood Lead Poisoning Prevention Week**

WHEREAS, lead poisoning is a preventable environmental health problem but still affects approximately 250,000 children aged 1 to 5 years in the United States annually; and,

WHEREAS, even at low levels, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and,

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education; and,

PROCLAMATIONS

WHEREAS, Illinois identified approximately 4,000 lead poisoned children in 2009; and,

WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint, which was banned in 1978; and,

WHEREAS, more than 3.5 million housing units built prior to 1978 still remain in Illinois and an estimated 2 million contain lead; and,

WHEREAS, Illinois data indicates a significant decline in the number of lead poisoned children younger than 6 years of age from 23.1 percent in 1996 to 1.3 percent in 2009; and,

WHEREAS, Illinois is pleased to join with health care professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24-30, 2010, as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois, and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-342**Lights on Afterschool Day**

WHEREAS, the State of Illinois is firmly committed to quality afterschool programs and opportunities because they provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills; support working families by ensuring their children are safe and productive after the regular school day ends; build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults; and engage families, schools and community partners in advancing the welfare of our children; and,

WHEREAS, the State of Illinois has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and,

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 15 million children have no place to go after school; and,

PROCLAMATIONS

WHEREAS, of the school-age children in Illinois, approximately 26 percent are unsupervised after school; and,

WHEREAS, afterschool programs strengthen our communities by providing students a safe and healthy environment for them to learn while helping working parents; and

WHEREAS, the State of Illinois is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy; and,

WHEREAS, Lights On Afterschool, the national celebration of afterschool programs held this year on October 21, 2010, promotes the importance of quality afterschool programs in the lives of children, families and communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 21, 2010, as **LIGHTS ON AFTERSCHOOL DAY** in Illinois, in recognition of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-343**Operation Snowball Month**

WHEREAS, Operation Snowball is a program that encourages youth to stay drug-free by providing them with experiential learning; and,

WHEREAS, over 50,000 youth participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has over 120 chapters and is continually expanding; and,

WHEREAS, Operation Snowball focuses on prevention messages that aim primarily at the high school level because many students at this age understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help students develop their own ideas about substances before they are faced with situations in their future lives; and,

WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflake for junior high students and Snowflurry for elementary students. These programs teach youth the importance of living a drug-free healthy lifestyle at an early age.

PROCLAMATIONS

There is also Segue for college students and Blizzards for families, which help to serve as role models for youth; and,

WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their drug-free lifestyle by mentoring younger children and motivating them to live by the same standards:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2010 as **OPERATION SNOWBALL MONTH** in Illinois, and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-344**Orion Samuelson Day**

WHEREAS, Orion Samuelson has held the position of Agribusiness Director of WGN radio since 1960; and,

WHEREAS, Orion Samuelson has been recognized by the Tribune Radio Network as the #1 Agricultural Broadcaster in the nation; and,

WHEREAS, Orion Samuelson has received several awards and honors both within and outside the broadcasting industry such as the American Farm Bureau Association's Distinguished Service Award, "Man of the Year" by Heifer Project International, and National 4-H alumni award; and,

WHEREAS, Orion Samuelson has also received various honors in our state such as an honorary degree of Doctor of Letters from the University of Illinois, a Laureate of the Lincoln Academy of Illinois, and the coveted Lincoln Medal, which is the most prestigious award given by the State of Illinois; and,

WHEREAS, Orion Samuelson's dedication to broadcasting also resulted in his induction to several Halls of Fame throughout the nation, namely: the Scandinavian-American Hall of Fame, the National 4-H Hall of Fame, the National American Farm Bureau Hall of Fame, and most importantly, the National Radio Hall of Fame in Chicago, which is considered by most the highest honor in the broadcasting industry; and,

WHEREAS, in acknowledgement of over four decades of service to the Agricultural Youth in Illinois, a building was named in Orion Samuelson's honor at the 1997 Illinois State Fair; and,

PROCLAMATIONS

WHEREAS, Orion Samuelson's commitment to agricultural broadcasting has taken him to over 43 countries where he has covered agricultural production and trade and as a result of his international endeavors he was awarded the International Communicator of the Year Award from the President of the Republic of China; and,

WHEREAS, at WGN, Orion Samuelson has been the host of several radio shows including "The Morning Show" and the daily National Farm Report; and,

WHEREAS, Orion Samuelson is on the Board of Directors of the Agriculture Future of America, the Illinois Agricultural Leadership Foundation, and Farm Safety 4 Just Kids; and,

WHEREAS, Orion Samuelson celebrates the 50th anniversary of his start at WGN radio this year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 27, 2010 as **ORION SAMUELSON DAY** in Illinois, in recognition of the great strides he has made in Agricultural Broadcasting and 50 years of dedicated service to the WGN network in Chicago.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

2010-345**National Case Management Week**

WHEREAS, the Case Management Society of America (CMSA) is an international, non-profit, multi-disciplinary, and professional organization dedicated to the support and advancement of the case management profession. Since its inception, CMSA has been at the forefront of setting professional standards for the industry; and,

WHEREAS, case management is a collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet an individual's health needs through communication and available resources to promote quality, cost-effective outcomes; and,

WHEREAS, founded in 1990, CMSA has more than 11,000 members and over 70 affiliated and pending chapters; and,

WHEREAS, this year, from October 10-16, 2010, there will be a weeklong celebration that serves to recognize case managers, to educate the public about case management, and to increase recognition of the significant contribution of case managers to quality healthcare for the patient, healthcare provider, and payer:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 10-16, 2010 as **NATIONAL CASE MANAGEMENT WEEK** in Illinois, in recognition of the contributions case managers make to the quality of healthcare in our state.

Issued by the Governor September 23, 2010

Filed by the Secretary of State September 27, 2010

ILLINOIS ADMINISTRATIVE CODE
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