

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Administrative Code Division
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June 17, 2011 Volume 35, Issue 25

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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 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 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 May 2, to July 1, 2011.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Number: 110.90 Proposed Action: Amendment
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment allows fees to be charged for testing required by Illinois law or other animal disease programs.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Animal owners, veterinarians who utilize the Department's laboratory services.
 - 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 anticipated during the filing of the last two agendas.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

- a) Bacteriology, Mycoplasma and Fungi
 - 1) Aerobic or anaerobic culture without sensitivity testing 15.00 C, G
 - 2) Antibiotic sensitivity (per isolate)..... 10.00 C, G
 - 3) Milk samples for mastitis evaluation per sample 4.00 C, G
 - 4) Leptospirosis culture per specimen 20.00 G
 - 5) Fluorescent Antibody Test (FA)..... 15.00 C, G
 - 6) Campylobacter (culture)..... 15.00 C, G
 - 7) Salmonella (enrichment media, per site or pool)..... 10.00 C, G
 - Salmonella, poultry-house drag swabs 45.00 G
 - Salmonella enteritidis Test, Poultry 20.00 G
 - 8) Hemophilus (culture)..... 8.00 C
 - 9) Bordetella culture 10.00 C, G
 - 10) Listeria (cold enrichment) 10.00 C, G
 - 11) Brachyspira (Swine Dysentery)..... 12.50 C, G
 - 12) Johne's (MAP) 15.00 C, G

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NOTICE OF PROPOSED AMENDMENT

13)	Return culture for bacterin production per organism (plus shipping).....	4.00 C, G
14)	Mycology Culture.....	10.00 C, G
15)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00 C, G
	Microscopic examination, acid-fast-stained smears.....	7.00 C, G
16)	Mycoplasma Culture	12.00 C, G
17)	Trichomonas transport media	actual C, G cost plus shipping
18)	PCR testing.....	35.00 G
19)	Clostridium difficile toxin ELISA (per sample or pool).....	30.00 C, G
b)	Food safety microbiology	
1)	Culture, antibiotic residue growth inhibition.....	28.70 C 12.00
2)	Culture, bacterial, aerobic, quantitative.....	25.20 C 12.50
3)	Culture, bacterial, aerobic, quantitative, E. coli	25.20 C 12.50
4)	Culture, bacterial, anaerobic quantitative.....	25.20 C 12.50
5)	Culture, bacterial, Escherichia coli O157.....	25.20 C 12.50
6)	Enzyme-linked FA test, Escherichia coli O157	60.00 C 12.50

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NOTICE OF PROPOSED AMENDMENT

7)	Enzyme-linked FA test, Listeria.....	42.70	C
		12.50	
8)	Enzyme-linked FA test, Salmonella (HACCP).....	46.05	C
		12.50	
9)	Enzyme-linked FA test, staphylococcus enterotoxins	49.70	
		12.50	C
<u>10)</u>	<u>Ready To Eat (RTE) products – 325 gm sample.....</u>	<u>83.30</u>	<u>C</u>

c) Water safety microbiology

1)	Water Potability Test – Municipal – Total & Fecal coliform (includes new construction)	16.00	
2)	Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....	16.00	C
3)	Water Bacterial ID Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID	20.00	C
4)	Culture, aerobic quantitative, Enterococcus.....	7.00	C
5)	Culture, aerobic, quantitative, Total coliforms	7.00	C
6)	Standard Plate Count.....	10.00	C
7)	Culture, bacterial, aerobic, quantitative, E. coli.....	7.00	C
8)	Culture, bacterial, denitrifying bacteria, quantitative.....	13.00	C
9)	Culture, bacterial, iron-reducing bacteria, quantitative.....	13.00	C
10)	Culture, bacterial, nitrifying bacteria, quantitative	13.00	C
11)	Culture, bacterial, sulfate-reducing bacteria, quantitative.....	13.00	C
12)	Culture, viable Helminth ova	7.00	C

DEPARTMENT OF AGRICULTURE

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13)	Free chlorine or total chlorine, colorimetric.....	7.00	C
14)	Microscopic exam	6.00	C
15)	Nitrate, colorimetric	7.00	C
d)	Bacterial serology		
1)	Brucella abortus (BAPA, card, std plate).....	.50	C, G, S
2)	Brucella abortus (std tube)50	C, G
3)	Brucella canis card test	15.00	C, G
4)	Brucella abortus RAP	N/C	G
5)	Brucella abortus rivanol.....	N/C	C, G
6)	Brucella abortus (BAPA, card, std plate: out-of-state).....	1.00	C, G, S
7)	Brucella abortus (species other than bovine, porcine and canine)	1.00	C, G, S
8)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals.....	24.00	C
9)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)	12.00	C
10)	Mycoplasma hypopneumoniae	4.00	G
11)	Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately)	2.00	G
12)	Salmonella typhumurium.....	1.00	G
13)	Salmonella pullorum.....	1.00	G
e)	Virology		

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1)	Electron Microscopy – fecal.....	20.00	G
2)	Pseudorabies Serology (AutoLex or ELISA)	1.00	C, G
	Pseudorabies Serology Out-of-State.....	3.00	C, G
	Pseudorabies Serology end titer	3.00	C
	Pseudorabies Serology (request for screen at dilution of 1:2, SN).....	3.00	C
	Pseudorabies (Latex)	3.00	C
3)	Fluorescent Antibody Test.....	15.00	C, G
4)	Rabies	15.00	C, G
5)	Disposal for rabies suspect carcass.....	.50 per pound	C, G
6)	Virus Isolation (per virus)	25.00	C, G
7)	Unlisted Viral Serology (each disease) per sample	5.00	C, G
8)	Feline SNAP Triple (Heartworm, FeLV, FIV).....	25.00	C
9)	Feline Infectious Peritonitis (F.I.P. cELISA)	22.00	C
10)	Canine parvovirus SNAP fecal.....	12.00	C
11)	PRRS (1:20, IFA)	4.00	C, G
	PRRS ELISA	6.00	C, G
	PRRS PCR.....	35.00	G
	PRRS IFA US strain.....	8.00	G
	PRRS IFA, Lelystad	8.00	G
	Swine influenza virus ELISA (per serotype)	8.00	

DEPARTMENT OF AGRICULTURE

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12)	Bovine virus diarrhea (BVD P1) immunohistochemistry (formalin fixed ear notches)	3.50	C, G	
	Bovine virus diarrhea (BVD PI) Antigen Capture ELISA (serum or fresh ear notches)	5.00	C	
13)	TGE/PRCV Differential ELISA (per specimen)	6.00	C, G	
14)	RT-PCR Testing	35.00	G	
f)	Miscellaneous serology			
1)	EIA-AGID.....	15.00 8.00	C, S	
	EIA-ELISA	20.00 10.00	C, S	
2)	Bluetongue (AGID or ELISA).....	3.50	C	
3)	Bovine leukemia virus (BLV-AGID)	5.00	C	
	Bovine leukemia virus (BLV-ELISA)	5.00	C	
4)	Vesicular stomatitis.....	5.00	C	
5)	Johne's ELISA.....	5.00	C	
6)	Johne's ELISA goats	6.00	C	
7)	Ovine Progressive Pneumonia (OPP) AGID	5.00	C	
8)	Caprine Arthritis Encephalitis (CAE AGID).....	5.00	C	
	Caprine Arthritis Encephalitis (CAE ELISA).....	6.00	C	
9)	Serology Spin Charge (per specimen)	1.00	C, G	
10)	Anaplasmosis ELISA.....	7.00	C	

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11)	Blastomycosis AGID	10.00	C
12)	Neospora ELISA.....	7.00	C
13)	IgG levels (Bovine, Equine, Camelids)	12.00	C
14)	Enzootic Hemorrhagic Disease of deer (EHD AGID)	3.00	C

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Provision of Advanced Telecommunications Services
- 2) Code Citation: 83 Ill. Adm. Code 733
- 3) Section Number: 733.10 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517]
- 5) A Complete Description of the Subjects and Issues Involved: This Part regulates the provision, by incumbent local exchange carriers (ILECs), of the specified services. The proposed amendment specifies that the provisions of Part 733 do not apply to ILECs that elect market regulation for their competitive retail telecommunications services, as mandated by PA 96-927.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0421, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62701

217/782-7434

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSIONPART 733
PROVISION OF ADVANCED TELECOMMUNICATIONS SERVICES

SUBPART A: GENERAL PROVISIONS

Section

733.10	Applicability
733.20	Definitions
733.30	Provision of Advanced Telecommunications Services
733.40	Monitoring

SUBPART B: WAIVERS

Section

733.100	Waiver
733.105	Application of Waiver Standards
733.110	Notice of Application for Waiver
733.120	Deadline for Application for Waiver
733.130	Application for Waiver
733.140	Prepared Direct Testimony
733.150	Commission Action Upon Petition
733.160	Reconsideration of Waiver

AUTHORITY: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517].

SOURCE: Adopted at 27 Ill. Reg. 5724, effective April 1, 2003; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 733.10 Applicability

This Part applies to Incumbent Local Exchange Carriers (ILECs) subject to the requirements of Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517]. [Pursuant to Section 13-506.2\(k\)](#)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

of the Act, Section 13-517 of the Public Utilities Act does not apply to electing providers, as that term is defined in Section 13-506.2(a)(1) of the Act.

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.160	Amendment
240.230	Amendment
240.340	Amendment
240.415	Amendment
240.728	Amendment
240.729	Amendment
240.825	Amendment
240.855	Amendment
240.870	Amendment
245.875	Amendment
240.920	Amendment
240.935	Amendment
240.945	Amendment
240.950	Amendment
240.1110	Amendment
240.1120	Amendment
240.1130	Amendment
240.1520	Amendment
240.1550	Amendment
240.2020	Amendment
240.2040	Amendment
- 4) Statutory Authority: Implementing Public Act 96-958, effective July 1, 2010, and authorized by 20 ILCS 105/4.01(11) and 4.02
- 5) Effective Date of Amendments: June 2, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 10595; July 30, 2010

10) Has JCAR issued a Statement of Objection to this rulemakings? No

11) Differences between proposal and final version:

Section 240.340(a)(2): Reverted to the originally proposed punctuation by the Department so the text reads "Establishing the extent of an applicant's/client's assets, income," instead of "Establishing the extent of an applicant's/client's assets and income".

Section 240.415(l): After "rules", added "in this Part and 89 Ill. Adm. Code 220".

Section 240.728: Replaced the chart with a new one that added "(Effective on and after July 1, 2011)" as a subheading for the column titled "SERVICE MAXIMUM LEVEL" and listed a new monthly service dollar amount for each DON Score.

Section 240.729: Replaced the chart with a new one that added "(Effective on and after July 1, 2011)" as a subheading for the column titled "SERVICE MAXIMUM LEVEL" and listed a new monthly service dollar amount for each DON Score.

Section 240.920(e) and (n): Struck "plan of care" and added "Plan of Care".

The other changes made to this rulemaking were nonsubstantive, grammatical, and editorial at the recommendation of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No. A companion emergency rulemaking expired on December 11, 2010.

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

15) Summary and Purpose of Rulemaking: These amendments are intended to improve Department oversight of the Community Care Program by (1) adding new definitions for the terms "Care Coordinator", "Client", and "Participant"; (2) recognizing the authority of Licensed Practical Nurses to administer skilled nursing services at adult day facilities; (3) changing the hot water temperature limits at adult day facilities to allow greater

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

flexibility; (4) improving service utilization by replacing DON scoring ranges with assigned dollar amounts for individual DON scores; (5) eliminating client copayments to reduce billing issues; (6) changing provider billing to quarter-unit increments to maximize the State's ability to claim reimbursement for services provided under the Medicaid waiver; and (7) updating financial reporting requirements for in-home service providers.

- 15) Information and questions regarding this adopted rulemaking shall be directed to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

217/785-3346

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

- 240.100 Community Care Program
- 240.110 Department Prerogative
- 240.120 Services Provided
- 240.130 Maintenance of Effort
- 240.140 Program Limitations
- 240.150 Completed Applications Prior to August 1, 1982 (Repealed)
- | 240.160 Definitions

SUBPART B: SERVICE DEFINITIONS

Section

- 240.210 In-home Service
- 240.220 Chore-Housekeeping Service (Repealed)
- | 240.230 Adult Day Service
- 240.235 Emergency Home Response Service
- 240.240 Information and Referral
- 240.250 Demonstration/Research Projects
- 240.260 Case Management Service
- 240.270 Alternative Provider
- 240.280 Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section

- 240.300 Applicant/Client Rights and Responsibilities
- 240.310 Right to Apply
- 240.320 Nondiscrimination
- 240.330 Freedom of Choice
- | 240.340 Confidentiality/Safeguarding of Case Information
- 240.350 Applicant/Client/Authorized Representative Cooperation

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days;

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amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg.

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16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010; emergency amendment at 34 Ill. Reg. 10854, effective July 15, 2010, for a maximum of 150 days; emergency expired December 11, 2010; emergency amendment at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of 150 days; emergency expired December 31, 2010; amended at 35 Ill. Reg. 8919, effective June 2, 2011.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 240.160 Definitions

"Adequate plan of care" means a plan of care that provides the minimum services needed to protect the health, safety and welfare of a client.

"Adjusted rate" means a rate other than the established fixed rate of reimbursement.

"Administrative corrections" means allowable revisions to a proposal permitted and/or performed by the Department in cases of apparent clerical mistakes and in cases where the applicant/Department has reason to believe a mistake may have been made and verification from the applicant has been provided. These actions shall be taken prior to award.

"Administrative costs" means those allowable costs related to the management and organizational maintenance of the provider.

"Adverse action" means the denial of CCP service; a reduction in dollars in the monthly cost of care according to the CCP Client Agreement – Plan of Care; a change in service type that could increase the client's incurred monthly expense for care [prior to July 1, 2010](#); or the termination from CCP service.

"Allegations" means unsubstantiated accusations or statements.

"Allowable costs" means those cost categories, as delineated in Section 240.2050, which will be considered in setting a fixed rate.

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"Allowable maximums" means the highest authorized allocation available for services per month based upon Determination of Need scores.

"Appellant" means the applicant/client/authorized representative initiating an appeal as a result of Department action or inaction.

"Assistance with task" means giving aid or support in the performance of a task.

"Assistive device" means crutches, walker, wheel chair, hearing aid, etc.

"Authorized representative" means an agent designated, verbally or in writing, by the applicant/client to be his/her representative, or the applicant's/client's guardian. In the event that an applicant/client is unable to physically write his/her signature, the CCU may sign for the applicant/client at the applicant's/client's verbal request.

"Authorized representative of the provider" means an owner, officer, or employee of the provider agency who has the authority to commit the agency to a financial and/or contractual responsibility.

"Authorized provider" means a provider who holds a valid contract with the Department to provide Community Care Program (CCP) services.

"Available resources" means assistance provided to an applicant/client by family/friends, church, community, etc.

"Best interest", as used in Section 240.1630, means the determined needs of the client population are being met.

"Burial merchandise" means gravesites, crypts, mausoleums, urns, caskets, vaults, gravemarkers or other repositories for the remains of deceased persons, shrouds, etc.

"Calendar year" means from January 1 through December 31.

"Capable person" means a person who is qualified to perform the functions required.

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"Care Coordinator" means a trained individual who is employed to assess needs, conduct eligibility screenings, and perform care coordination services and case management functions under the Community Care Program.

"CCP" means Community Care Program.

"CCU in good standing" (See: Contractor in good standing)

"Client" means a participant who receives services under the Community Care Program.

"Close-out review" means a review performed at the close of the period of time allowed for correction of findings of non-compliance to determine if those corrections have been made and that the newly drawn review sample of client/provider files reflects on-going compliance.

"Closed caseload" means a caseload restricted to those clients already receiving service and refers only to individual providers; no new clients shall be accepted and current clients who discontinue service for any reason will not be reinstated into this caseload.

"Community-based services" means services provided in a congregate setting in a client's community (i.e., adult day care).

"Comparable human service program" means a program that offers services that are similar to CCP services (e.g., home health aide, maid service).

"Compliance" means adherence to the CCP rules, policy and procedures and the contract with the Department, and all applicable federal, state and local laws/rules/ordinances.

"Components" means specified parts of the service as defined in the applicable Section.

"Confused and disoriented" means unable to clearly and accurately differentiate as to time, person and/or place.

"Continuous eligibility" means that the client has met eligibility requirements each time a subsequent redetermination was administered.

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"Contractor in good standing" means a CCP contractor who is currently in compliance or within the permitted timeframe allotted for remedy to come into compliance with the Department's rules and contract.

"Control date" means a starting point for purposes of calculating a time frame; the count begins the next work or calendar day.

"Cost report" means a report of all categorized allowable costs to a provider that are directly associated with services purchased by the Department for its clients in categories as defined in Section 240.2050. The provider shall use the Direct Service Worker Cost Certification and the Detailed Cost Certification forms.

"Daily census maximum" means the total square footage of adult day care client-allotted space divided by 40 sq. ft. equals the daily maximum number of clients that may be served in the adult day care facility.

"Department" means the Illinois Department on Aging.

"Director" means the Director of the Illinois Department on Aging.

"Discontinuance" means the cessation of Community Care Program services provided to a client for non-payment of incurred expense for care [prior to July 1, 2010](#).

"Documentation" means tangible documents or supporting references or records used to record client contact, determine eligibility or substantiate adherence to rules.

"Documenting" means making written entries on the Case Record Recording Sheet regarding contact with an applicant/client; and/or the viewing or receiving of a document to be placed in applicant/client/worker files to substantiate adherence to rules.

"Emergency" means a sudden unexpected occurrence demanding immediate action (e.g., client illness, illness/death of a member of the client's family, etc.).

"Emergency home response service" or "EHRS" means a 24-hour emergency communication link to assistance outside the client's home based on the client's

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health and safety needs and mobility limitations. This service is provided by a 2-way voice communication system consisting of a base unit and an activation device worn by the client that will automatically link the client to a professionally staffed support center. The support center assesses the situation and directs an appropriate response whenever this system is engaged by a client.

"Errands" means performance of services outside the home such as essential shopping, picking up medications, and essential business needs as indicated in the plan of care.

"Escort" means accompanying those clients who are dependent on personal physical assistance to enable them to reach and use community resources in order to ensure their access to local services and to allow them to maintain independent living as required by the plan of care.

"Essential" means basic, indispensable or necessary.

"Exit conference" means the meeting at the Illinois Department on Aging between representatives of the Department and the director, or his/her designee, and of the reviewed agency to resolve the agency's objection to the findings of the Compliance Review Report. These conferences shall be called when the findings indicate evidence of serious client-related concerns (e.g., Type I findings).

"Face-to-face" means direct communication while physically in the presence of another person or persons.

"Face-to-face review" means an informal review (see Section 240.425) conducted in the appeal process by the Department in the home of an appellant with the applicant/client (and appellant, if appellant is other than the applicant/client) present. (A hearing is conducted by a Hearing Officer – see Section 240.450.)

"FUTA" means the Federal Unemployment Tax Act.

"Fiscally sound agency" means a CCU or provider that has on file at the Department documentation that supports that the CCU or provider has adequate financial resources to perform the terms of the contract (e.g., a line of credit from a financial institution).

"Fraudulent information" means purposely erroneous or untruthful information.

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"Geographic area" means a physical area (e.g., county) of the State within which a contractor is authorized to provide services to Community Care Program clients.

"Historical costs" means the total allowable costs incurred for all programs the provider provided for the previous reporting year, which are presented via certified report by the provider.

"Home maintenance and repairs" means those non-routine tasks, excluding any work requiring a ladder or requiring specialized skills on the part of the worker, necessary to maintain a safe and healthful environment for the client as required by the plan of care (e.g., defrosting the refrigerator; cleaning the oven; dusting walls and woodwork; cleaning closets, cupboards and insides of windows; changing filters on and cleaning humidifiers; clearing hazards from outside steps and sidewalks if transportation and/or escort is required by the plan of care; replacing light bulbs).

"Imminent" means likely to occur (e.g., injury or institutionalization).

"Incomplete proposal" means the written offer to the Request for Proposal (e.g., attachments, appendices) that fails to include all requirements as stated in the Request for Proposal.

"Incurred monthly expense" means the client's share of the cost of care for CCP services provided during a previous monthly period [prior to July 1, 2010](#).

"Informal review" means the act of determining the facts relating to an appeal in an informal manner by the Department (see Section 240.425).

"Informality" means an irregularity that is a matter of form or variation from the exact requirement of the Request for Proposal, the correction or waiver of which would not be prejudicial to other applicants (e.g., failure to return number of copies of signed proposals as required by the Request for Proposal).

"In-home services" means services provided in the client's residence with the client present or on behalf of the client (e.g., homemaker service).

"Intermediate Care Facility" or "ICF" means a facility that provides basic nursing care and other restorative services under periodic medical direction. Many of

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these services may require skill in administration. ICFs are for residents who have long term illnesses or disabilities that may have reached a relatively stable plateau.

"Licensed Practical Nurse" or "LPN" means a nurse who has graduated from a formally approved program of practical nursing education and has been licensed by the appropriate state authority.

"Mandated time period" means the time frame required by pertinent rule.

"M.D." means medical doctor who is registered in the State of Illinois.

"Memorandum of Understanding" means a written document, executed by the applicant/client/authorized representative, CCU representative and provider representative in which all parties agree to cooperate and in which activities are specified that must be fulfilled by each party.

"Observing client's functioning" means watching for any change in the client's needs that could indicate that a redetermination of eligibility and/or a revision in the Client Agreement – Plan of Care is necessary (e.g., client is experiencing increasing difficulty in walking; client is becoming increasingly confused and disoriented; client's daughter is no longer available to prepare meals for the client; etc.).

"Occupancy costs" means the costs of depreciation, amortization of leasehold improvements, rent, property taxes, interest and other related costs.

"On-Notice" means the Department sanction imposed on a provider or CCU requiring that provider or CCU to bring specified services or requirements into compliance.

"Parent organization" means an entity to which the contractual party is a subsidiary.

["Participant" \(See: "Client"\)](#)

"Performance of task" means to carry out an action, function or process.

"Period of stay" means period of time during which implementation of a contract

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action is temporarily delayed.

"Planning and Service Area" or "PSA" means a designated geographic area.

"Post-screening" means screening performed after a client has entered a nursing home due to an emergency situation or oversight without prescreening.

"Potentially" means having the capability of occurring, but not yet in existence (e.g., deterioration in the client's condition).

"Program support costs" means those allowable costs not included as direct service or administrative costs.

"Proposal" means the written offer made by an applicant in response to Department Request for Proposal.

"Provider Agreement" means purchase of service agreement.

"Provider community experience" means documentation of having provided service within the community in which the provider has applied to provide CCP services.

"Provider in good standing" (See: Contractor in good standing)

"Providers" means those service providers with whom the Department does business through contracts on a reimbursement basis for units of service delivery to specified clients.

"Reasonable" means using and showing reason or sound judgement, sensible, not excessive.

"Reasonable and diligent effort" means perseverance on the part of the applicant/client in his/her attempt to dispose of the asset (e.g., as evidenced by copies of the advertisement for the sale of the asset).

"Registered Nurse" or "RN" means a nurse who has graduated from a formal program of nursing education and has been licensed by the appropriate state authority.

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"Reinstatement" means the resumption of services, within an established time frame, at the same level provided prior to a suspension/discontinuance of the services.

"Related parties" means any other entities having a legal or contractual relationship with the contractual party.

"Request for Proposal" or "RFP" means a form of invitation to bid that the Department uses to obtain homemaker, adult day care services and demonstration/research projects under the ~~Community Care Program (CCP)~~. The RFP explains the purpose of the invitation to bid, outlines the scope of the work and solicits proposals from provider agencies for the funding of services undertaken by the Department.

"Responsible person" means a capable person who does not appear to be disoriented or confused and is presumed to be acting in the best interest of another individual.

"Rotation plan" means a Department approved plan for the equitable distribution of clients to providers (used only if client does not indicate a choice of providers).

"Routine procedures" means procedures performed in a hospital that result in no perceptible change in the client's physical/mental health needs (e.g., tests, blood work-ups, x-rays, dialysis, etc.).

"Service area" means any area in which a provider has been awarded a contract to provide CCP services.

"Skilled Nursing Facility" or "SNF" means a group care facility licensed by the Illinois Department of Public Health that provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. SNFs are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness (89 Ill. Adm. Code 101.20).

"Special diet" means a dietary restriction based upon the health and safety needs of the client and prescribed by a physician (e.g., sodium free, fat, protein, diabetic, etc.); whereas a modified diet relates to a diet containing easy to chew foods. A

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modified diet may be part of a specialized diet.

"State fiscal year" means from July 1 through June 30.

"Suspension" means the temporary cessation of the provision of Community Care Program services provided to a client.

"Suspension of referrals" means closed intake of new clients to a specific contractor.

"Termination" means the permanent cessation of the provision of Community Care Program services and eligibility of services.

"Threat" means the existence of circumstances that indicate the intent of an individual or group to destroy the property of or to injure or punish another individual or group. These circumstances might be the display of a weapon at an adult day care center.

"Too highly impaired applicant/client" means an applicant/client who needs 24 hour a day care, for whom CCP cannot develop a plan of care to protect his/her physical, mental and environmental needs and who does not have sufficient outside support from family, friends, church et. al., to provide for those needs (as determined by Part B – Unmet Need for Care – of the Community Care Program – Determination of Need). (Refer to Section 240.715.)

"Unallowable costs" means those costs that will not be considered in determining the fixed rate or in meeting the required minimum direct service expenditure.

"Unit of service" means a measured length of service, such as an hour, a day, a visit, a one-way trip, or some other measurable service component that will enable the Department to determine the amount of service provided individually or in aggregate to or on behalf of a client.

"Validation of provider community experience" means the documentation of letters from community agencies attesting to experience with the provider within the community.

"Validity of client billing" means the accuracy of the billing and documentation thereof.

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"Work days" means Monday through Friday at a minimum, excluding provider designated holidays.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART B: SERVICE DEFINITIONS

Section 240.230 Adult Day Service

Adult day service is the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention; and promoting social, physical and emotional well-being in a structured setting.

- a) Required Service Components
 - 1) Assessment of the client's strengths and needs and development of an individual written plan of care for each client that establishes specific client goals for all service components to be provided or arranged for by the service provider.
 - A) The individual plan of care is to be established by the adult day service team consisting of Program Coordinator/Director and Program Nurse, and may include other staff at the option of the program Coordinator/Director.
 - B) The individualized plan of care is to be established not later than the fourth week of service.
 - C) The individualized plan of care shall address the needs identified by the Case Coordination Unit (CCU), as described in the Determination of Need (DON), Client Agreement – Plan of Care and approved by the client's physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730 of this Part.
 - D) The individualized plan of care shall address the need identified by the service provider's staff and client/caregiver during the individualized plan of care process.

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- E) The client, caregiver and other service providers shall have the opportunity to contribute to the development, implementation and evaluation of the individualized plan of care.
 - F) Reassessing the client's needs and reevaluating the appropriateness of the individualized plan of care shall be done as needed, but at least semi-annually.
- 2) A balance of purposeful activities to meet the client's interrelated needs and interests (social, intellectual, cultural, economic, emotional, physical and spiritual) designed to improve or maintain the optimal functioning of the client.
- A) Activity programming shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests and abilities by providing for a variety of types and levels of involvement.
 - B) Time for rest and relaxation shall be provided as needed or prescribed.
 - C) Activity opportunities shall be available whenever the service provider's facility is in operation and clients are in attendance.
 - D) A monthly calendar of activities shall be prepared and posted in a visible place.
- 3) Assistance with or supervision of activities of daily living (e.g., walking, eating, toileting and personal care), as needed.
- 4) Provision of health-related services appropriate to the client's needs as identified in the provider's assessment and/or physician's orders, including health monitoring, nursing intervention on a moderate or intermittent basis for medical conditions and functional limitations, medication monitoring, medication administration or supervision of self-administration, and coordination of health services.

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- 5) A daily meal meeting one-third of the adult "Recommended Daily Dietary Allowances" established by the Food and Nutrition Board of the National Research Council – National Academy of Sciences, 10th Revised Edition, 1989, no later amendments or editions are included. Supplementary nutritious snacks shall also be provided. Special diets shall be provided as directed by the client's physician.
 - 6) Agency provision or arrangement for transportation, with at least one vehicle physically accessible, to enable clients to receive adult day service at the adult day service provider's site and participate in sponsored outings.
 - 7) Provision of emergency care as appropriate in accordance with established adult day service provider policies and Section 240.1510 of this Part.
- b) Ancillary Service Components
- 1) Ancillary services, including physical, occupational, speech and creative arts therapies may be provided by site staff or through contractual arrangements when needed by clients. If provided, ancillary services shall be within the framework of the individualized plan of care and in accordance with professional practice standards and applicable State and federal regulations.
 - 2) Skilled nursing services, including, but not limited to, catheter installation, irrigations and care, dressings, enemas, oxygen therapy, suction/posturing, ostomy care and restorative nursing such as bladder retraining. (All [these above](#) procedures/interventions require physician orders and shall be administered by a Registered Nurse [or a Licensed Practical Nurse](#), in accordance with the Illinois Nursing Act [225 ILCS 65].)
 - 3) Shopping assistance.
 - 4) Escort to medical and social services.
AGENCY NOTE: Reimbursement for costs of ancillary services is not included in the unit rate paid by the Department and will not be paid by the Department.
- c) Unit of Service

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- 1) One unit of adult day service is defined as one direct client contact hour (excluding transportation time) provided to a client. A direct client contact hour is defined as 60 consecutive minutes of active programming, i.e., providing one or a combination of the service components listed in subsections (a)(2) through (7).
- 2) One unit of documented adult day service transportation, provided by the adult day service provider, is defined as a one-way trip per client to or from the adult day service provider's site and the client's home. No more than two units of transportation shall be provided per client in a 24 hour period, and shall not include trips to a physician, shopping, or other miscellaneous trips.
- 3) For services (including transportation, if specified in the plan of care) which the provider was unable to provide due to the client's absence without prior notification (see Section 240.350 of this Part), the provider shall be reimbursed as follows:
 - A) Two and one half units of documented adult day service per occurrence to a maximum of five units per client per State fiscal year.
 - B) One unit of documented adult day service transportation, provided by the adult day service provider, per occurrence to a maximum of two units per client per State fiscal year.
- 4) Refer to Section 240.1950.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section 240.340 Confidentiality/Safeguarding of Case Information

- a) For the protection of applicants/clients, any information about an applicant's/client's case is confidential and may be used only for purposes directly related to the administration of the Community Care Program. Information [that](#) which is considered to be included in the administration of the program is as

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follows:

- 1) Establishing an applicant's/client's initial/continuing eligibility;
 - 2) Establishing the extent of an applicant's/client's assets, income, determination of the expense to be incurred by the client for care [prior to July 1, 2010](#), and determination of need under the CCP;
 - 3) Finding and linking needed services and resources available to an eligible client;
 - 4) Assuring the health and safety of the client;
 - 5) Collecting data for the Department's demonstration/research projects.
- b) Use of information for commercial, personal, political or other purposes not specified in this Section is specifically prohibited.
 - c) The Department, Case Coordination Units (CCUs) and vendors shall inform all agencies and governmental departments to whom information is furnished that this material is confidential and must be so considered by the agency or governmental department.
 - d) Any information received from other agencies or persons, which includes the express statement that the information is not to be released to the client or to any other person or agency under any circumstances, is prohibited from release as case information. Requests for such information shall be referred to the originator of the restricted information.
 - e) If any information about a client or document contained in the applicant's/client's case file is to be used for any purpose other than the administration of the Community Care Program, the Case Coordination Unit or the vendor shall obtain a Release Information form signed by the applicant/client/authorized representative. The Release Information form shall be placed in the applicant's/client's file.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART D: APPEALS

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Section 240.415 What May be Appealed

The following action of Case Coordination Units (CCUs), providers, or the Department may be appealed:

- a) Refusal to accept an application or reapplication.
- b) Failure to act upon an application within the mandated time period, unless delayed in any manner by the applicant/client/authorized representative in the determination of eligibility process.
- c) A decision to deny an application or request.
- d) Failure to advise prescreened individuals that they have a choice of:
 - 1) nursing home placement; or
 - 2) receiving in-home or community-based services, if eligible; or
 - 3) declining either of the [subsection \(d\)\(1\) or \(d\)\(2\) above](#) options.
- e) A decision to reduce, terminate or in any way change the Community Care Program services or the manner in which those services are provided. If the decision to reduce, terminate or in any way change CCP services is based on automatic, non-discretionary changes in eligibility, rates or benefits required by Federal or State statute or regulation, which adversely affects some or all clients, the appeal will be automatically denied and the individual affected will not be afforded a hearing.
- f) A decision to deny a request for redetermination.
- g) Failure to make a decision or take appropriate action on any request made by a client within 15 calendar days from the date of [thesueh](#) request.
- h) The validity and accuracy of the amount billed to a client by a Community Care Program Provider for the client's incurred expense for care provided [prior to July 1, 2010](#).

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- i) A decision by a CCU to uphold a provider decision with which the applicant/client does not agree.
- j) Failure to advise the applicant/client of his/her right to choose a Department authorized provider in the service area of the applicant/client to provide the services required by the plan of care.
- k) Failure of a CCU to advise an applicant/client of any of his/her rights under the Community Care Program.
- l) Failure of a CCU or provider to comply with Community Care Program rules [in this Part and 89 Ill. Adm. Code 220](#).

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.728 Maximum Payment Levels for [Plans of Care Including In-homeHomemaker](#) Service

Maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score [and approved Plan of Care for in-home service or other combination of options excluding adult day service](#). These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for ~~Community Care Program (CCP)~~ providers.

<u>DON SCORE</u>	<u>SERVICE MAXIMUM LEVEL</u> <u>(Effective on and after July 1, 2011)</u>
<u>29</u>	<u>\$ 429</u>
<u>30</u>	<u>480</u>
<u>31</u>	<u>532</u>
<u>32</u>	<u>583</u>
<u>33</u>	<u>635</u>
<u>34</u>	<u>686</u>
<u>35</u>	<u>738</u>
<u>36</u>	<u>789</u>
<u>37</u>	<u>840</u>
<u>38</u>	<u>892</u>
<u>39</u>	<u>943</u>

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<u>40</u>	<u>995</u>
<u>41</u>	<u>1,046</u>
<u>42</u>	<u>1,097</u>
<u>43</u>	<u>1,149</u>
<u>44</u>	<u>1,200</u>
<u>45</u>	<u>1,252</u>
<u>46</u>	<u>1,303</u>
<u>47</u>	<u>1,355</u>
<u>48</u>	<u>1,406</u>
<u>49</u>	<u>1,457</u>
<u>50</u>	<u>1,509</u>
<u>51</u>	<u>1,560</u>
<u>52</u>	<u>1,612</u>
<u>53</u>	<u>1,663</u>
<u>54</u>	<u>1,714</u>
<u>55</u>	<u>1,766</u>
<u>56</u>	<u>1,817</u>
<u>57</u>	<u>1,869</u>
<u>58</u>	<u>1,920</u>
<u>59</u>	<u>1,972</u>
<u>60</u>	<u>2,023</u>
<u>61</u>	<u>2,074</u>
<u>62</u>	<u>2,126</u>
<u>63</u>	<u>2,177</u>
<u>64</u>	<u>2,229</u>
<u>65</u>	<u>2,280</u>
<u>66</u>	<u>2,332</u>
<u>67</u>	<u>2,383</u>
<u>68</u>	<u>2,434</u>
<u>69</u>	<u>2,486</u>
<u>70</u>	<u>2,537</u>
<u>71</u>	<u>2,589</u>
<u>72</u>	<u>2,640</u>
<u>73</u>	<u>2,691</u>
<u>74</u>	<u>2,743</u>
<u>75</u>	<u>2,794</u>
<u>76</u>	<u>2,846</u>
<u>77</u>	<u>2,897</u>
<u>78</u>	<u>2,949</u>

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<u>79</u>	<u>3,000</u>
<u>80</u>	<u>3,051</u>
<u>81</u>	<u>3,103</u>
<u>82</u>	<u>3,154</u>
<u>83</u>	<u>3,206</u>
<u>84</u>	<u>3,257</u>
<u>85</u>	<u>3,309</u>
<u>86</u>	<u>3,360</u>
<u>87</u>	<u>3,411</u>
<u>88</u>	<u>3,463</u>
<u>89</u>	<u>3,514</u>
<u>90</u>	<u>3,566</u>
<u>91</u>	<u>3,617</u>
<u>92</u>	<u>3,668</u>
<u>93</u>	<u>3,720</u>
<u>94</u>	<u>3,771</u>
<u>95</u>	<u>3,823</u>
<u>96</u>	<u>3,874</u>
<u>97</u>	<u>3,926</u>
<u>98</u>	<u>3,977</u>
<u>99</u>	<u>4,028</u>
<u>100</u>	<u>4,080</u>

- a) ~~Individuals scoring from 29 thru 32 points shall be eligible for services costing no less than \$1 and not to exceed \$211 monthly.~~
- b) ~~Individuals scoring from 33 thru 36 points shall be eligible for services costing no less than \$1 and not to exceed \$350 monthly.~~
- e) ~~Individuals scoring from 37 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$533 monthly.~~
- d) ~~Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$665 monthly.~~
- e) ~~Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$873 monthly.~~
- f) ~~Individuals scoring from 68 thru 78 points shall be eligible for services costing no~~

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~~less than \$1 and not to exceed \$1,007 monthly.~~

~~g) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$1,371 monthly.~~

~~h) Individuals scoring from 88 thru 100 points shall be eligible for services costing no less than \$1 and not to exceed \$1,598 monthly.~~

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.729 Maximum Payment Levels for Plans of Care Including Adult Day Care Service

Maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score and approved Plan of Care for adult day service or other combination of options including adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers. Applicable service maximum levels for Community Care Program clients who, based on an approved plan of care, receive adult day care service are:

DON SCORE RANGE	SERVICE MAXIMUM LEVEL <u>(Effective on and July 1, 2011)</u>
<u>29-32</u>	\$ <u>661236</u>
<u>3033-36</u>	<u>769590</u>
<u>3137-45</u>	<u>884708</u>
<u>3246-56</u>	<u>998828</u>
<u>3357-67</u>	<u>1,1137944</u>
<u>3468-78</u>	<u>1,2271,007</u>
<u>3579-87</u>	<u>1,2971,371</u>
<u>3688-100</u>	<u>1,3661,598</u>
<u>37</u>	<u>1,435</u>
<u>38</u>	<u>1,505</u>
<u>39</u>	<u>1,574</u>
<u>40</u>	<u>1,644</u>
<u>41</u>	<u>1,713</u>
<u>42</u>	<u>1,783</u>
<u>43</u>	<u>1,853</u>
<u>44</u>	<u>1,922</u>
<u>45</u>	<u>1,992</u>

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<u>46</u>	<u>2,061</u>
<u>47</u>	<u>2,131</u>
<u>48</u>	<u>2,200</u>
<u>49</u>	<u>2,269</u>
<u>50</u>	<u>2,339</u>
<u>51</u>	<u>2,408</u>
<u>52</u>	<u>2,478</u>
<u>53</u>	<u>2,547</u>
<u>54</u>	<u>2,616</u>
<u>55</u>	<u>2,686</u>
<u>56</u>	<u>2,755</u>
<u>57</u>	<u>2,825</u>
<u>58</u>	<u>2,894</u>
<u>59</u>	<u>2,964</u>
<u>60</u>	<u>3,033</u>
<u>61</u>	<u>3,102</u>
<u>62</u>	<u>3,172</u>
<u>63</u>	<u>3,241</u>
<u>64</u>	<u>3,311</u>
<u>65</u>	<u>3,380</u>
<u>66</u>	<u>3,450</u>
<u>67</u>	<u>3,520</u>
<u>68</u>	<u>3,589</u>
<u>69</u>	<u>3,659</u>
<u>70</u>	<u>3,728</u>
<u>71</u>	<u>3,798</u>
<u>72</u>	<u>3,867</u>
<u>73</u>	<u>3,936</u>
<u>74</u>	<u>4,006</u>
<u>75</u>	<u>4,075</u>
<u>76</u>	<u>4,145</u>
<u>77</u>	<u>4,214</u>
<u>78</u>	<u>4,284</u>
<u>79</u>	<u>4,353</u>
<u>80</u>	<u>4,422</u>
<u>81</u>	<u>4,492</u>
<u>82</u>	<u>4,561</u>
<u>83</u>	<u>4,631</u>
<u>84</u>	<u>4,700</u>

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<u>85</u>	<u>4,770</u>
<u>86</u>	<u>4,839</u>
<u>87</u>	<u>4,908</u>
<u>88</u>	<u>4,978</u>
<u>89</u>	<u>5,047</u>
<u>90</u>	<u>5,117</u>
<u>91</u>	<u>5,186</u>
<u>92</u>	<u>5,256</u>
<u>93</u>	<u>5,326</u>
<u>94</u>	<u>5,395</u>
<u>95</u>	<u>5,465</u>
<u>96</u>	<u>5,534</u>
<u>97</u>	<u>5,604</u>
<u>98</u>	<u>5,673</u>
<u>99</u>	<u>5,742</u>
<u>100</u>	<u>5,812</u>

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.825 Income

- a) Documentation of all currently available income ~~that~~^{which} is not specified as exempt shall be provided during the applicant's/client's determination/redetermination of eligibility for ~~the Community Care Program (CCP)~~.
- b) The first \$25.~~00~~ of earned or unearned income (other than Supplemental Security Income (SSI) or contributions from a spouse or other individual) is exempt from consideration in determining the monthly expense for care to be assessed in accordance with Section 240.855 of this Part prior to July 1, 2010. A client is eligible for only one \$25.~~00~~ exemption regardless of the types or sources of earned or unearned income.
- c) In accordance with provisions of 89 Ill. Adm. Code 120.379, an applicant/client whose spouse (i.e., community spouse) is not receiving CCP services, may divert income to his/her spouse so that the spouse may have exempt income up to the amount exempted by the Illinois Department of Healthcare and Family Services

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(see ~~Public Aid, at~~ 89 Ill. Adm. Code 120.379(e)); for a community spouse. This income shall be exempt in determining the monthly expense for care to be assessed the CCP applicant/client prior to July 1, 2010.

- d) Except for income exempted in accordance with subsection (a) ~~above~~, all income diverted in accordance with provisions of 89 Ill. Adm. Code 120.379 from a spouse who resides in a long term care facility to a CCP applicant/client shall be considered in determining the monthly expense for the care to be assessed the CCP applicant/client prior to July 1, 2010.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.855 Applicant/Client Expense for Care

The requirements of Section 240.855 are applicable to all CCP clients for services provided prior to July 1, 2010.

- a) An eligible CCP applicant/client ~~of the Community Care Program (CCP)~~ or the applicant's/client's authorized representative shall sign the Client Agreement – Plan of Care agreeing to pay a portion of all income in excess of the federal poverty level to the provider for expense to be incurred monthly for care.
- 1) Adjustments in the federal poverty level shall be made annually and shall become effective the first day of each State fiscal year.
 - 2) Client payments to the provider shall not exceed the client's monthly incurred expense for care.
- b) Refusal by the eligible applicant/authorized representative to sign the required Client Agreement – Plan of Care for payment of the expense to be incurred monthly for care shall result in denial of the application.
- c) Refusal by the client/authorized representative to sign the required Client Agreement – Plan of Care for payment of the expense to be incurred monthly for care shall result in termination of CCP services.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.870 Determination of Applicant/Client Monthly Expense for Care

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- a) [The requirements of Section 240.870 are applicable to all CCP clients for services provided prior to July 1, 2010.](#)
- b) The amount of the expense [thatwhich](#) will be incurred monthly for [Community Care Program \(CCP\)](#) services by the eligible applicant/client shall be determined in the following manner:
- 1)a) Calculate available income by:
- A)1) determining applicant/client/family total monthly non-exempt income; and
- B)2) deducting the protected income, which is based upon the effective federal poverty level and the number of persons in the family.
- 2)b) Determine the applicant's/client's monthly cost for care by multiplying the units of [serviceservice\(s\)](#) provided each month to the applicant/client by the following client fixed fee share rates:
- Homemaker – \$5.30 per unit
Adult Day Care – \$3.50 per unit
- 3)e) Select the appropriate CCP Fee Schedule, based upon:
- A)1) the number of persons in the family who are receiving CCP services; and
- B)2) a score of 56 or fewer total points or a score of 57 or more total points on the Determination of Need.
- 4) If two or more members of a family are receiving CCP services, the selection of the appropriate Fee Schedule [to be used under subsection \(b\)\(3\)](#) will be based upon the highest point count scored.
- 5)d) Use the available income and the applicant's/client's monthly cost for care with the appropriate Fee Schedule to determine the amount of applicant/client expense [thatwhich](#) will be incurred monthly for CCP services.

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(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.875 Client Responsibility

- a) The following requirements of Section 240.875 are applicable to all CCP clients for services provided prior to July 1, 2010:
- 1) Payment of an incurred monthly expense for ~~Community Care Program (CCP)~~ services, arrived at by use of the formula outlined in Section 240.870 shall be the responsibility of the client.
 - 2) If a client fails to make payment of the incurred monthly expense for more than ~~thirty (30)~~ calendar days from the date of the bill from the vendor, the vendor shall, request the Case Coordination Unit (CCU) to discontinue services to the client. The request shall be submitted in conformance with Section 240.935.
 - 3) Discontinued services shall be reinstated upon receipt of payment by the client to the vendor of the outstanding incurred monthly expense or upon receipt of a plan of payment of incurred expense as agreed upon by the vendor and the client. There shall be no loss of benefits to the client upon reinstatement due to the non-payment and discontinuance of services. Prior to reinstatement, the vendor shall notify the CCU that the past due payment has been received, or a plan of payment has been agreed upon and the CCU shall perform a redetermination of need for services.
- b) If a client desires services in addition to those authorized by ~~CCP~~ the Community Care Program, the client shall be responsible for full payment for those additional services.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART I: DISPOSITION OF DETERMINATION

Section 240.920 Reasons for Denial

Denial of ~~Community Care Program (CCP)~~ eligibility shall be based upon one or more of the reasons identified in this Section:

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- a) Applicant is less than 60 years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 total points/less than 15 points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care based upon the expense to be incurred monthly [for services provided prior to July 1, 2010](#), as required on the Client Agreement – Plan of Care.
- e) Applicant/authorized representative does not agree with ~~Plan of Care~~~~plan of care~~/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 calendar days from the date of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility for or to provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 calendar days after the date of receipt of the completed application.
- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.

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- n) A ~~Plan of Care~~~~plan of care~~ cannot be developed that adequately meets the applicant's determined needs.
- 1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets is in excess of \$17,500.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020 and Section 240.865.
- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition ~~that~~~~which~~ led to the memorandum of understanding (see Section 240.350) has been permanently resolved.
- t) Applicant has an outstanding bill for CCP services provided prior to July 1, 2010 ~~that~~~~this application which~~ he/she refuses to pay.
- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) Applicant received interim services provided prior to July 1, 2010~~in the past~~ for which an incurred expense was never paid.

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- w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.
- x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances ~~that which~~ have occurred prior to eligibility determination as required by Section 240.360.
- y) Applicant refuses to apply for and, if eligible, enroll in medical assistance under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] as required by Section 240.865.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.935 Discontinuance of Services to Clients

- a) The following requirements of Section 240.935 are applicable to all CCP clients for services provided prior to July 1, 2010.
 - 1) When a client fails to make payment, or refuses to make payment of his/her incurred expenses for ~~Community Care Program (CCP)~~ services provided by an authorized vendor within ~~thirty (30)~~ calendar days from the date of the vendor's bill to the client, the vendor may request the Case Coordination Unit (CCU) to discontinue services. (See Section 240.1520.) The CCU shall notify the client by regular mail on or before ~~fifteen (15)~~ calendar days from the date of the vendor request to discontinue services and the discontinuance shall be effective no sooner than ~~fifteen (15)~~ calendar days from the date of the notice.
 - 2)b) The vendor may, upon discontinuance, request reimbursement from the Department not to exceed ~~one hundred twenty (120)~~ calendar days charges to the client.
- b)e) Discontinued services may be reinstated only upon payment of the indebtedness by the client within one ~~(1)~~-year from the effective date of discontinuance of services. Upon receipt of ~~the such~~ payment, CCP services shall be reinstated without loss of benefits on or before ~~fifteen (15)~~ calendar days from the date of receipt. Written notification of reinstatement shall be provided to the client and the ~~vendors vendor(s)~~ by regular mail.

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- ~~c) d)~~ If discontinued services are not reinstated based on payment of indebtedness by the client within one ~~(1)~~ year from the effective date of discontinuance, services shall be terminated by the CCU.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.945 Notification

- a) Any client whose ~~Community Care Program (CCP)~~ services are being changed in the following manner shall be advised of the change by written notice: change of service type; reduced amount of service; increased monthly incurred expense prior to July 1, 2010; or termination.
- 1) ~~The Such~~ written notice shall be sent to a client by certified mail, return receipt requested, or given to the client personally, in which case the individual is to provide a signed and dated receipt for the notice. In the event of death of a client, regular mail is acceptable.
 - 2) The notice shall clearly state the reason for the action being taken.
 - 3) The client shall be notified of the action being taken no later than ~~fifteen~~ (15) calendar days from the date of redetermination and the action shall be effective no sooner than ~~fifteen~~ (15) calendar days from the date of the notice if the action is adverse to the client (see Section 240.160 for a definition of adverse action). This time frame does not apply to termination as a result of the non-cooperative act specified in Section 240.350(b)(1).
 - 4) In the event of death of the client, the termination shall be effective the date of the notice. The Case Action Notice form shall be dated and mailed/hand delivered on the same day.
- b) A CCP client's ~~service~~ service(s), as specified in subsection (a) ~~above~~, may be changed or reduced at the request of the client and not require the ~~fifteen~~ (15) calendar day notice period under the following circumstances:
- 1) the client provides the CCU with a signed statement that the change or reduction is at the client's request;

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- 2) the CCU, client and vendor mutually agree to the initiation of the change or reduction on the agreed upon date (which may be less than the required ~~fifteen~~(15) calendar days from the date of the notice to the client);
 - 3) A written notice is provided to the client (either by certified mail, return receipt requested, or handed to the client, with a receipt provided by the client for the notice) prior to the initiation of the change or reduction. The notice shall indicate the agreed upon effective date;
 - 4) rights of appeal shall not be denied to a client who has requested a change or reduction in CCP services; and
 - 5) the CCU has documented all of the [requirements of this subsection \(b\)above](#) and placed the client's statement in the client's file.
- c) When a redetermination of eligibility requires an increase, no change in service, or no change in the amount of expense to be incurred by the client (if applicable), the client shall be notified in writing. ~~TheSuch~~ notice shall be mailed by regular mail to the client within ~~fifteen~~(15) calendar days from the date of the redetermination.
 - d) A copy of any notification mailed/hand delivered to a client shall be mailed/provided to the appropriate vendor on the same date it is mailed/hand delivered to the client.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.950 Reasons for Termination

A client shall be terminated from ~~the Community Care Program~~(CCP) for one or more of the reasons identified in this Section:

- a) client is deceased;
- b) client is an in-patient of any institution or is otherwise not available for services for more than 60 calendar days;
- c) client's condition has improved and there is no longer a need for CCP services as measured by the CCP Determination of Need (DON);

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- d) client cannot be located;
- e) client has requested termination of services;
- f) client refuses transfer to a different vendor/Case Coordination Unit (CCU) and the current vendor/CCU cannot provide services needed by the client;
- g) client has failed to cooperate with the Department/CCU/vendor as required and as specified in Section 240.350;
- h) client no longer meets citizenship requirements;
- i) client no longer meets residency requirements;
- j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.
 - 1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed;
- k) client's non-exempt assets have increased and exceed \$17,500;
- l) client failed to report the transfer of non-exempt assets as required by Section 240.820;
- m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a) and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;
- n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;

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- o) client refuses to sign a Client Agreement – Plan of Care (see Section 240.855(c));
- p) client rejects CCP services under Section 240.330 and has so indicated on the Client's Vendor Selection form; or
- q) a client, whose CCP services were discontinued for non-payment of incurred expense for [services provided prior to July 1, 2010](#)~~care~~, has not made payment for the indebtedness; and has not received CCP services for more than one year (see Section 240.935(e)).

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART K: TRANSFERS

Section 240.1110 Individual Transfer Request – Vendor to Vendor – No Change in Service

- a) The Department, a Case Coordination Unit (CCU) or a client/authorized representative may request a transfer for provision of ~~Community Care Program (CCP)~~ services from one vendor to another vendor, within the same service area, and without any change in service needs. The transfer request may be initiated by verbally advising the CCU of the desired change in vendor. The CCU shall verbally advise the client of the vendor choices available. The CCU shall complete a new Client Agreement – Plan of Care and Client's Vendor Selection forms based upon that verbal advice from the client as to his/her selection.
- b) Reasons for the CCU to authorize a vendor to vendor transfer with no change in services provided may include:
 - 1) the needs of a client are not being met by the current vendor; or
 - 2) the client has exercised his/her right of freedom of choice and requested transfer.
- c) Within ~~five (5)~~ work days from the date of receipt of a verbal request to effect a transfer, the CCU shall forward a Client's Vendor Selection form and new Client Agreement to the client/authorized representative for signature.
- d) Within ~~thirty (30)~~ calendar days from the date of receipt of the signed Client's Vendor Selection form and Client Agreement;

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- 1) the CCU shall:
- A1) complete a Case Action Notice establishing the effective date of transfer; and
- B2) forward:
- iA) the original Case Action Notice to the client/authorized representative;
- iiB) a copy of the Case Action Notice, the original Client Agreement and a copy of the Case Documentation for Determination of Need to the receiving vendor on the same day the original Case Action Notice is sent to the client;
- iiiC) a copy of the Case Action Notice to transferring vendor.
- 23) ~~upon~~ receipt of the vendor's signature on the Client Agreement – Plan of Care, the CCU shall place a copy of the executed Client Agreement – Plan of Care ~~shall be placed~~ in the CCU's client file and a copy shall be forwarded to the client.
- e) The effective date of the transfer shall be within ~~fifteen (15)~~ calendar days from the date of the Case Action Notice and service shall be initiated by the receiving vendor without service interruption.
- f) If a delay in any of the ~~above~~ time frames established in this Section is caused by the documented action or inaction of the client/authorized representative, time frames shall be extended by the number of calendar days of the delay.
- g) If a client has any outstanding incurred expense due to the transferring vendor for services provided prior to July 1, 2010, the ~~such~~ incurred expense must be paid in full in accordance with Section 240.935 and Section 240.1130; subsection (d)(4)(B).

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.1120 Individual Transfer Request – Vendor to Vendor – With Change in

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- a) A request for transfer of a ~~Community Care Program (CCP)~~ client from one vendor to another vendor within the same service area ~~that~~^{which} requires a change in the services provided shall be effected by the Case Coordination Unit (CCU) following a redetermination of need. The request may be initiated by the Department, CCU, the vendor, or the client/authorized representative verbally or in writing to the CCU. The CCU shall complete the redetermination of need, including obtaining a completed and signed Client's Vendor Selection form and Client Agreement – Plan of Care from the client/authorized representative, within ~~thirty (30)~~ calendar days from the date of the request unless delayed by the client/authorized representative.
- b) Reasons for a vendor to vendor transfer with a required change in service may include:
 - 1) a change in the client's condition~~s~~; and
 - 2) the vendor's inability to meet the service needs of the client, as required by the plan of care.
- c) The CCU shall:
 - 1) no later than ~~fifteen (15)~~ calendar days from the date of redetermination, complete in accordance with Section 240.945 and forward:
 - A) the original Case Action Notice to the client/authorized representative;
 - B) a copy of the Case Action Notice, the original Client Agreement – Plan of Care and a copy of the Case Documentation for the Determination of Need to the receiving vendor on the same day the original Case Action Notice is sent to the client;
 - C) a copy of the Case Action Notice to the transferring vendor.
 - 2) Upon receipt of the vendor's signature on the Client Agreement – Plan of Care, a copy of the executed Client Agreement – Plan of Care shall be placed in CCU's client file and a copy shall be forwarded to the client.

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- d) The effective date of transfer shall be no later than ~~fifteen (15)~~ calendar days from the date of the Case Action Notice and service shall be initiated by the receiving vendor without service interruption.
- e) If any delay in any of the ~~above~~-time frames established in this Section is caused by the documented action or inaction of the client/authorized representative, time frames shall be extended by the number of calendar days of delay.
- f) If a client has any outstanding incurred expense due to the transferring vendor, for services provided prior to July 1, 2010, the~~such~~ incurred expense must be paid in full in accordance with Section 240.935 and Section 240.1130 ~~subsection~~(d)(4)(B).

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.1130 Individual Transfers – Case Coordination Unit to Case Coordination Unit

- a) A ~~CCP~~Community Care Program client may transfer from one Case Coordination Unit (CCU) service area to another CCU service area with continuous eligibility pending a redetermination of eligibility by the receiving CCU. ~~The~~Such transfer may be requested by the Department, a CCU, or the client/authorized representative verbally or in writing.
- b) A reason for transfer from CCU to CCU shall be a geographic change in the client's residence.
- c) The effective date of transfer shall be within ~~fifteen (15)~~ calendar days from the date of the Case Action Notice and services shall be initiated by the receiving vendor without service interruption.
- d) To implement the transfer, the transferring CCU, within ~~five (5)~~ work days from the date of a request or notice of need to transfer, or ~~five (5)~~ work days prior to the effective date of transfer, whichever provides the most notification to the receiving CCU, shall:
 - 1) notify the receiving CCU of the impending transfer and the desired date of transfer; ~~and~~

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- 2) forward to the receiving CCU the original case record of the transferring client; ~~and~~
 - 3) forward the Case Action Notice to client/authorized representative and a copy to the transferring vendor; ~~and-~~
 - 4) ~~transfer, if the~~ If a client ~~who is transferring from one CCU to another CCU~~ has any outstanding incurred expense due to the transferring vendor ~~for services provided prior to July 1, 2010, the transferring CCU shall transfer~~ the client's case record to the receiving CCU and:
 - A) advise the receiving CCU in writing not to begin the vendor selection process or initiation of service until such time as the transferring vendor has advised the receiving CCU in writing that payment in full has been received from the transferring client; ~~;~~ and
 - B) notify the client in writing that services will be discontinued for non-payment of incurred expense for care in accordance with Section 240.935.
- e) The receiving CCU shall:
- 1) ~~Upon~~ receipt of the Client's Case Record, advise the client/authorized representative as to the vendors in the CCU's area ~~that~~ which are authorized, and appropriate, to provide the client's service needs in accordance with the client's plan of care. The client shall advise the CCU as to his/her selection and the CCU shall complete a new Client Agreement – Plan of Care and Client's Vendor Selection ~~form~~ forms.
 - 2) Forward to the client/authorized representative a completed Client's Vendor Selection form and new Client Agreement – Plan of Care for signature.
 - 3) Upon receipt of the signed Client's Vendor Selection form and Client Agreement – Plan of Care, complete a Case Action Notice establishing the effective date of the transfer.
 - 4) Forward:

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- A) the original Case Action Notice to the client/authorized representative;
 - B) a copy of the Case Action Notice, the old Client Agreement – Plan of Care and a copy of the old Case Documentation for the Determination of Need to the receiving vendor on the same day the original Case Action Notice is sent to the client.
- 5) Upon receipt of the vendor's signature on the new Client Agreement – Plan of Care, a copy of the executed Client Agreement – Plan of Care is to be placed in CCU's client file and a copy shall be forwarded to client.
- f) If any delay in any of the ~~above~~ time frames established by this Section is caused by the documented action or inaction of the client/authorized representative, time frames shall be extended by the number of days of delay.
 - g) The receiving CCU shall perform an initial determination of eligibility of the client and develop a new plan of care within ~~thirty (30)~~ calendar days from the date of receipt of the case record.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART O: PROVIDERS

Section 240.1520 Provider Responsibilities

- a) CCP services shall be purchased only from providers certified by the Department to provide those services.
- b) Providers shall carry general liability insurance in the single limit minimum amount of \$1,000,000 per occurrence, \$3,000,000 in the aggregate.
- c) Providers shall also carry the following insurance coverages:
 - 1) worker's compensation for direct service staff;
 - 2) volunteer protection equivalent to employees' coverage, including coverage for volunteer drivers/escorts; and

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- 3) motor vehicle liability, uninsured motorist and medical payments, if agency staff transport clients in agency vehicles, or proof of minimum motor vehicle liability, uninsured motorist and medical payments, if agency staff transport clients in the staffs' own vehicles.
- d) The policies or current letters documenting all provider agency insurance coverage and policies or current letters documenting staff coverage specified in subsection (b) or (c) shall be available to the Department upon request.
- e) All providers of CCP services must comply with all applicable local, State and federal statutes, rules and regulations.
- f) A provider shall provide services to all CCP clients referred by the Case Coordination Unit (CCU), with the following exceptions:
 - 1) The Plan of Care is determined to be inappropriate in the professional judgement of the provider.
 - A) The provider shall immediately notify the CCU of the provider's assessment and evaluation of the situation.
 - B) The provider and the CCU shall work together to determine if a Plan of Care that adequately meets the client's needs can be developed.
 - C) In the event the provider and the CCU cannot reach an agreement, the Department shall be contacted and shall determine the final resolution.
 - 2) The provider is unable to accept all CCP referrals.
 - A) The provider shall request a cap on the number of clients to be served (service cap), in writing, to the Department.
 - B) The Department will not approve a service cap for a provider that is the only provider of in-home service in the service area or when it is not in the best interest of the program.

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- C) Upon approval of the request, the provider assumes responsibility for managing intake to maintain the cap.
- g) Any temporary change or deviation from the Plan of Care must be documented by the provider in the client's file. A provider shall not deviate from the client's Plan of Care without receipt of verbal (followed up, within 2 working days, with written instruction to be placed in the client's file) or written instruction from the Department or the CCU, except in cases of emergency, client refusal of service or client failure to be home to receive service.
- h) It shall be the responsibility of the provider to advise the CCU of any change in the client's physical/mental/environmental needs that the provider, through the direct service worker/supervisor, has observed, when the change would affect the client's eligibility or service level or would necessitate a change in the Plan of Care.
- i) All providers shall reply to requests by a client, by telephone or in writing, within 15 calendar days from the date of the request. The request and the response shall be documented in the client's file.
- j) Providers shall electronically submit a Vendor Request for Payment (VRFP) that shall be received by the Department no later than the 15th day of the month following the month in which services were provided. The VRFP shall state the number of units of service provided to each identified client during the service month.
- 1) [Service Provided Prior to July 1, 2010:](#)
Reimbursement to the provider by the Department will be adjusted by calculating and deducting the client's incurred expense for care based upon the fixed fee share rate. Providers shall bill the Department for service rendered to clients in increments of full or one-half units only.
- 2) [Service Provided On and After July 1, 2010:](#)
[Providers shall be reimbursed by the Department for the entire rate for each unit of service. There is no longer a deduction for the client's incurred expense for care. Providers shall bill the Department for service rendered to clients in increments of quarter units.](#)
- k) Client Incurred Expenses [for Service Provided Prior to July 1, 2010](#)

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- 1) The provider shall be responsible for the collection from the client of the client incurred expense for care provided to the client in the following manner:
 - A) The billing shall be based, for each client, upon the units of service provided and the fixed fee share rate for the client's incurred expense for care as described in Section 240.870.
 - B) The provider must bill the client within 60 calendar days after the month in which the service was rendered.
 - C) A provider who fails to bill the client within 60 calendar days shall forfeit the right to collect the incurred expense for care. The client shall not be required to pay the expense and client services shall not be discontinued for failure to pay.
- 2) Providers shall not require clients to pay a greater share of the cost of services prescribed in the Plan of Care than required by the Client Agreement.
- 3) If a client requests additional service from the provider other than that allowed by the Client Agreement, the Department will not be billed for those additional units of service.
- 4) Providers may accept partial or full payment from a third party for a client's incurred expense. However, the liability for the proportionate share, if third party payment is not received, remains with the client as indicated by the expense for care agreement executed by the client and included as an integral part of the Client Agreement.
- 5) Providers have the option of not billing a client for the incurred expense for care. The client must be notified in advance if billing resumes.
- 6) Providers shall respond verbally or in writing to the client on any question presented to the provider, either verbally or in writing, regarding the validity of a billing. If the question is not resolved to the satisfaction of the client, the provider shall advise the client of his/her right to appeal the question, and the provider shall assist the client in filing an appeal if

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requested or needed. The provider shall also advise the client that non-payment shall result in discontinuance of CCP services. Providers may not discontinue services until authorized to do so by the CCU (refer to Section 240.935 of this Part).

~~7)h~~ The provider shall advise the CCU of any failure by a client to pay a monthly bill rendered by the provider for services provided to the client for more than 30 calendar days from the date of the initial monthly billing. The provider may request the CCU to discontinue service to the client in default as stated above (refer to Sections 240.875 and 240.935 of this Part).

~~8)m~~ If the client makes payment to the provider for incurred monthly expense that has already been reimbursed to the provider by the Department, the provider shall reimburse the Department within 30 calendar days from the date of receipt of payment from the client.

~~l)n~~ Providers shall provide the Department with an annual audit report to be completed by an independent Certified Public Accountant and in accordance with 74 Ill. Adm. Code 420.Subpart D. The audit report shall be filed at the offices of the Illinois Department on Aging, 421 East Capitol Avenue, #100, Springfield, Illinois 62701-1789, within 6 months from the date of the close of the provider's business fiscal year.

~~m)e~~ Providers must accept all correspondence from the Department. Failure to do so may lead to contract action (refer to Section 240.1665).

~~n)p~~ Records

- 1) Providers must maintain records for administration, audit, budgeting, evaluation, operation and planning efforts by the Department in offering CCP services, including:
 - A) records of all CCP referrals to the provider, including the disposition of each referral;
 - B) client records, which shall include, but are not limited to, applicable forms as required by the Department;

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- C) administrative records, including:
- i) data used by the Department to provide information to the public;
 - ii) service utilization;
 - iii) complaint resolution; and
 - iv) billing and payment information, plus the underlying documentation to support the units of service submitted to the Department for reimbursement.

- 2) These records shall be available at all times to the Department, the Illinois Department of Healthcare and Family Service (HFS), the U.S. Department of Health and Human Services (HHS), and/or any designees, and shall be maintained for a period of at least 6 years from the termination date of the Provider Agreement. Any records being maintained under this subsection ~~(n)(p)~~ by a provider who ceases to provide the agreed services shall be transmitted in accordance with Subpart K.

~~o)(p)~~ Providers must notify the Department within 7 days after any change in agency information (e.g., acquisition, assignment, consolidation, merger, sale of assets, transfer, etc.) or contact information (e.g., address, telephone, fax, email address, contact person, authorized representative, etc.).

- 1) Providers must notify the Department at least 30 days in advance of any relocation of their administrative office.
- 2) Providers must submit documentation of changes in provider name, corporate structure and/or Federal Employer Identification Number to the Office of General Counsel. This documentation shall be reviewed to determine if an assignment of the Provider Agreement has occurred (see Section 240.1607(k)).

~~p)(f)~~ Providers must conduct criminal background checks, as required by the Illinois Healthcare Worker Background Check Act [225 ILCS 46], and check the HHS exclusion database and the HFS Office of Inspector General database on all

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agency staff and all regularly scheduled volunteers having access to financial information or one-on-one contact with CCP clients.

- 1) Provider agencies shall comply with the requirements of the Health Care Worker Background Check Act.
- 2) Staff refusing to submit to a background check shall not have contact with CCP clients in any capacity.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.1550 Standard Requirements for Adult Day Service Providers

- a) An adult day service provider shall have on file and utilize written procedures to manage storage and administration of medications, including:
 - 1) storing and locking medications;
 - 2) labeling medications brought to the adult day service provider's site; and
 - 3) ensuring that:
 - A) prescribed medication is administered by an appropriately licensed professional to those adult day service clients who are determined to be unable to self-administer medications;
 - B) judgment of a client's inability to self-administer medications shall be documented by a physician's order or the CCU Plan of Care and/or the adult day service Plan of Care by the program nurse;
 - C) administration of all medications administered by the adult day service provider staff (prescription and non-prescription) are recorded in the client's case record; and
 - D) physician orders for medication are utilized and filed in the client's case record.
- b) A facility that houses an adult day service program (including satellite sites) shall meet the following criteria:

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- 1) A separate identifiable area must be designated for sole use by the adult day service program, and a schedule established and posted for usage of any common program areas shared with other programs.
- 2) There shall be a minimum of 40 square feet of activity area per client. (Multiple-use areas must be pro-rated on both time and client basis.) The activity area in the square feet per client requirement is exclusive of exit passages and fire escapes, administrative space, storage areas, bathrooms, kitchen used for meal preparation, space required for equipment and gymnasiums or other areas when used exclusively for active sports.
- 3) All adult day service providers shall comply with the applicable provisions of the following codes and standards.
 - A) State of Illinois Codes and Standards

	Code or Standard	Agency
i)	Ill. Plumbing Code (77 Ill. Adm. Code 890)	Department of Public Health or its authorized local designee
ii)	Illinois Accessibility Code (71 Ill. Adm. Code 400) Environmental Barriers Act [410 ILCS 25]	Capital Development Board offers guidance to design professionals and building code officials regarding the interpretation and application of the Illinois Accessibility Code

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NOTE: It shall be incumbent upon the provider to assure that its facility meets all applicable requirements as promulgated by the Capital Development Board. (No written documentation shall be required.)

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| iii) | Fire Prevention and Safety (41 Ill. Adm. Code 100) | Office of State Fire Marshal |
| iv) | Illinois Vehicle Code [625 ILCS 5] | Secretary of State of Illinois |
| v) | Food Service Sanitation (77 Ill. Adm. Code 750) | Department of Public Health or its authorized local designee |

B) Other Codes and References

Code or Standard**Agency**

- | | | |
|-----|--|---|
| i) | National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471 (NFPA 101 Life Safety Code: Chapters 16 and 17; 2009 edition; this incorporation includes no later editions or amendments) | National Fire Protection Association and Office of State Fire Marshal shall inspect |
| ii) | Americans With Disabilities Act (42 USC 12101 et seq.) | |

C) In addition to compliance with the standards set forth in this subsection (b)(3), all applicable local and State building, fire,

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health and safety codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed and documented through required inspections by appropriate officials.

- 4) Each facility shall have posted an emergency plan for evacuation and shall conduct quarterly fire drills in accordance with subsection (b)(3)(B)(i). Documentation of the dates of the fire drills must be on file at the facility.
- 5) Each facility shall maintain room temperatures in the facility of not less than 70 degrees Fahrenheit and not more than 85 degrees Fahrenheit by utilizing heating system/air conditioning/circulating fans.
- 6) Each facility shall designate a dining area (equipped with a sufficient number of chairs and table space) to accommodate the daily number of clients.
- 7) Each facility shall have and maintain in working order during operating hours at least one bathroom facility that is physically accessible to persons with disabilities for up to 12 clients and a minimum of 2 bathroom facilities (one accessible to persons with disabilities) to serve 13 or more clients.
- 8) Each facility shall have space for office equipment and storage of supplies.
- 9) Hot water temperatures shall be controlled to not exceed ~~119~~140 degrees but not less than 100 degrees Fahrenheit in client areas and bathroom facilities through appropriate plumbing mechanisms (e.g., anti-scald devices, pumps, and/or hot water tank thermostat settings).
- 10) Unsupervised clients shall not be allowed in the kitchen if water temperatures are not controlled as required in subsection (b)(9). Clients should not be allowed in areas where supplies/medications are stored or where a microwave is in use unless supervised.
- 11) Each facility shall have at least one quiet place equipped with a reclining chair, cot or bed where a client may rest.
- 12) Exit areas shall be clear of equipment and debris at all times and shall be

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equipped with monitoring or signaling devices to alert staff to clients leaving the facility unattended.

- 13) One landline telephone capable of accessing and being located by a 911 emergency response system, if available in the area, shall be immediately available within the client activity area. A list of emergency numbers shall be posted by the telephone.
 - 14) Supplies and equipment for emergency first aid shall be immediately accessible to client activity areas.
- c) An adult day service provider (including each satellite site) shall meet the following criteria relative to meals provided to clients (prepared on-site or contractual):
- 1) The adult day service provider shall provide to each client one meal at mid-day meeting a minimum of 33 percent of the Dietary Reference Intakes (DRI) (10th Revised Edition) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, 500 Fifth Street NW, Washington DC 20001 (2006; no further amendments or editions included). Supplementary nutritious snacks shall also be provided. The adult day service provider shall provide modified diets as directed by the client's physician.
 - 2) Adult day service providers (whether meals are prepared on-site or contractually) shall:
 - A) Have menus approved and so documented by the registered dietitian. Menus shall reflect portion sizes as appropriate.
 - B) Post menus in advance in a location visible to the clients within the adult day service facility.
 - C) Assure that menus are planned for a minimum of 4 weeks on a menu form.
 - D) Develop methods and follow written procedures to control portion sizes and to meet the one-third daily dietary reference intakes recommended.

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- E) One employee at each adult day service site, either handling/preparing or supervising the handling/preparing of foods, shall meet Food Service Sanitation rules of the Illinois Department of Public Health (77 Ill. Adm. Code 750).
- F) Have on file and follow written procedures for receiving and storing food that must include:
 - i) verification of food quantities;
 - ii) checking and documentation of food temperatures at time of delivery and serving;
 - iii) equipment to be utilized;
 - iv) procedures to follow for foods that arrive above or below temperature, deteriorated food and food shortages.
- G) Ensure that catered meals are transported in equipment that maintains temperatures of hot food at 140 degrees Fahrenheit, or above, and cold foods at 41 degrees Fahrenheit, or below. Foods shall be maintained and served at the above temperatures at the adult day service site.
- H) Ensure that potentially hazardous foods (i.e., food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms) intended to be served cold shall be pre-chilled and transported/maintained at a temperature of 41 degrees Fahrenheit, or below. Potentially hazardous food intended to be served hot shall be transported/maintained at a temperature of 140 degrees Fahrenheit, or above.
- I) Ensure that potentially hazardous foods prepared on-site shall be prepared in accordance with required cooking temperatures as specified by 77 Ill. Adm. Code 750 and maintained until service at 140 degrees Fahrenheit, or above, for hot foods and 41 degrees

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Fahrenheit, or below, for cold foods.

- J) If food is prepared by a caterer, the adult day service provider shall keep a copy of the current caterer's inspection certificates/letters on file to verify that the operation complies with all health, safety and sanitation regulations.
- d) An adult day service provider (including each satellite site) shall comply with applicable requirements of the current Illinois Vehicle Code [625 ILCS 5] and meet the following criteria relative to transportation provided to clients (directly or contractually):
- 1) Adult day service provider vehicles that transport clients shall be equipped with a working 2-way communications device and written procedures to be followed in the event of an emergency.
 - 2) An adult day service provider that uses its own vehicles to transport clients shall have on file and utilize written procedures to ensure, to the extent possible, that safe client transportation is provided.
 - 3) An adult day service provider that subcontracts with another entity to transport clients shall have on file and incorporate written procedures in the service agreement to ensure, to the extent possible, that safe client transportation is provided.
- e) Adult day service providers shall acquire and have on file an emergency contact and a recent photograph of each client for emergency purposes.
- f) An adult day service provider shall provide services to all CCP clients referred by the CCU, except:
- 1) clients who do not meet the adult day service provider's admission criteria; and
 - 2) current clients whose condition warrants discharge under the adult day service provider's discharge criteria.

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- g) It is the adult day service provider's responsibility to advise the primary caregiver, the client's case manager and/or appropriate professional of any changes in the client's health or functional ability.
- h) Management staff of the adult day service provider shall be required to complete adult day service management training.
 - 1) Training shall be completed by the provider prior to the award of a CCP adult day service contract from the Department.
 - 2) At a minimum, the provider Program Administrator, or Program Coordinator/Director if also functioning as the Program Administrator, shall complete this training.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

SUBPART T: FINANCIAL REPORTING

Section 240.2020 Financial Reporting of In-home Service

- a) Provider agencies will be required to submit a cost report as described in this Section, the Direct Service Worker Cost Certification. The report must be based upon actual, documented expenditures.
 - 1) The report must be submitted annually, within 6 months of the end of the reporting period, and may be prepared as a part of the provider's annual audit.
 - 2) The report may be on either a calendar year basis or the provider's fiscal year (once a provider has elected to base the reports on a calendar or fiscal year, this election can be changed only upon written approval of the Department).
- b) The cost report must demonstrate that the provider has expended a minimum of 77% of the total revenues due from the Department, to include the client incurred expense [that may have been applicable prior to July 1, 2010](#), for direct service worker costs as enumerated in Section 240.2050. For purposes of this report, the phrase "total revenues due from the Department" does not include any amount received as an enhanced rate for health insurance costs by a qualifying in-home

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service provider under Public Act 95-713 on or after July 1, 2008.

- c) The cost report shall identify the provider's expenditures for direct service worker costs of program support costs, and administrative costs as enumerated in Section 240.2050.
- d) The accuracy of the report must be attested to by an authorized representative of the provider.
- e) The Department reserves the right to require the provider to engage an independent certified public accounting firm to verify the information and data submitted by the provider if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the provider's expense.

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

Section 240.2040 Minimum Direct Service Worker Costs for In-home Service

- a) Providers are required to expend a minimum of 77% of the total revenues due from the Department (see Section 240.2020(b)) to include the client incurred expense [that may have been applicable](#) for direct service worker costs [prior to July 1, 2010](#), as enumerated in Section 240.2050, during a reporting year.
 - 1) This percentage is to be adhered to on a statewide basis.
 - 2) The remaining 23% of the total revenues may be spent by the provider agencies at their discretion on administrative or program support costs, also delineated in Section 240.2050.
- b) Failure of the provider to meet the requirements in subsection (a) may result in the following:
 - 1) The provider will be required to submit and observe a Department-approved corrective action plan that shall include provider payments to current direct service workers in an amount that will, in total, bring the provider into compliance with the requirements of subsection (a).
 - 2) Failure by the provider to submit and/or observe a corrective action plan

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may result in the following Department sanctions:

- A) closure of intake (all or some contracts) for a period of time provided by written notice to the provider; or
- B) termination (all or some contracts).

(Source: Amended at 35 Ill. Reg. 8919, effective June 2, 2011)

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- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.280 Adopted Action:
New Section
- 4) Statutory Authority: Authorized by Sections 4b, 8a(1) and 9(7) of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a] and Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 5) Effective Date of Rulemaking: June 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: January 21, 2011; 35 Ill. Reg. 1289
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The heading for Section 305.280 in the table of contents and at the beginning of the Section is changed from April 1, 2011 to June 1, 2011. The same date change is made throughout Section 305.280 in both subsections (a) and (b). This date change accommodates a later Joint Committee on Administrative Rules consideration of the amendments and CMS adoption notice. In the Section 305.280 subsection (b), the wording identifying the affected employees is changed to that recommended by the Joint Committee's staff.
- 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

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- 15) Summary and Purpose of Rulemaking: The Department of Central Management Services (CMS) is amending the Extensions of Jurisdiction (80 Ill. Adm. Code 305) by adding Section 305.280 to reflect seven Memoranda of Understanding between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois. The first Memorandum of Understanding (MOU) pertains to the non-Personnel-Code Program Manager title at the Department of Central Management Services' Bureau of Communication and Computer Services (BCCS) and was signed September 17, 2009. The second and third Memoranda of Understanding pertain to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' BCCS and was corrected after being signed December 16, 2009. The fourth MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' BCCS and was signed December 16, 2009. The fifth MOU pertains to the non-Personnel-Code Network Engineer Manager II title at the Department of Central Management Services' BCCS and was signed June 14, 2010. The sixth MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' Illinois Office of Communication and Information and was signed December 16, 2009. The seventh MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' Bureau of Benefits and was signed December 16, 2009.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Mr. Jeff Shuck
CMS Deputy General Counsel-Bureau of Personnel
720 Stratton Office Building, Floor 7
Springfield, Illinois 62706
- Telephone: 217/782-5778
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
<u>305.280</u>	<u>Extends Jurisdiction A, B and C (June 1, 2011)</u>

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

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979;

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codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011.

Section 305.280 Extends Jurisdiction A, B and C (June 1, 2011)

- a) Effective June 1, 2011, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Services' Bureau of Communication and Computer Services positions performing work as Program Manager, Technical Manager V or Network Engineer Manager II; to the Department of Central Management Services' Illinois Office of Communication and Information position performing work as Technical Manager V, and to the Department of Central Management Services' Bureau of Benefits position performing work as Technical Manager V.
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to June 1, 2011 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective June 1, 2011.

(Source: Added at 35 Ill. Reg. 8982 effective June 1, 2011)

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- 1) Heading of the Part: Metropolitan Pier and Exposition Authority or Rosemont Incentive Fund Grant Program
- 2) Code Citation: 14 Ill. Adm. Code 511
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
511.10	New
511.20	New
511.30	New
511.40	New
511.50	New
511.60	New
511.70	New
511.80	New
511.90	New
511.100	New
511.110	New
511.120	New
511.130	New
- 4) Statutory Authority: Implementing and authorized by Section 605-725 of the Civil Administrative Code of Illinois [20 ILCS 605/605-725] and the Metropolitan Pier and Exposition Authority Act [70 ILCS 210]
- 5) Effective Date of Rulemaking: June 1, 2011
- 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 rulemaking, 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: 35 Ill. Reg. 1; January 3, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made.

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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? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This Part provides an incentive reimbursement fund to attract convention business and/or tradeshow with attendance of 5,000 or more attendees. The funding is generated by the increase in State tax revenues generated by the attendee spending during the convention and/or tradeshow. This program is a joint initiative with the Department of Commerce and Economic Opportunity and the Metropolitan Pier and Exposition Authority (MPEA) in conjunction with the Chicago Convention and Tourism Bureau (CCTB) and the Village of Rosemont.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 511

METROPOLITAN PIER AND EXPOSITION AUTHORITY
OR ROSEMONT INCENTIVE FUND GRANT PROGRAM

Section

511.10	Purpose
511.20	Definitions
511.30	Eligible Applicant
511.40	Project Eligibility/Application
511.50	Application Process
511.60	Grant Agreement
511.70	Distribution of Grant Funds
511.80	Annual Certification
511.90	Annual Certification Supporting Documentation
511.100	Allocation of Appropriations
511.110	Funding Limitation
511.120	Department Recognition
511.130	Books, Records and Audits

AUTHORITY: Implementing and authorized by Section 605-725 of the Civil Administrative Code of Illinois [20 ILCS 605/605-725] and the Metropolitan Pier and Exposition Authority Act [70 ILCS 210].

SOURCE: Adopted at 35 Ill. Reg. 8986, effective July 1, 2011.

Section 511.10 Purpose

Section 605-725 of the Civil Administrative Code of Illinois and Section 5(l) of the Metropolitan Pier and Exposition Authority Act authorize the Department to make Grants to the Authority and the Village of Rosemont to attract large conventions, meetings and trade shows to be held at the Facilities.

Section 511.20 Definitions

The following definitions are applicable to this Part:

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"Agreement" or "Grant Agreement" means a written document executed between the Grantee and the Department setting forth the rights and obligations of the parties, describing the purpose of the Grant, identifying the manner in which Grant Funds will be paid and expended, specifying the Grant terms during which Grant Funds may be expended, requiring unspent Grant Funds to be returned to the State and other provisions set forth in Section 511.60.

"Applicant" means the Metropolitan Pier and Exposition Authority, as defined in the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/2], and the Village of Rosemont.

"Application" means the Applicant's request for Grant Funds, which shall be submitted on the form prescribed and provided by the Department, and shall include supporting documents or attachments as may be required or necessary.

"Authority" means the Metropolitan Pier and Exposition Authority, as defined by the Metropolitan Pier and Exposition Authority Act. *MPEA was created as a political subdivision, unit of local government with only those powers authorized by law, body politic and municipal corporation by the name and style of Metropolitan Pier and Exposition Authority with its principal office in the City of Chicago [70 ILCS 210/3] and is responsible for promoting, operating and maintaining fairs, expositions, meetings and conventions in the Metropolitan Area [70 ILCS 210/4].*

"Chicago Convention and Tourism Bureau" means the not-for-profit organization responsible for promoting the City of Chicago and its facilities as an ideal tourism destination for all types of visitors and attracting conventions to Chicago's downtown area.

"Convention Centers" or "Facilities" means Navy Pier, McCormick Place (the Expansion Project), which are owned and operated by the MPEA, or the Donald E. Stephens Convention Center, which is owned and operated by the Village of Rosemont.

"Department" means the Department of Commerce and Economic Opportunity of the State of Illinois.

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"Department Logo" means a form of recognition stipulated and supplied by the Department to identify the Project as being funded in part through Grant Funds from the Department.

"Director" means the Director of the Department of Commerce and Economic Opportunity.

"Donald E. Stephens Convention Center" means the facility used as exhibition space for meetings, conventions and exhibits, which is owned and operated by the Village of Rosemont.

"Economic Impact" means the direct financial outcome of visitor spending resulting from attendance at conventions, meetings, exhibitions, trade shows and events at the Convention Centers.

"Eligible Project" or "Event" means a large convention, meeting, tradeshow or similar event held or hosted at one of the Facilities in which registered attendance is in excess of 5,000 or 10,000 individuals, as appropriate to the amount of the Incentive Grant and, as of January 1, 2010, has not previously contracted with the Convention Centers to hold or host an Event at one of its Facilities.

"Grant" or "Incentive Grant" means reimbursement to the Authority or the Village for incentives awarded by the Authority or the Village to attract an Event at one of its Facilities as authorized by the Act. The incentives may take the form of discounts from regular fees charged by the Convention Centers, subsidies for or assumption of the costs incurred with respect to the Event, or other inducements.

"Grant Amount" or "Grant Funds" means the monetary amount that the Department approved and will award to the Grantee for reimbursement of incentives related to the Project or activities contained in the scope of work.

"Grantee" means the Metropolitan Pier and Exposition Authority or the Village of Rosemont.

"Illinois Office of Tourism" means the division of the Department that has the delegated authority to perform all administrative functions relating to the Act.

"Metropolitan Area" means *all that territory in the State of Illinois lying within the corporate boundaries of the County of Cook* [70 ILCS 210/2].

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"Program" means the Metropolitan Pier and Exposition Authority and the Rosemont Incentive Fund Grant Program described in this Part.

"Project" means large conventions, meetings and trade shows that will be held at one or more of the Facilities as described by the Applicant in its Application and approved by the Department in the scope of work of the Grant Agreement.

"Project Budget" means an itemized list of incentives associated with the Project described in the Grant Agreement.

"Registered Attendance" means the actual documentable number of individuals that paid to attend and/or attended a large convention, meeting or trade show that was held at one or more of the Facilities for which an Incentive Grant was awarded.

"Statute" means Section 605-725 of the Civil Administrative Code of Illinois [20 ILCS 605/605-725].

"Village" means the Village of Rosemont, Illinois.

Section 511.30 Eligible Applicant

The Authority and the Village are the entities authorized to apply for and receive Grant Funds for a Project.

Section 511.40 Project Eligibility/Application

In order for a Project to be eligible for funding under this Program, the Applicant, through its Application, must satisfy/document all of the following criteria.

- a) The Event must be scheduled to be held or hosted at one of the Facilities.
- b) The projected Registered Attendance for an Event held at an MPEA Facility must be either in excess of 5,000 or in excess of 10,000 registered individuals, as determined under Section 511.110. The projected Registered Attendance for an Event held at the Donald E. Stephens Convention Center must be in excess of 5,000 individuals.

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- c) The Applicant must establish a competitive need for the Incentive Grant by filing a written statement or other documentation evidencing that the receipt of the Grant is essential to the decision to hold or host the Event at one or more of the Facilities. The documentation must show that:
- 1) The Applicant is competing with multi-state or international location options and the Event could reasonably be located outside the State of Illinois; or
 - 2) The Applicant's receipt of the Grant is a major factor for the Event to be held at one or more of the Facilities.
- d) For Events held or to be held at MPEA Facilities, the Authority's Chief Executive Officer and the Authority's Chairman must approve the Project. For Events held or to be held at the Donald E. Stephens Convention Center, the Village must approve the Project. The approval/decision shall include a statement documenting:
- 1) The projected Economic Impact of the Eligible Project, including appropriate supporting data and previous history;
 - 2) For Events at a MPEA Facility, the projected Economic Impact for the Eligible Project must exceed the amount of the Incentive Grant, the amount of which has a direct correlation to the required Registered Attendance, whether it is in excess of 5,000 individuals or is in excess of 10,000 individuals. For Events at the Donald E. Stephens Convention Center, the projected Economic Impact for the Eligible Project must exceed the amount of the Incentive Grant, the amount of which has a direct correlation to the required Registered Attendance of more than 5,000 individuals; and
 - 3) Other relevant business decisions the Applicant considered in making its decision to book the Event.
- e) For Events at the MPEA Facilities, the Chicago Convention and Tourism Bureau must have been consulted about the Project.

Section 511.50 Application Process

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- a) Applications under this Program will be accepted on an ongoing basis beginning January 1, with funding awarded through December 31 of each calendar year, or until all appropriated funds have been awarded. The Applicant is required to submit its Application at least 60 days prior to the Event date in order to be considered for funding. However, depending on the purpose of the Grant, the need for the Grant, the Economic Impact to the State, and the timeliness of the Event, it is within the Department's discretion to waive this 60 day period.
- b) The Application will be considered delivered and submitted on the date it is emailed to the Department's Program Manager. The emailed Application will be considered the official Application. An original and 2 hard copies must be mailed or hand delivered to the Illinois Office of Tourism at the Department's Chicago or Springfield address within 2 days after submitting the electronic Application.
- c) Within 30 days after the Department receives the Application, the Program Manager shall notify the Applicant whether, after a brief review, the Application and attachments are complete. This notice is not in any way an acknowledgment by the Department as to the adequacy of the substance of the Application. If the Application and attachments are incomplete, the Applicant shall be notified of the deficiencies. The Applicant will then have 20 days to cure any deficiencies. In the event the Applicant fails to cure all deficiencies within the 20 days, the Application may be considered null and void and returned to the Applicant.
- d) Within 45 days from the date an Application is determined to be complete, the Program Manager shall notify the Applicant whether the Application has been preliminarily approved. If preliminarily approved, the Department will issue the Applicant a pre-event certification/preliminary approval letter. Similarly, if the Application has been rejected, the notification shall state the reasons for that determination. The preliminary approval will only become final, and Grant Funds will only be distributed after the Event has been concluded, and the annual certification process as outlined in Section 511.80 of this Part is fulfilled.
- e) Applicant can request by letter a withdrawal of the Application before the Event dates.

Section 511.60 Grant Agreement

- a) When an Application has received preliminary approval for funding, the Department and the Applicant/Grantee shall prepare a Grant Agreement anytime

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after the Event has taken place and before the date on which the annual certification including the Event is required to be filed. After the certification process outlined in Section 511.80 has been satisfied, the Grantee and the Department shall execute the Grant Agreement. The Grant Agreement may include one or more Events provided each Event has a pre-event certification/preliminary approval letter. The Grant Agreement shall be executed by the Grantee's authorized representative and the Director of the Department or the Director's designee on behalf of the Department.

- b) The Grant Agreement shall contain substantive provisions and, at a minimum, include the following:
- 1) A recitation of legal authority under which the Grant Agreement is made, the time period for which the Grant is valid and the time period during which the Grant Funds may be expended;
 - 2) An identification of the Project/scope of work to be performed or conducted by the Grantee;
 - 3) An identification of the amount of the Grant Award. Any Grant greater than \$25,000 will require the Grantee to file *quarterly reports describing the progress of the program, project, or use and the expenditure of the grant funds* [30 ILCS 705/4(b)(2)];
 - 4) *A provision that all funds remaining at the end of the Grant Agreement or at the expiration of the period of time Grant Funds are available for expenditure or obligation by the Grantee shall be returned to the State within 45 days* [30 ILCS 705/4(b)(5)];
 - 5) The conditions by, and manner in which, the Department shall distribute the Grant Funds to the Grantee, which, at all times, are subject to annual appropriation by the General Assembly;
 - 6) A promise by the Grantee not to assign or transfer any of the rights, duties or obligations of the Grantee without the Department's written consent;
 - 7) A provision that any amendments to the Grant Agreement must be made in writing;

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- 8) A covenant that the Grantee has provided space and services valued at least at the amount of the Grant Award and will expend the Grant Funds and any accrued interest only for the purposes of the Project as stated in the Grant Agreement and as approved by the Department;
- 9) A covenant that the Grantee will not enter into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under this Program;
- 10) A covenant that the Grantee is *required to permit the Department, the Auditor General or the Attorney General to inspect and audit any books, records, or papers related to the program, Project, or use for which the Grant Funds were provided* [30 ILCS 705/4(b)(4)];
- 11) *A provision in which the Grantee certifies under oath that all information in the Grant Agreement is true and correct to the best of the Grantee's knowledge, information, and belief; that the funds shall be used only for the purposes described in the Grant Agreement; and that the award of Grant Funds is conditioned upon such certification* [30 ILCS 705/4(b)(6)]; and
- 12) Other provisions that the Department deems necessary and appropriate.

Section 511.70 Distribution of Grant Funds

All Grant Funds shall be disbursed on a reimbursement basis only and are subject to appropriation. Before any Grant Funds may be disbursed to the Grantee, the Grantee must make the certification outlined in Section 511.80 and execute a Grant Agreement with the Department. Grant Funds shall be disbursed within 30 days after the later of July 15 or the date the Comptroller orders transferred and the Treasurer transfers into the Metropolitan Pier and Exposition Authority Incentive Fund from the General Revenue Fund the amount of the certified funds or \$15,000,000, whichever is less.

Section 511.80 Annual Certification

For any Grant Funds awarded and for each Event held in any given calendar year, on or before February 15 of the subsequent year, the Authority and the Village shall submit a certified

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statement and supporting documentation to the Department, the State Comptroller and the State Treasurer documenting the following:

- a) Authority:
 - 1) The Grant Award was approved by the Authority's Chief Executive Officer, the Authority's Chairman and the Department;
 - 2) Registered Attendance at the Event was either in excess of 5,000 individuals or in excess of 10,000 individuals (see Section 511.110), as required to meet the Economic Impact requirement; and
 - 3) But for the Incentive Grant, the Event would not have taken place at one or more of the MPEA Facilities.
- b) Village:
 - 1) The Grant Award was approved by the Village;
 - 2) Registered Attendance at the Event was in excess of 5,000 individuals; and
 - 3) But for the Incentive Grant, the Event would not have taken place at the Donald E. Stephens Convention Center.

Section 511.90 Annual Certification Supporting Documentation

When the Grantee submits its annual certification, it shall also include the supporting documentation, which includes the following:

- a) A copy of the pre-event certification/preliminary approval letter;
- b) Sufficient documentation evidencing that the required Registered Attendance for the Event was met. In the event the Registered Attendance requirement is not met or cannot be substantially documented, the Grantee will not be entitled to any Grant Funds;

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- c) A statement, with supporting documentation, comparing the projected/estimated Economic Impact with the actual Economic Impact as set forth in Section 511.40(d); and
- d) A letter from the Grantee certifying that the statements of comparison and the Registered Attendance required, as appropriate, were reviewed and audited by the Grantee's appropriate staff or an independent monitor or accountant and that he/she concurs with the findings and certifies the same.

Section 511.100 Allocation of Appropriations

Disbursement of Grant Funds by the Department under this Program shall be made from the Metropolitan Pier and Exposition Authority Incentive Fund.

Section 511.110 Funding Limitation

On an annual and ongoing basis, the Applicant may apply for one or more Grants, the total of which shall not exceed the following limits for the respective Applicants.

- a) Authority:
 - 1) *In no case shall more than \$5,000,000 be awarded in any one year to reimburse incentives granted conventions, meetings, or trade shows with a registered attendance of more than 5,000 and less than 10,000 [70 ILCS 210/5/1(1)]; or*
 - 2) In any one year, the amount of at least \$10,000,000 shall be awarded to reimburse incentives granted to conventions, meetings or trade shows with Registered Attendance in excess of 10,000.
- b) Village: In any one year, the amount of \$5,000,000 shall be awarded to reimburse incentives granted to *conventions, meetings or trade shows with Registered Attendance in excess of 5,000 [20 ILCS 605/605-725]*.

Section 511.120 Department Recognition

All Projects funded through this Program shall incorporate the current Department Logo and/or a statement that identifies the Project as being funded in part by the Department and/or the Illinois Office of Tourism.

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Section 511.130 Books, Records and Audit

The Grantee must, at all times, keep proper books, records and accounts in accordance with generally accepted accounting principles. The Grantee is *required to permit the Department, the Auditor General, or the Attorney General to inspect and audit any books, records, or papers related to the program, project, or use for which Grant Funds were provided* [30 ILCS 705/4(b)(4)].

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- 1) Heading of the Part: Angel Investment Credit Program
- 2) Code Citation: 14 Ill. Adm. Code 531
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
531.10	New
531.20	New
531.30	New
531.40	New
531.50	New
531.60	New
531.70	New
531.80	New
531.90	New
- 4) Statutory Authority: Implementing Section 5 and authorized by Section 15 of the Small Business Job Creation Tax Credit Act [35 ILCS 25/5 and 15]
- 5) Effective Date of Rulemaking: June 1, 2011
- 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 rulemaking, 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: 35 Ill. Reg. 331; January 7, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made. A definition for "full-time equivalent job" was added as a result of comments received during the First Notice period.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency amendment currently in effect? No. A companion emergency rule expired May 25, 2011.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Department is charged with implementation of the Angel Investment Credit Program in order to provide tax credit awards to claimants to help stimulate job growth and expand capital investment in Illinois.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

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TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITYPART 531
ANGEL INVESTMENT CREDIT PROGRAM

Section

531.10	Purpose
531.20	Definitions
531.30	Tax Credit Directives
531.40	Application Requirements
531.50	Application Review and Approval
531.60	Qualified New Business Registration Guidelines
531.70	Tax Credit Certificate
531.80	Reporting and Tracking Procedures
531.90	Noncompliance

AUTHORITY: Implementing and authorized by Section 220 of the Illinois Income Tax Act [35 ILCS 5/220]

SOURCE: Emergency rule adopted at 35 Ill. Reg. 535, effective December 27, 2010; emergency expired May 25, 2011; adopted at 35 Ill. Reg. 8999, effective June 1, 2011.

Section 531.10 Purpose

The Department is charged with implementation of the Angel Investment Credit Program in order to provide tax credit awards to claimants to help stimulate job growth and expand capital investment in Illinois.

Section 531.20 Definitions

The following definitions are applicable to the Angel Investment Credit Program.

"Act" means the Illinois Income Tax Act [35 ILCS 5].

"Angel investment" means a contribution of property, at a risk of loss, to a qualified new business venture as defined in the Act in exchange for stock, a partnership interest, or other ownership interest in the qualified new business

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venture. For the purposes of this definition, an investment is at risk of loss if its repayment depends entirely upon the success of the business operations of the qualified new business venture.

"Applicant" means a corporation, partnership, limited liability company, or a natural person that makes an investment in a qualified new business venture. The term "applicant" does not include a corporation, partnership, limited liability company, or a natural person who has a direct or indirect ownership interest of at least 51% in the profits, capital, or value of the investment or a related member. [35 ILCS 5/220(a)]

"Claimant" means an applicant certified by the Department who files a claim for a credit under Section 531.50. [35 ILCS 5/220(a)]

"Department" means the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 5/220(a)]

"Employee" means an individual who is a full-time employee and who is employed for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Full-time equivalent job" means the number of hours worked by multiple employees to equal the number of hours worked by one full-time employee. For purposes of this definition, full-time employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Qualified new business venture" means a business that is registered with the Department under Section 531.60. [35 ILCS 5/220(a)]

"Related member" means a person that, with respect to the investment, is any one of the following:

An individual, if the individual and the members of the individual's family (as defined in section 318 of the Internal Revenue Code (26 USC 318)) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the outstanding profits, capital, stock, or other ownership interest in the applicant.

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A partnership, estate or trust and any partner or beneficiary, if the partnership, estate or trust and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock or other ownership interest in the applicant.

A corporation and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of section 318 of the Internal Revenue Code (26 USC 318), if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code (26 USC 1563(e)), except that, for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in section 1563(e) of the Internal Revenue Code. [35 ILCS 5/220(a)]

Section 531.30 Tax Credit Directives

- a) *For taxable years beginning after December 31, 2010 and ending on or before December 31, 2016, subject to the limitations provided in the Act, a claimant may claim, as a credit against the tax imposed under subsections (a) and (b) of Section 201 of the Act, an amount equal to 25% of the claimant's investment made directly in a qualified new business venture. The credit under this Section may not exceed the taxpayer's Illinois income tax liability for the taxable year. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are*

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available to offset a liability, the earlier credit shall be applied first. In the case of a partnership or subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under sections 702 and 704 and subchapter S of the Internal Revenue Code (26 USC 702, 704 and subchapter S). [35 ILCS 5/220(b)]

- b) *The maximum amount of an applicant's investment that may be used as the basis for a credit under the Act is \$2,000,000 for each investment made directly in a qualified new business venture. [35 ILCS 5/220(c)]*
- c) *The aggregate amount of the tax credits that may be claimed under the Act for investments made in qualified new business ventures shall be limited at \$10,000,000 per calendar year. [35 ILCS 5/220(f)]*
- d) *A claimant may not sell or otherwise transfer a credit award under the Act to another person or entity. [35 ILCS 5/220(g)]*

Section 531.40 Application Requirements

- a) In order to qualify for a tax credit certificate under the Act, an applicant must adhere to the requirements established by the Department. The Department will provide interested applicants with information upon request. Submittal of an application does not commit the Department to award a tax credit or to pay any costs incurred by the applicant in the preparation of an application.
- b) All applications shall be submitted to the Department. The application shall at a minimum include:
 - 1) The name, address, email, and telephone number of applicant; key contact and title; applicant Social Security Number or Federal Employer Identification Number (FEIN);
 - 2) The total amount of aggregate private equity investment in cash or investment received since formation;
 - 3) Any other provisions or information the Department determines necessary to facilitate the Department's evaluation.

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- c) The applicant is responsible for the accuracy of all data, information and documentation submitted to the Department.
- d) Any materials or data made available or received by any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the applicant for, or recipient of, any tax credit under the Act.

Section 531.50 Application Review and Approval

- a) The Department shall accept applications after January 1, 2011 and via the procedures established by the Department. Applications will be reviewed in order received at the Department's Springfield office. Application tracking procedures shall be determined and established at the discretion of the Department.
- b) *After receipt of an application and upon satisfactory review, the Department shall issue a tax credit certificate stating the amount of the tax credit. [35 ILCS 5/220(d)]*
- c) *On a form provided by the Department, the claimant must annually report and certify that claimant's investment has been made and remains in the qualified new business venture. Upon satisfactory review, the Department shall annually certify that the claimant's investment has been made and remains in the qualified new business venture for no less than 3 years. [35 ILCS 5/220(d)]*

Section 531.60 Qualified New Business Registration Guidelines

- a) *A business desiring registration shall submit an application to the Department in each taxable year for which the business desires registration. [35ILCS 5/220(e)]*
- b) *The Department may register the business only if the business satisfies all of the following conditions:*
 - 1) *It has its headquarters in this State;*
 - 2) *At least 51% of the employees employed by the business are employed in this State;*

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- 3) *It has the potential for increasing jobs in this State, increasing capital investment in this State, or both, and either of the following apply:*
 - A) *It is principally engaged in innovation in any of the following: manufacturing; biotechnology; nanotechnology; communications; agricultural sciences; clean energy creation or storage technology; processing or assembling products, including medical devices, pharmaceuticals, computer software, computer hardware, semiconductors, other innovative technology products, or other products that are produced using manufacturing methods that are enabled by applying proprietary technology; or providing services that are enabled by applying proprietary technology; or*
 - B) *It is undertaking pre-commercialization activity related to proprietary technology that includes conducting research, developing a new product or business process, or developing a service that is principally reliant on applying proprietary technology;*
- 4) *It is not principally engaged in real estate development; insurance; banking; lending; lobbying; political consulting; professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants; wholesale or retail trade; leisure; hospitality; transportation; or construction, except construction of power production plants that derive energy from a renewable energy resource, as defined in Section 1 of the Illinois Power Agency Act [20 ILCS 3855];*
- 5) *It has fewer than 100 employees at initial time of registration;*
- 6) *It has been in operation in Illinois for not more than 10 consecutive years prior to beginning of the year of certification; and*
- 7) *It has received not more than*
 - A) *\$10,000,000 in aggregate private equity investment in cash or*
 - B) *\$4,000,000 in investments that qualified for tax credits. [35 ILCS 5/220(e)]*

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- c) For purposes of subsection (b), the number of employees of a business shall be determined on a full-time equivalent basis.

Section 531.70 Tax Credit Certificate

- a) Per the requirements of the Act and upon satisfactory compliance with registration guidelines, the Department shall provide the claimant with a tax credit certificate. The certificate shall include the following:
 - 1) The name and Social Security Number or FEIN of the claimant;
 - 2) The date on which the certificate is issued;
 - 3) The tax credit amount; and
 - 4) Any other information the Department determines to be appropriate.
- b) Except as provided in Section 531.40(d), information contained in certificates issued under the Act shall be subject to reporting under Section 531.80.

Section 531.80 Reporting and Tracking Procedures

- a) *On or before March 1 of each year, the Department shall report to the Governor and to the General Assembly on the tax credit certificates awarded under this Section for the prior calendar year. [35 ILCS 5/220(h)]*
- b) *This report must include, for each tax credit certificate awarded:*
 - 1) *The name of the claimant and the amount of credit awarded or allocated to that claimant;*
 - 2) *The name and address of the qualified new business venture that received the investment giving rise to the credit and the county in which the qualified new business venture is located; and*
 - 3) *The date of approval by the Department of the applications for the tax credit certificate. [35 ILCS 5/220(h)(1)]*
- c) The report must also include:

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- 1) *The total number of applicants and amount awarded for tax credit certificates awarded under the Act in the prior calendar year;*
- 2) *The total number of applications and amount for which tax credit certificates were issued in the prior calendar year; and*
- 3) *The total tax credit certificates and amount authorized under the Act for all calendar years. [35 ILCS 5/220(h)(2)]*

Section 531.90 Noncompliance

- a) *If the Department determines that a claimant who has received a credit under the Act is not complying with the requirements or provisions of the Act, including any investment for which a claimant is allowed a credit under Section 220(b) of the Act and is held by the claimant for less than 3 years, or, if within that period of time, the qualified new business venture is moved from the State of Illinois, the claimant shall pay to the Department of Revenue, in the manner prescribed by the Department of Revenue, the amount of the credit that the claimant received related to the investment. [35 ILCS 5/220(d)]*
- b) *The Department, in consultation with the Department of Revenue, may adopt other rules and procedures necessary to implement the Act. [35 ILCS 5/220(f)]*

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) Section Number: 330.40 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) Effective Date of Amendments: June 2, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 35 Ill. Reg. 4865; April 1, 2011
- 10) Has JCAR issued a Statement of Objections to this Amendment? No
- 11) Differences between proposal and final version: Several grammatical and nonsubstantive technical changes were made in accordance with JCAR's recommendation.
- 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 amendment replace any emergency rulemaking currently in effect? Yes; 35 Ill. Reg. 5654
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: These proposed amendments will ensure compatibility with the U.S. Nuclear Regulatory Commission's (NRC) 10 CFR 30 license exemptions currently in place. Agreement States such as Illinois were required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a

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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 exemptions for timepieces, precision balances, smoke detectors and marine compasses. It also prohibits the practice of combining exempt quantities to assemble larger sources of radiation.

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 30. 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.

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

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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TITLE 32: ENERGY

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

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

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

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SOURCE: Filed April 20, 1974, 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. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011.

SUBPART A: GENERAL PROVISIONS

Section 330.40 License Exemption – Radioactive Materials Other Than Source Material

- a) Exempt Concentrations
- 1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A provided they have been introduced or transferred distributed pursuant to a license as described in subsection (a)(2) or (3) of this Section. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.
 - 2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) of this Section or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14); or an Agreement State or a Licensing State, except in accordance with a specific license issued pursuant to Section 330.280(a) or the general license provided in Section 330.900.
 - 3) A manufacturer, processor or producer of a product or material is exempt

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from the requirements for a license set forth in this Part to the extent that such person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Appendix A and introduced into the product or material by a licensee holding a specific license issued by the Agency expressly authorizing that introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

b) Exempt Quantities

- 1) Except as restricted by subsections (b)(2) through (4) of this Section any~~Any~~ person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Appendix B ~~provided they have been distributed pursuant to a license as described in subsection (b)(3) of this Section.~~ Furthermore, any person is exempt from this Part to the extent that such person possesses, uses, transfers or owns radioactive material that was received or acquired before September 25, 1971, under the general license then provided by the regulations of the U.S. Atomic Energy Commission (10 CFR 31.4) or the equivalent regulations of an Agreement State.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.

- 2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
- 3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Appendix B, knowing or having reason to believe that such quantities of radioactive

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material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission; or an Agreement State ~~or a Licensing State~~, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Agency pursuant to Section 330.280(b), which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission; or an Agreement State ~~or a Licensing State~~.

- 4) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption in subsection (b)(1) of this Section so that the aggregate quantity exceeds the limits set forth in Appendix B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Part.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

- 1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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- A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:
- i) 925 MBq (25 mCi) of tritium per timepiece;
 - ii) 185 MBq (5 mCi) of tritium per hand;
 - iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);
 - iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;
 - v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;
 - vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);
 - vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams/square centimeter of absorber: for wrist watches, 1 microGy (100 microrad)/hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad)/hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad)/hour at 10 centimeters from any surface; or
 - viii) 37 kBq (1 microCi) of radium-226 per timepiece in [intact timepieces manufactured prior to November 30, 2007](#) ~~acquired prior to May 1, 1974.~~
- B) ~~Lock illuminators containing not more than 555 MBq (15 mCi) of~~

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~~tritium or not more than 74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 50 milligrams/square centimeter of absorber.~~

- ~~B~~C) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part manufactured before December 17, 2007.
- ~~D~~) ~~Automobile shift quadrants containing not more than 925 MBq (25 mCi) of tritium.~~
- ~~C~~E) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas manufactured before December 17, 2007.
- ~~F~~) ~~Thermostat dials and pointers containing not more than 925 MBq (25 mCi) of tritium per thermostat.~~
- ~~D~~G) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:
- i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;
 - ii) 37 kBq (1 microCi) of cobalt-60;
 - iii) 185 kBq (5 microCi) of nickel-63;
 - iv) 1.11 MBq (30 microCi) of krypton-85;
 - v) 185 kBq (5 microCi) of cesium-137; or
 - vi) 1.11 MBq (30 microCi) of promethium-147;
- and provided further, that the radiation dose rate from each

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electron tube containing radioactive material will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 7 milligrams/square centimeter of absorber.

AGENCY NOTE: For purposes of subsection ~~(c)(1)(D)(e)(1)(G)~~ of this Section, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

~~EH)~~ Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

- i) Each source contains no more than one exempt quantity set forth in Appendix B; and
- ii) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's sources may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Appendix B, provided that the sum of such fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection ~~(c)(1)(E)(e)(1)(H)~~ of this Section, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

~~F)~~ ~~Spark gap irradiators containing not more than 37 kBq (1 microCi) of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 11.4 liters (3 gallons)/hour.~~

2) Self-Luminous Products Containing Radioactive Material

A) Tritium, Krypton-85 or Promethium-147. Except for persons who

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manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

- B) Radium-226. Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 that were acquired prior to May 1, 1974.
- 3) Gas and Aerosol Detectors Containing Radioactive Material
- A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such person receives, possesses, uses, transfers, owns or acquires ionization chamber smoke detectors containing not more than 37 kBq (1 microCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires. The detectors radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 ~~or a Licensing State pursuant to Section 330.280(c), which that~~ authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

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AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State or a former Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device and provided further that it meets they meet the requirements of 10 CFR 32.26 in effect at the time of distribution~~Section 330.280(e).~~
- ~~C) Gas and aerosol detectors containing naturally occurring or accelerator produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(e).~~
- 4) ~~Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR 32.17 published January 1, 1997, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.~~

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- d) Exempt Material
- 1) Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium (sum of radium-226 and radium-228 concentrations) less than or equal to 200 pCi/g (dry weight basis) are exempt from the licensing requirements provided they comply with this subsection (d). Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium greater than 200 pCi/g (dry weight basis) are not exempt and shall comply with requirements in 32 Ill. Adm. Code 330.
 - 2) The following individuals or entities producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium less than or equal to 200 pCi/g (dry weight basis) must register directly with the Agency:
 - A) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium occurring naturally from groundwater; and
 - B) Owners and operators of Illinois Environmental Protection Agency (IEPA) permitted landfills if the residuals or sludge is disposed of in those landfills; and
 - C) Applicators who apply to agricultural lands residuals or sludge resulting from the treatment of water or sewage containing radium occurring naturally from groundwater; and
 - D) Any other person or entity that the Agency determines is required to register under the provisions of the Radiation Protection Act.
 - 3) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium in concentration less than or equal to 200 pCi/g (dry weight basis)

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occurring naturally from groundwater will be exempt from the licensure and fee requirements of the Radiation Protection Act.

- 4) Residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater may be disposed of in accordance with the following provisions and the requirements of IEPA and the regulations of the Illinois Pollution Control Board (Title 35 of the Illinois Administrative Code, Subtitles C and G, and Part 391), as implemented by IEPA:
 - A) If the level of radium in the residuals or sludge is less than or equal to 100 pCi/g (dry weight basis):
 - i) the residuals or sludge may be disposed of in an IEPA permitted landfill provided:
 - the residuals or sludge are covered during transportation; and
 - the residuals or sludge that are easily dispersible must be packaged or stabilized to prevent dispersion during transportation and/or landfill placement; and
 - there is at least 10 feet of non-contaminated overburden between the residuals or sludge and grade level (at the time of landfill closure).
 - ii) the residuals or sludge may be used for soil conditioning purposes on agricultural crop land (e.g., corn, soybeans) provided:
 - that use is in accordance with 35 Ill. Adm. Code 309.208; and
 - the concentration of the radium in the residuals or sludge (dry weight basis) shall be determined by laboratory analysis; and

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- the level of radium in the residuals or sludge and the application rate is such that, after the residuals or sludge is mixed with soil (for agricultural use), the cumulative increase of the total radium-226 and radium-228 combined concentration in the soil does not exceed 1.0 pCi/g (dry weight basis, an addition of 1778 microCi/acre); and
- this increased limit applies to the sum of all land applications of residuals or sludge on a specific parcel of land; and
- at no time shall the application of residuals or sludge result in the total radium concentration in the soil exceeding 3.0 pCi/g (the mean natural background as determined by the Agency of 2.0 pCi/g and the soil concentration increase limit of 1.0 pCi/g due to residuals or sludge application); and
- the landowner or an authorized agent of the landowner must acknowledge, on a form issued by the Agency, that he or she is aware that residuals or sludge containing radium is being applied to the land (this acknowledgement must be updated as landownership changes); and
- prior to using a parcel of land for the application of residuals or sludge containing radium for the first time, the generator must determine the total radium concentration in the soil using the soil sampling protocol specified below:
 - Soil sample collection shall be conducted so as to be representative of the entire sludge application site. Soil Plow Zone – one soil sample shall be collected per 8 acres of sludge application site area to a depth of 12 inches. Each soil sample shall be taken as a

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homogenous mixture composed of at least 10 samples randomly collected within the 8 acre area; or

- Sampling protocols in compliance with the 24th edition of the Illinois Agronomy Handbook as published by the University of Illinois Extension Service (with sampling depth increased to 12 inches) (Pubs Plus, 1917 South Wright Street, Champaign IL 61820, 217/333-2007, PubsPlus@illinois.edu, 2009); and
- Testing protocol specified by the Agency; and

AGENCY NOTE: The Agency will develop and provide a guidance document on residuals and sludge sampling, acceptable analysis methods and Agency reporting requirements.

- lands used for the application must have a pH equal to or greater than 6.0, have a 6-inch soil layer with a minimum clay content of at least 18% within the top 5 feet and above bedrock and the groundwater level (as determined by the County Soil Survey Book), and a 6-inch layer with an organic content of at least 12 tons/acre within the top 5 feet and above bedrock and the groundwater level (as determined by site-specific testing); and
- lands receiving residuals or sludge containing radium shall not be used for the cultivation of tobacco; and
- when the cumulative increase of the radium concentration in the soil is determined by calculation to be 0.8 pCi/g or when the total radium in soil is calculated to be 2.8 pCi/g (based on initial

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testing and subsequent applications of residuals or sludge containing radium), the generator must repeat the soil sampling and analysis to determine the actual total radium concentration in the soil and report the findings to the Agency; and

- when calculating the increase in radium concentration, a soil density value of 90 pounds/cubic foot and a mixing depth of 1 foot should be used.
- B) If the level of radium in the residuals or sludge is greater than 100 pCi/g (dry weight basis) and less than or equal to 200 pCi/g (dry weight basis):
- i) in accordance with 32 Ill. Adm. Code 340.1020, the method of disposal must be reviewed and approved by IEMA-DNS in advance; and
 - ii) the residuals or sludge may be disposed of in a licensed low-level radioactive waste disposal facility.
- 5) By June 1, 2011, all persons applying water treatment residuals or sewage treatment sludge containing radium to land in Illinois must sample fields currently being used for land application using a sampling and testing protocol specified by the Agency to determine the total radium concentration of the soil and report the findings to the Agency. Any field that has a total radium concentration greater than 3.0 pCi/g may no longer be used for the land application of water treatment residuals or sewage treatment sludge containing radium.
- 6) On an annual basis, each person producing water treatment residuals or sewage treatment sludge containing radium must report, in a manner specified by the Agency, the following:
- A) Persons who dispose of water treatment residuals or sewage treatment sludge containing radium in a landfill must report:
 - i) the quantity of residuals or sludge containing radium; and

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- ii) the concentration of radium (in pCi/g (dry weight basis)) contained in the residuals or sludge; and
 - iii) the date the residuals or sludge were disposed of in a landfill; and
 - iv) the name and location of the landfill receiving these residuals or sludge; and
 - v) any additional information deemed appropriate by the Agency.
- B) Persons who land apply water treatment residuals or sewage treatment sludge containing radium must report:
- i) the identification, location and background radium concentrations, as determined prior to use for land application, of the field receiving the land application of residuals or sludge containing radium; and
 - ii) the concentration of radium in pCi/g (dry weight basis) in the residuals or sludge; and
 - iii) the application rate in dry tons/acre; and
 - iv) the date of the land application; and
 - v) any additional information deemed appropriate by the Agency.
- 7) All analysis of residuals or sludge must be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the National Environmental Laboratory Accreditation Conference (NELAC) to perform radiological analysis, and concentration of radium will be determined by a method approved by the Agency.
- 8) Owners and operators of facilities that produce residuals or sludge that is land applied or disposed of in a landfill are not subject to the registration

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requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4 and 13] and are not subject to the reporting requirements of Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill. Adm. Code 609) and Registration of Low-Level Radioactive Waste Generators (32 Ill. Adm. Code 620).

- 9) Owners and operators of facilities that produce residuals or sludge that is disposed of in a licensed low-level radioactive waste disposal facility are subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act and are subject to the reporting requirements of 32 Ill. Adm. Code 609 and 620.

(Source: Amended at 35 Ill. Reg. 9009, effective June 2, 2011)

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- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.10	Amendment
120.15	Amendment
120.20	Amendment
120.30	Amendment
120.1100	Amendment
- 4) Statutory Authority: Implementing and authorized by the Boiler and Pressure Vessel Safety Act [430 ILCS 75]
- 5) Effective Date of Adopted Rulemaking: July 1, 2011.
- 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 principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, and is available for public inspection at that location.
- 9) Notice of proposed amendments published in the Illinois Register: January 14, 2011; 35 Ill. Reg. 726
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Changes made between the proposed and adopted versions:

In subsection 120.20(c)(4), at the end of that paragraph, replace "forgoing" with "requirements of subsections (c)(1) through (c)(3)".

In subsection 120.20(c), reverse the order of subsections (c)(6) and (c)(7) and in subsection (c)(7) as renumbered, replace "the foregoing conditions and qualifications," with "the requirements of subsections (c)(1) through (c)(7)".

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this part? No
- 15) Summary and purpose of rulemakings: A clarification is being made to the definitions of "Commission" and "National Board Commission"; a fee has been established for a permit for a State Special; power boilers rated at or above 450,000 lbs/hr may request a two-year extension for internal inspections; and a clarification is made that the Board may impose extra conditions on State Specials.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Bennie Bailey, Superintendent
Division of Boiler and Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703

Telephone: 217/785-1008
Facsimile: 217/785-4184

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 120
BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE

Section

120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions (Repealed)
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions (Repealed)
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

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120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section

120.1100	Procedure for the Issuance of a State Special Permit
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SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section

120.1200	Authorization for Repair of Safety & Safety Relief Valves
120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
120.1220	Issuance and Renewal of the Certificate
120.1240	Changes to Certificates of Authorization
120.1250	Repairs to Safety and Safety Relief Valves
120.1260	Quality Control System
120.1270	Nameplates
120.1275	Field Repair
120.1280	Performance Testing of Repaired Valves
120.1285	Training of Valve Repair Personnel
120.1290	ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section

120.1300	Introduction
120.1301	Authority and Responsibility
120.1305	Organization
120.1310	Inservice Inspection Program
120.1320	Drawings, Design Calculations, and Specification Control
120.1325	Material Control
120.1330	Examination and Inspection Program
120.1335	Correction of Nonconformities

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120.1340 Welding
120.1345 Nondestructive Examination
120.1350 Calibration of Measurement and Test Equipment
120.1355 Records
120.1360 Inspectors

120.APPENDIX A Operational and Maintenance Log
 120.EXHIBIT A Hot Water Heating Boilers
 120.EXHIBIT B Steam Heating Boilers
120.APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 01, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1737, effective January 13, 2004; amended at 28 Ill. Reg. 13509, effective September 24, 2004; amended at 32 Ill. Reg. 17198, effective October 16, 2008; amended at 35 Ill. Reg. 9028, effective July 1, 2011.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.10 Definitions

Act or the Act – the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

Alteration – any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or

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pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

API 510 – the code for the maintenance, inspection, repair, alteration and re-rating of pressure vessels published by the American Petroleum Institute.

Approved – approved by the Board of Boiler and Pressure Vessel Rules.

ASME Code – the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with revisions, amendments and interpretations made, approved and adopted by the Council of the Society and approved and adopted by the Board. Copies of the Code may be obtained from the Society at Three Park Avenue, New York NY 10016-5990.

Authorized Inspection Agency – one of the following:

A department or division established by a jurisdiction that has adopted one or more Sections of the ASME Code and whose inspectors hold valid National Board Commission~~commissions~~ issued by the National Board of Boiler and Pressure Vessel Inspectors;

An insurance company authorized by the jurisdiction to insure boilers and pressure vessels that employs special inspectors who have met the requirements of this Part; or

An owner-user of boilers and pressure vessels who employs owner-user inspectors and maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements of this Part.

Authorized Repairer – a holder of a Certificate of Registration issued pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Board – the Board of Boiler and Pressure Vessel Rules created by the Act and empowered to make, alter, amend and interpret rules and regulations for the safe construction, installation, inspection, alteration, and repair of boilers and pressure vessels and for establishing fees.

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Boiler – a vessel intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, or waste gases.

Certificate Inspection – an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding or revoking the inspection certificate. The Certificate Inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

Certificate of Competency – a certificate issued to a person who has passed the examination and meets all other requirements of this Part, as prescribed by the Board.

Certificate of Registration – a certificate issued by ~~OSFM~~the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Commission – the commission issued by ~~OSFM to the chief, deputy, special or owner-user inspector in accordance with this Part~~the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to the National Board for the commission.

Condemned Boiler or Pressure Vessel – a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by the Chief or Deputy Inspector.

Division – the Division of Boiler & Pressure Vessel Safety.

Electric Boiler – a boiler in which the source of heat is electricity.

Engineer – a registered professional engineer registered in accordance with the Illinois Professional Engineering Act [225 ILCS 325] or a person who graduated from an accredited college or university and either:

holds a mechanical engineering degree;¹⁵ or

has five years experience in a related field (e.g., civil engineering, metallurgical engineering, industrial engineering, design engineering, maintenance engineering, project engineering or construction,

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maintenance, repair or operation of high pressure boilers and pressure vessels).

Existing Installation – includes:

Any boiler installed and placed in operation within the State of Illinois before May 1, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

External Inspection – an inspection made when a boiler or pressure vessel is in operation, if possible.

Heating Boiler – a steam boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

High Pressure Boiler – a boiler generating steam at a pressure in excess of 15 psig or a water boiler operated in excess of 160 psig and/or temperatures in excess of 250° F.

High-Temperature Water Boiler – a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at or near the boiler outlet.

Hot Water Supply Boiler – a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet, except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

Inspection Certificate – a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel, as required by the Act.

Inspector – the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

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Chief Inspector – the Chief Boiler and Pressure Vessel Inspector employed under the Act.

Deputy Inspector – any inspector employed under the provisions of the Act.

Special Inspector – an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in this State.

Owner-User Inspector – an inspector described in Section 120.1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Internal Inspection – as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

Jurisdiction – a state, commonwealth, county or municipality of the United States or a province of Canada that has adopted one or more sections of the ASME Code and maintains a duly constituted Department, Bureau, or Division for the purpose of enforcement of the Code. In Illinois, the Division of Boiler and Pressure Vessel Safety is the jurisdiction, except for the City of Chicago.

Lined Potable Water Heater – a water heater, with a corrosion resistant lining, used to supply potable hot water.

Low Pressure Boiler – a steam boiler operated at pressures not exceeding 15 psig or a hot water boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F.

Miniature Boiler – any boiler that does not exceed any of the following limits:

16 inches inside diameter of shell;

20 square feet heating surface;

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5 cubic feet gross volume, exclusive of casing and insulation;

100 psig maximum allowable working pressure.

National Board Inspection Code or NBIC – the Manual for Boiler and Pressure Vessel Inspectors published by the National Board. The NBIC is developed under the ANSI consensus process. Copies of the NBIC may be obtained from the National Board.

National Board – the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Inspectors of jurisdictions who are charged with the enforcement of the boiler and pressure vessel laws within their respective jurisdictions.

National Board Commission – the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to the National Board for the commission.

Nationally Recognized Testing Agency – an organization concerned with product evaluation that provides uniform testing, examination, listing and labeling under established, nationally recognized standards.

New Boiler Installations – all boilers constructed, installed and placed in operation within the State of Illinois after May 1, 1953, and all hot water supply boilers installed and placed in operation after July 9, 1957.

New Pressure Vessel Installations – pressure vessels installed and placed in operation within the State of Illinois after December 31, 1976.

Non-Standard Boiler or Pressure Vessel – a boiler or pressure vessel that does not bear the ASME Code Symbol Stamp.

Operator – any individual who has charge of a boiler or pressure vessel as defined by the Act, and whose duties include operation and maintenance of ~~those such~~ devices.

OSFMOffice – the Office of the State Fire Marshal.

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Owner or User – any person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel within the State.

Owner-User – an owner and user qualified under Section 15 of the Act.

Place of Public Assembly – a building or specific area, including outdoor areas, in which persons assemble for civic, educational, religious, social or recreational purposes or that is provided by a common carrier for passengers awaiting transportation or in which persons are housed to receive medical, charitable or other care or treatment, or are held or detained for public, civic or correctional purposes.

Portable Boiler – an internally fired boiler primarily intended for temporary location and the construction and usage of which permits it to be readily moved from one location to another.

Power Boiler – a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high-pressure, high-temperature water boiler.

Pressure Vessel – a vessel in which pressure is obtained from an external source, or by the application of heat from an indirect source or from a direct source other than those boilers defined in this Section.

PSIG – pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel – a boiler or pressure vessel removed from its original setting and reinstalled at the same location within the State of Illinois or at a new location without change of ownership.

Relief Valve – an automatic pressure relieving device actuated by the static pressure upstream of the valve that opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

Repair – work necessary to return a boiler or pressure vessel to a safe operating condition.

Re-rating – a change in the maximum allowable working pressure or temperature of a boiler or pressure vessel, regardless of whether physical work is performed

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on the boiler or pressure vessel. Re-rating shall be considered an alteration.

Safety Relief Valve – an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

Safety Valve – an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

Secondhand Boiler or Pressure Vessel – a boiler or pressure vessel that has changed both location and ownership since primary use.

Standard Boiler or Pressure Vessel – a boiler or pressure vessel that bears the ASME Code Symbol Stamp.

State Special – a boiler or pressure vessel of special construction that may not be constructed in accordance with the ASME Code. See Section 120.1100 of this Part for the procedures for granting a State Special.

Welding or Arc Welding – a group of welding processes in which coalescence is produced by heating with an arc or arcs, with or without the application of pressure, and with or without the use of filler metal.

(Source: Amended at 35 Ill. Reg. 9028, effective July 1, 2011)

Section 120.15 Fees

As authorized by the Boiler and Pressure Vessel Safety Act, the Board ~~hereby~~ establishes the following fees to be collected for services rendered:

Examinations	\$30
Commissions	
New Issuance.....	\$40
Renewal.....	\$25
<u>Chief and Deputy.....</u>	<u>\$0</u>
All Certificates of Inspection.....	\$70

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Inspections conducted by the Division

High Pressure and High Temperature Water Boilers	
Boilers without a manhole	\$30
Boilers with a manhole	\$60
Low Pressure Steam and Water Boilers	
Boilers without a manhole	\$30
Boilers with a manhole	\$60
Hot water supply boilers	\$30

No more than \$130 shall be charged for one boiler in any one year.

Pressure Vessels

Fees are based on the product of the overall length times the width or diameter of the vessel expressed in square feet.

50 sq. ft. or less	\$25
51 sq. ft. to 150 sq. ft.....	\$50
over 150 sq. ft.....	\$75

No more than \$160 shall be charged for any one pressure vessel in any one year.

Annual Statements (Owner-Users)..... \$35 per vessel

Miscellaneous

Witness a hydrostatic test.....	\$100
Joint reviews, audits, shop inspections	
½ day	\$300
Full day	\$500

Plus expenses, including travel and lodging.

State Special Permits \$1,000

(Source: Amended at 35 Ill. Reg. 9028, effective July 1, 2011)

Section 120.20 Administration

- a) Applying State Serial Number. The State serial number on boilers shall be not less than 5/16" in height and shall be preceded by the letters "ILL", which shall also be not less than 5/16" in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U", which also

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shall be not less than $\frac{5}{16}$ " in height. Pressure vessels will be identified by a six digit number. The inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.

- b) First Time Inspection. Effective January 1, 1999, all first time inspections of boilers and pressure vessels shall be performed by the Chief or a Deputy Inspector employed by the Division.
- c) Basis for Extending Certificate of Internal Inspection for Power Boilers.~~4)~~ The Chief Inspector is authorized to extend, for a period not exceeding one year, or 2 years for power boilers rated at or above 450,000 lbs/hr, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:
- ~~1)A)~~ The analysis and treatment of feedwater for power boilers shall be under the supervision of a person qualified in the field of water chemistry.
- ~~2)B)~~ The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, encrusting and sludging factors affecting the safety of the boiler.
- ~~3)2)~~ The owner or user of power boilers must maintain, for examination by the inspector, accurate records of chemical and physical laboratory analyses of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of the water and any constituents or characteristics that are capable of producing corrosion or other deterioration of the boiler or its parts.
- ~~4)3)~~ The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the requirements of subsections (c)(1) through (c)(3) foregoing.
- 5) An internal inspection must have been performed during a pre-planned outage allowing appropriate time for a complete and comprehensive evaluation, including inspections of watersides, furnace area and all gas passages, with no deficiencies found that would preclude extending the

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internal inspection for one year, or 2 years for power boilers rated at or above 450,000 lbs/hr.

6) At no time shall the period between internal inspections for boilers rated at or above 450,000 lbs/hr exceed a 36-month time interval.

7)4) Application for extension shall be by letter setting forth facts establishing compliance with the requirements of subsections (c)(1) through (c)(7)the foregoing conditions and qualifications, and shall be accompanied by the report of external inspection.

- d) Unsafe Boilers or Pressure Vessels. Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have the Inspection Certificate suspended.
- e) Factors of Safety for Existing Installations. An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.
- f) Frequency of Inspection of Boilers and Pressure Vessels
- 1) Power boilers and high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit unless authorization is granted by the chief inspector to extend the internal inspection as permitted in subsection (c). TheSuch boilers shall also be inspected externally annually while under representative operating conditions, if possible, except that a power boiler rated at or above 450,000 lbs/hr may forgo the external inspection for the year the internal inspection is conducted.
 - 2) Low pressure steam and hot water heating boilers and hot water supply boilers shall receive a certificate inspection every two years. Groups of heating and hot water supply boilers connected together shall be registered as one unit and receive one Inspection Certificate when the following conditions are met:
 - A) No unit exceeds 400,000 BTU input;

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- B) All units being considered in the assembled modular unit are connected to a common header or manifold; and
- C) No more than 8 units can be grouped together and registered as one unit.
- 3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspections of boilers.
- 4) Pressure vessels subject to internal corrosion shall receive a certificate inspection every ~~3~~three years. This inspection shall be external and internal where conditions permit. However, owner-users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the NBIC for inspection intervals.
- 5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection every ~~3~~three years. However, owner-users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the NBIC for inspection intervals.
- g) Inspection and Inspection Certificate Fees
- 1) If a boiler or pressure vessel shall, upon inspection, be found to be suitable and to conform to this Part, the owner or user ~~will be invoiced~~shall pay the fees established by the Board for each boiler and pressure vessel inspected. The fee must be paid before an Inspection Certificate ~~will~~shall be issued.
- 2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate fees, the Inspection Certificate, if it has not expired, shall be suspended by the Chief Inspector until the owner or user complies with the requirements.
- 3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be guilty of a Class B misdemeanor and each day shall be deemed a separate offense in accordance with Section 12 of the Act~~subject to the penalty provided in~~

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~~the Act.~~

- h) **Inspectors to Have No Other Interests.** It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to accept any compensation or remuneration from any source for acting as a consultant, engineer, safety engineer, safety specialist, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to boilers or pressure vessels and shall devote their full time to inspection work.
- i) **Installing Used or Second-hand Boilers or Pressure Vessels.** A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. When a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the rules for new installations.
- j) **Inspectors to Notify Chief Inspector of Defective Boilers and Pressure Vessels.** If an inspector finds that a boiler or pressure vessel or any of the appurtenances are in an unsafe condition, the inspector shall immediately notify the Chief Inspector and submit a report of the defects.
- k) **Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks.** All insurance agencies shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks written, cancelled, not renewed or suspended in Illinois.
- l) **Manufacturers Data Reports to be Filed.** Effective January 1, 1974, Manufacturers Data Reports on boilers and, as amended December 31, 1976, for pressure vessels, that are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. Each boiler and pressure vessel for which a report is filed should be assigned a National Board number.
- m) **Boilers and Pressure Vessels without ASME Stamping.** If the boiler or pressure vessel does not bear the ASME stamp, then the drawings, data and material showing all details of construction shall be submitted to the Chief Inspector and the Chief Inspector's approval shall be obtained before installation in this State. The Chief Inspector shall grant approval if the construction, materials and inspection requirements meet the rules, except for ASME stamp.

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- n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which shall be not less than 7 days after the date of notification.
- o) Owner to Notify Chief Inspector in Case of Accident. Any owner or user, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.
- p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.
- q) Registration of Boilers and Pressure Vessels. All owners or users of boilers and pressure vessels subject to the Act now in use or installed ready for use in the State of Illinois shall notify the Chief Inspector in writing giving the location, type, capacity, age and date of installation.
- r) Removal of Safety Appliances
 - 1) No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.
- s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied to the boiler or pressure vessel by the inspector at the time of inspection. Also, the Code required

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stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspector.

- t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:
- 1) Inspection Reports shall be submitted within 10 days from the date of inspection.
 - 2) All Inspection Reports shall be completed with all pertinent information as required, including location and actual conditions observed.
 - 3) A 90 day period beyond the expiration date marked on the Inspection Certificate will be used in determining boilers and pressure vessels past due for inspection for divisional reporting purposes. This 90 day period is for the administrative processing of inspection reports, invoices and Inspection Certificates. Inspections shall be performed prior to the expiration date on the Inspection Certificate.
 - 4) Validity of Inspection Certificate. The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with this Part. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. Suspension of an Inspection Certificate shall continue in effect until the boiler or pressure vessel has been made to conform to this Part.

(Source: Amended at 35 Ill. Reg. 9028, effective July 1, 2011)

Section 120.30 Inspectors, Examinations, Certificate of Competency and Commission.

- a) Examinations-
- 1) Examinations for Certificate of Competency and Commission as an Inspector of Boilers and Pressure Vessels shall be held the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the

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Board.

- 2) Applicants for examination for a Special Inspector shall have 3 years experience in the construction, maintenance, repair or operation of high pressure boilers and pressure vessels. A credit of 2 years of the required experience will be given to applicants holding a Mechanical Engineering degree from a college of engineering and one year's credit will be given for all other types of engineering degrees.
 - 3) Application for examination for Certificate of Competency and Commission shall be written upon a form to be furnished by ~~OSFMthe Office of the State Fire Marshal~~ stating the educational background of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's education and experience meet the requirements of the Board, the applicant shall be given the written examination dealing with the construction, installation, operation, maintenance and repair of boilers, pressure vessels and their appurtenances. If the applicant is successful in meeting the requirements of the Board, a Certificate of Competency and Commission will be issued by ~~OSFMthe Office of the State Fire Marshal~~. An applicant who fails to pass the examination will be notified and permitted to take another written examination.
- b) ~~Commissions-~~
- 1) A Commission as an Inspector and an identifying commission card shall be issued by the State Fire Marshal as provided in the Act.
 - 2) Commissions issued to inspectors in the employ of insurance companies or of ~~owner-usersself-insurers~~ shall be held at the office of the employing company. The Commission and the identifying commission card shall be returned to the Chief Inspector when suspended or revoked or the inspector to whom the Commission was issued is no longer employed by the insurance company or self-insurer.
 - 3) A Commission issued to an Inspector may be suspended or revoked by the State Fire Marshal as provided in the Act.

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- 4) Reciprocal Commissions. A Reciprocal Commission as an Inspector may be issued by the State Fire Marshal as provided in the Act.

(Source: Amended at 35 Ill. Reg. 9028, effective July 1, 2011)

SUBPART D: STATE SPECIALS

Section 120.1100 Procedure for the Issuance of a State Special Permit

- a) The Board of Boiler and Pressure Vessel Safety may issue special permits for boilers and pressure vessels which for some reason were not or cannot be constructed in accordance with an applicable ASME Code.
- b) Individuals, corporations, partnerships, joint ventures, and other entities may petition the Board at least 30 days prior to the next meeting of the Board for a permit for the installation of an object not constructed in accordance with the applicable ASME Code.
- c) The Board may grant a special installation permit upon consideration of the following information that must be submitted by the petitioner:
 - 1) A statement of relief sought with all specific information as to why a State Special is requested. This statement must be signed by:
 - A) An attorney licensed to practice law in the State of Illinois, including the attorney's license number;
 - B) An officer of the corporation, indicating the office, if the entity seeking the State Special is a corporation; or
 - C) The owner or partner, if the entity seeking the State Special is a sole proprietorship or a partnership, respectively.
 - 2) Full details of design and construction showing equivalency to the ASME Code.
 - 3) All data pertaining to the physical and chemical properties of all material used in construction.

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- 4) All calculations showing in detail how the maximum allowable working pressure was derived.
 - 5) A report showing in detail the purposes for which the object is to be used.
 - 6) Any other information the Board may deem necessary to make a decision.
- d) The Board may, by regulation, issue special installation permits to a class of objects meeting the above criteria when it deems that the public interest would be best served by application of the class of objects rather than individual case-by-case determination.
- e) The Board may, as a condition to issuance of a special permit, require the installation of additional safety features or prescribe certain operating procedures to be followed or require that additional maintenance and/or inspections be performed in addition to the requirements contained in this Part. The Board will use relevant safety data in determining the need for additional safety features or special operating procedures or additional maintenance and/or inspections. The owner shall provide the Division copies of special maintenance reports and/or inspections at time intervals identified with the issuance of the special permit.
- f) All information requested by the Board shall be sent to the Division of Boiler and Pressure Vessel Safety with 10 copies provided.
- g) In addition to the ~~other~~ above requirements of this Section, the petitioner will be required to provide a certified stenographic reporter at the hearing at the petitioner's~~their~~ expense and one copy of the original transcript of the proceedings shall be sent to the Board. If a special meeting is necessary, the petitioner must agree to pay all travel and costs associated with the special meeting.

(Source: Amended at 35 Ill. Reg. 9028, effective July 1, 2011)

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- 1) Heading of the Part: Boiler and Pressure Vessel Repairer Regulations
- 2) Code Citation: 41 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.10	Amendment
121.20	Amendment
121.30	Amendment
121.40	Amendment
121.50	Amendment
121.60	Amendment
121.70	Amendment
121.80	Amendment
121.90	Amendment
121.100	Amendment
- 4) Statutory Authority: Implementing and authorized by the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203]
- 5) Effective Date of Adopted Rulemaking: July 1, 2011
- 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 principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, and is available for public inspection at that location.
- 9) Notice of Proposed Amendments published in the Illinois Register: September 17, 2010; 34 Ill. Reg. 13289
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Changes made between the proposed and adopted versions:

In Section 121.10, immediately after the definition for "Boiler and Pressure Vessel Repairer", insert the following: "'Certificate of Registration' means a license issued under this Part prior to July 1, 2011.".

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In subsection 121.30(b), in the lead-in to that paragraph, immediately after "license or", add ", if being granted".

In subsection 121.30(b), at the end of paragraph (b)(2), after the period, add "A certificate of registration previously issued under this Part shall be deemed a license and the renewal fee shall remain \$150, except as provided in Section 121.100(f)".

In subsection 121.100(e), change "For the first renewal issued on or after July 1, 2011," to "f) In the transition from OSFM registration to OSFM licensure,".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this part? No
- 15) Summary and purpose of rulemaking: The Sections are being amended to clarify that a license is being issued instead of a certificate of registration and that the period of licensure shall coincide with the 3-year authorization period of the "R" Stamp. The application process and requirements have not been altered.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Bennie Bailey, Superintendent
Division of Boiler and Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703

Telephone: 217/785-1008
Facsimile: 217/785-4184

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 121
BOILER AND PRESSURE VESSEL
REPAIRER REGULATIONS

Section

121.10	Definitions
121.20	Officer
121.30	Application for License Registration
121.40	Communication by Organization
121.50	Changes of Location of Offices
121.60	Change of Ownership
121.70	Termination or Change in License Registration
121.80	Records and Documents to be Kept by Boiler or Pressure Vessel Repairer
121.90	Availability of Books, Records, Forms and Stationery
121.100	Renewals

AUTHORITY: Implementing the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203] and authorized by Section 25 of that Act.

SOURCE: Adopted at 21 Ill. Reg. 972, effective January 1, 1997; amended at 35 Ill. Reg. 9050, effective July 1, 2011.

Section 121.10 Definitions

The following definitions shall apply to this Part:

"Act" means the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203].

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Boiler and Pressure Vessel Repairer" means an organization performing any welding on boilers and pressure vessels that affects pressure retaining boundaries and includes, but is not limited to, repairs and alterations as defined in 41 Ill. Adm. Code 120. However, an organization that~~Organization who~~ performs welding to its own equipment and is authorized pursuant to 41 Ill. Adm. Code

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120.1010 is not required to have a license.

"Certificate of Registration" means a license issued under this Part prior to July 1, 2011.

~~"License Certificate of Registration" means the license certificate issued to a qualified organization by OSFM the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.~~

~~"Managerial or Administrative Control" means having authority to conduct the affairs of the organization organization and direct others in the conduct of the affairs or business of the organization organization.~~

"Organization" means a business or other entity, including, but not limited to, a sole proprietorship, partnership, corporation or association and includes units of local government and the State of Illinois.

~~"OSFM Office" means the Office of the State Fire Marshal.~~

~~"State Fire Marshal" means Executive Director of the Office of the State Fire Marshal of the State of Illinois.~~

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.20 Officer

- a) If the ~~organization organization~~ is a sole proprietorship, the owner of the ~~organization organization~~ or any person exercising managerial control shall be considered an officer.
- b) If the ~~organization organization~~ is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control shall be considered an officer.
- c) If the ~~organization organization~~ is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in ~~the such~~ corporation or who exercises managerial control shall be considered an officer.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

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Section 121.30 Application for License Registration

a) All applications for ~~a licenseregistration~~ as a boiler or pressure vessel repairer, ~~whether located in Illinois or out-of-state~~, shall be submitted to ~~OSFMthe Office~~, on forms provided by ~~OSFMthe Office~~, and shall include all the information required by this Section.

1)a) ~~Persons and~~ Organizations ~~that~~who desire to practice boiler or pressure vessel repairs in this State, in accordance with Section 40 of the Act, shall file an application with ~~OSFMthe Office~~, on forms provided by ~~OSFMthe Office~~, together with the following:

A)1) A valid Certificate of Authorization to use the "R" Repair Symbol Stamp issued by the National Board of Boiler and Pressure Vessel Inspectors;

B)2) The name and address of all officers (as defined in Section 121.20) of the boiler or pressure vessel repairer. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address;

C)3) If an assumed name is to be used, a copy of the assumed name certificate; and

4) ~~The appropriate fee as stated below:~~

A) ~~For an initial Certificate of Registration \$300.00~~

B) ~~A renewal of Certificate of Registration \$150.00 (every three years); and~~

D)5) A Certificate of Insurance in the amount of \$300,000-~~00~~ to cover losses, naming ~~OSFMthe Office~~ as a person to be notified in the event of cancellation or nonrenewal.

2)b) Corporations, in addition to the requirements of subsection (a)-~~above~~, shall submit the following:

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- ~~A)1)~~ The name and registered address of the corporation ~~and its registered address~~, and the name and address of the Registered Agent;
- ~~B)2)~~ A copy of the Articles of Incorporation bearing the seal of the officer, in the jurisdiction in which the ~~corporation~~Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the Certificate of Authority to transact business in this State is also required; and
- ~~C)3)~~ If an assumed name is to be used, a copy of the assumed name certificate.
- ~~3)e)~~ Partnerships, in addition to the requirements of subsection (a)~~(1)-above~~, shall submit the following:
- ~~A)1)~~ An application containing the name and business address of the partnership ~~and its business address~~ and the names and addresses of all general partners; and
- ~~B)2)~~ An affidavit stating that the partnership has been legally formed.
- ~~4)d)~~ Limited ~~partnerships~~Partnerships, in addition to the requirements of subsections (a)~~(1)~~ and ~~(a)(3)(e)-above~~, shall submit the following:
- ~~A)1)~~ A letter of authority from the Secretary of State's Business Services~~Limited Partnership~~ Department; and
- ~~B)2)~~ A listing of all limited partners.
- b) After reviewing the application, OSFM shall notify the applicant of the reason for the denial of the license or, if being granted, invoice the applicant for the appropriate fee as follows:
- 1) Initial License – \$300; or
 - 2) Renewal License – \$150 (except as otherwise provided in Section 121.100(e)(2). A certificate of registration previously issued under this

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Part shall be deemed a license and the renewal fee shall remain \$150, except as provided in Section 121.100(e).

- ce)** Upon receipt of the ~~appropriate fee above documents and review of the application~~, ~~OSFM the Office~~ shall issue a ~~license~~ **Certificate of Registration** authorizing the ~~organization~~ **Organization** to engage in boiler and pressure vessel repairs ~~or shall notify the applicant of the reason for the denial of such license.~~

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.40 Communication by Organization

A boiler or pressure vessel repairer shall use in all communications only the ~~organization~~ **Organization** name or tradestyle exactly as it appears on the ~~organization's license~~ **Organization's Certificate of Registration (the certificate)** issued by ~~OSFM the Office~~ (e.g., ABC Boiler Repairer cannot use a name such as ABC Heating and Cooling Company).

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.50 Changes of Location of Offices

If an ~~organization~~ **Organization** changes the location of an existing office other than at the time of renewal, the ~~organization~~ **Organization** shall notify ~~OSFM the Office~~ in writing of the new address at least 30 days prior to the change of location and file the required application and fee of ~~\$50.00.~~

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.60 Change of Ownership

When 51% of the assets, stock or equity of a boiler or pressure vessel repairer ~~organization~~ **Organization** are sold, a new boiler or pressure vessel repairer application shall be filed with ~~OSFM the Office~~ in accordance with Section 121.30.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.70 Termination or Change in LicenseRegistration

- a) The ~~license~~ **Certificate of Registration** shall terminate when the:

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- 1) Organization ceases operation;
 - 2) Organization ceases to operate under the name on ~~the license~~Certificate of Registration;
 - 3) Certificate of Insurance ~~has expired or~~ is nonrenewed or cancelled;
 - 4) ~~License~~Certificate of Registration is revoked;
 - 5) Period for which the ~~license~~Certificate of Registration has ~~expired~~ended and no renewal has been issued by ~~OSFM~~the Office; or
 - 6) ~~The "R" Stamp expired or the organization~~Organization ceases to possess an "R" Stamp as required by Section 121.30(a)(1)(~~A~~).
- b) The ~~organization~~Organization shall notify ~~OSFM~~the Office in writing by certified mail within 10 days after the ~~organization~~Organization ceases to operate or ceases to operate under the name on the ~~license~~certificate.
 - c) In the event of a change of the ~~organization~~Organization name, the registrant must apply for a new ~~license~~Certificate of Registration in advance of the effective date of such change. The application shall be handled as an initial application.
 - d) All notices required by this Section shall be sent to ~~OSFM~~the Office at its headquarters in Springfield, addressed to the Chief Inspector of Boiler and Pressure Vessel Safety. The address is 1035 Stevenson Drive, Springfield, IL 62703-4259.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.80 Records and Documents to be Kept by Boiler or Pressure Vessel Repairer

- a) The current ~~license~~Certificate of Registration shall be prominently displayed at the location where the ~~organization~~Organization conducts business.
- b) Records shall be maintained as~~All records~~ required by 41 Ill. Adm. Code 120.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

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Section 121.90 Availability of Books, Records, Forms and Stationery

All books, records, forms and stationery associated with boiler or pressure vessel repair shall be made available to OSFM agents ~~of the Office~~ upon request. Failure or refusal by the organization to make these records available ~~by the Organization~~ shall be grounds for denial, suspension, or revocation of the organization's license ~~Organization's registration~~ under Section 65 of the Act.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.100 Renewals

- a) ~~Subject to the terms of subsection (e), each license~~ Each Certificate of Registration issued under the Act shall be issued for a period of three years. A renewal notice, along with the renewal forms, will be sent to the organization 90 ~~registrant ninety~~ days prior to the expiration date. Upon receipt of the completed renewal forms and the appropriate fee, OSFM ~~the Office~~ will renew ~~issue~~ the license ~~new Certificate of Registration~~.
- b) It is the responsibility of each licensee ~~registrant~~ to notify OSFM ~~the Office~~ of any change of address, contact information, or information provided in the original application or renewal form.
- c) Failure to receive a renewal form from OSFM ~~the Office~~ shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- d) In addition to the renewal fee, a reinstatement fee of \$100-~~00~~ shall be assessed for each organization ~~Organization~~ failing to renew within 60 days after the end of the licensure ~~license~~ period. A sole proprietorship may have the renewal and reinstatement fees waived if the person was on active duty in the military, pursuant to Section 50 of the Act.
- e) On or after July 1, 2011, any new or renewed license will be issued for a period that coincides with the 3 year authorization period of the "R" Stamp.
- f) In the transition from OSFM registration to OSFM licensure, there will be no charge for a renewed license issued for 3 months or less; a \$75 fee for a renewed license issued for a period longer than 3 months but less than 18 months; and the

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normal renewal fee for a renewed license issued for more than 18 months. The Office will invoice this fee.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

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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 Number:</u>	<u>Adopted 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
30.APPENDIX A	New Section
- 4) Statutory Authority: 105 ILCS 5/21-7.6
- 5) Effective Date of Rules: June 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rules do contain incorporations by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act. See Sections 30.30(b)(3) and 30.30(c). See also Section 30.45(a)(2) and Appendix A.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 8, 2010; 34 Ill. Reg. 14599
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes. Two section-specific Objections and Filing Prohibitions were issued.
 - A) Statements of Objections and Filing Prohibitions: April 29, 2011; 35 Ill. Reg. 7228 and 7230
 - B) Agency Response: May 6, 2011; 35 Ill. Reg. 7428

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C) Agency Response Submitted for Approval to JCAR: April 22, 2011

- 11) Differences between proposal and final version: The definition of Faculty Supervisors in Section 30.10 was clarified to allow part-time as well as full-time status.

References to set hours required for internships in the areas of individualized education programs, special education and transitional bilingual education were eliminated from Section 30.40(a)(1). Instead, specific skills and competencies needed by principals in these areas have been added to Section 30.45(a)(4), Assessment of the Internship.

Language was added to Section 30.40(b)(1) to describe qualifications to be held by principals employed in internship sites located outside of Illinois and to clarify that the principal of an Illinois nonpublic school chosen as an internship site may hold a valid and exempt Illinois administrative certificate endorsed for general administrative or principal in place of a valid and current administrative certificate with the same endorsements.

Section 30.40(b)(2) was amended to change from four to three the number of years of successful experience as a building principal required for principals employed in internship sites.

A new subsection (g) was added to Section 30.40 to provide for unforeseen circumstances (medical or family emergencies) under which a candidate may have to extend the length of an internship beyond 24 months and to require procedures for such exemptions, with such information to be provided to candidates upon enrollment in the program.

Section 30.45(a)(1)(A) was amended to include standardized assessment results other than State assessment results for nonpublic schools.

Section 30.45(a)(2)(B) was amended to ensure that no candidate will participate in the official evaluation process for any teacher.

Section 30.60(c) was amended to state that no more than 80 percent of coursework in a program shall be taught by adjunct faculty.

Section 30.60(e) was amended to state that, once a mentor has been allowed to have a third candidate assigned to him or to her at any period during the internship, such approval shall be granted for the duration of the mentor's participation in the program and need not be renewed.

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Section 30.60(f) was amended to clarify that faculty supervisors must participate in training required for evaluation of certified personnel under Section 24A-3 of the School Code.

Section 30.70(b), requiring candidates for principal preparation programs to have four years of teaching experience before admission, was removed and subsequent sections were renumbered.

Section 30.70(c) substituted "achievements during his or her teaching experience" for "proficiency."

Language was added to Section 30.70(c)(1) to clarify that candidates were to show support of students in the classroom. New language in Section 30.70(c)(3) clarified that candidates' leadership roles should be demonstrated by school positions held.

In Section 30.80(b), a new requirement was added as number (3) (employment criteria to be used in selecting and evaluating adjunct faculty) and subsequent requirements were renumbered.

Section 30.80(c)(2) was amended to increase from two to four the number of individuals serving on the Principal Preparation Review Panel who hold current and valid administrative certificates endorsed for "general administrative" and are currently employed as principals in Illinois public schools.

Section 30.80(c)(4) was amended to require that one of the two individuals listed must be from a public institution and the other must be from a nonpublic institution.

Section 30.80(c)(6), requiring two individuals from outside of Illinois to be members of the panel, was removed and 30.80(c)(7) was renumbered.

Appendix A, Internship Assessment Rubric, was added to the rules to be used in rating competencies candidates are required to meet in Section 30.45(a)(1) through (3).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: These rules implement Public Act 96-903, which added Section 21-7.6 to the School Code and charged the State Board with establishing standards and requirements for principal preparation programs developed by institutions of higher education and not-for-profit entities, and for approving such programs. Each program is directed to determine criteria for admitting candidates; to require that candidates complete an internship and receive training in evaluation of staff; and to establish partnerships with one or more school districts or certain, recognized nonpublic schools. Both partners must be involved in the design, implementation and administration of the program. Programs must meet national standards, as specified in the rules, and have diverse curricula that address instruction of all students, including those with special needs, at all grade levels.

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 conduct the in-person interview. Candidates' participation in and completion of an internship is key to the program. The internship will be outcomes-based, relying heavily on candidates' completion of certain activities and tasks designed to measure whether certain competencies are achieved.

Schools may serve as internship sites if they employ a principal who is properly certified and can demonstrate three years of successful experience as a principal. The principal will serve as a mentor to a candidate and work in collaboration with faculty supervisors to assess candidates' performance.

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 set forth in Subpart C of rules governing Certification (23 Ill. Adm. Code 25). The approval process will employ a review panel, appointed by the State Superintendent and consisting of Illinois educators and representatives of the business community, to provide an initial review of the program's application and to make recommendations for action to the State Teacher Certification Board.

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

Patrick Murphy, Educator and School Development
Illinois State Board of Education

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100 North First Street, E-310
Springfield, Illinois 62777-0001

217/782-2948

The full text of the Adopted 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
30.APPENDIX A	Internship Assessment Rubric

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. 9060, effective June 1, 2011.

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.

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"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.

"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 or part-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. (Also see Section 30.40(g) of this Part.)

"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).

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"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 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).

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

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- 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.
- 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: Interstate School Leaders Licensure Consortium (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:

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- 1) all grade levels (i.e., preschool through grade 12);
- 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) Engagement in instructional activities that involve teachers at all grade levels (i.e., preschool through grade 12), including teachers in general education, special education, bilingual education and gifted education settings;
 - B) 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

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- C) 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:
- 1) the principal of the school:
 - A) holds a valid and current administrative certificate endorsed for general administrative or principal pursuant either to 23 Ill. Adm. Code 25.335 or 25.337; or
 - B) if the internship site is located in another state, holds a valid and current administrative certificate that is comparable to the required Illinois administrative certificate issued by the state in which the internship site is located; or
 - C) in the case of a nonpublic school, either holds a valid and exempt Illinois administrative certificate that is registered and endorsed for general administrative or principal or meets the requirements of subsection (b)(1) of this Section.
 - 2) In all cases, the principal shall have three 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.

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- 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:
- 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.
- g) A program may extend the length of an internship beyond 24 months for any candidate who has to discontinue the internship portion of the program due to unforeseen circumstances, such as a medical or family emergency, provided that the program adopts procedures for requesting the exemption, the specific reasons under which the exemption would be granted, and the length of time within which

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a candidate must resume the internship. A copy of the policy shall be provided to each candidate who enrolls in the program.

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 (4) of this Section by the completion during the course of the internship of the tasks specified.
 - 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 or, for nonpublic schools, other standardized 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.nsd.org/standards/index.cfm>. No later amendments to or

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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, with the understanding that no candidate will participate in the official evaluation process for any particular teacher; and
 - 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;

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- 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.
- 4) The candidate demonstrates a thorough understanding of the requirements for, and development of, individualized education programs pursuant to 23 Ill. Adm. Code 226.Subpart C (The Individualized Education Program (IEP)), individual family service plans (IFSP) pursuant to 23 Ill. Adm. Code 226 and 34 CFR 300.24 (2006), and plans under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), including the ability to disaggregate student data, as well as employ other methods for assisting teachers in addressing the curricular needs of students with disabilities. The candidate can work with school personnel to identify English language learners (ELLs) and administer the appropriate program and services, as specified under Article 14C of the School Code [105 ILCS 5/Art. 14C] and 23 Ill. Adm. Code 228 (Transitional Bilingual Education) to address the curricular and academic needs of English language learners. As evidence of meeting this competency, the candidate shall:
- A) use student data to work collaboratively with teachers to modify curriculum and instructional strategies to meet the needs of each student, including ELLs and students with disabilities, and to incorporate the data into the School Improvement Plan;
 - B) evaluate a school to ensure the use of a wide range of printed, visual, or auditory materials and online resources appropriate to the content areas and the reading needs and levels of each student

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(including ELLs, students with disabilities, and struggling and advanced readers);

- C) in conjunction with special education and bilingual education teachers, identify and select assessment strategies and devices that are nondiscriminatory to be used by the school, and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students leading to school improvement;
 - D) work with teachers to develop a plan that focuses on the needs of the school to support services required to meet individualized instruction for students with special needs (i.e., students with IEPs, IFSPs, or Section 504 plans, ELLs, and students identified as gifted);
 - E) proactively serve all students and their families with equity and honor and advocate on their behalf, ensuring an opportunity to learn and the well-being of each child in the classroom;
 - F) analyze and use student information to design instruction that meets the diverse needs of students and leads to ongoing growth and development of all students; and
 - G) recognize the individual needs of students and work with special education and bilingual education teachers to develop school support systems so that teachers can differentiate strategies, materials, pace, levels of complexity, and language to introduce concepts and principles so that they are meaningful to students at varying levels of development and to students with diverse learning needs.
- 5) A principal preparation program shall rate a candidate's demonstration of having achieved the competencies listed in this subsection (a)(1) through (3) as "meets the standards" or "does not meet the standards" in accordance with Section 30.Appendix A of this Part.

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- 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:
 - 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;

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- 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.
- 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

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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".
- b) No candidate shall receive more than one-third of his or her coursework from the same instructor.
- c) No more than 80 percent 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

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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). Approval under this subsection (e) is granted for the duration of the mentor's participation in the program and need not be renewed.
- f) Each full-time faculty member in the program and each faculty supervisor 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) 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)).
- c) Submission of a portfolio that presents evidence of a candidate's achievements during his or her teaching experience in each of the following categories:
 - 1) Support of all students in the classroom to achieve 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;

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- 3) Significant leadership roles in the school (e.g., curriculum development, discipline, team teaching assignment, mentoring);
 - 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.
- d) For purposes of subsection (c) 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;
 - 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

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- 6) Evidence of curriculum development, student assessments, or other initiatives that resulted from the candidate's involvement on school committees.
- e) 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) Employment criteria used in selecting and evaluating adjunct faculty;
 - 4) The process the institution or not-for-profit entity will use to communicate with the faculty supervisor and candidate;
 - 5) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
 - 6) 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;
 - 7) 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;

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- 8) 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;
- 9) 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;
- 10) 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;
- 11) 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;
- 12) 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 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;
- 13) 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];

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- 14) 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
 - 15) 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) four 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, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution;
 - 5) one certified staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000; and
 - 6) one individual representing the Illinois business community.

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- 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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Section 30.APPENDIX A Internship Assessment Rubric

Assessment 1 – Demonstrate a comprehensive understanding and performance in data analysis, school improvement, and conducting the School Improvement Plan (SIP) process (to the extent possible).

Focus Area: 1.1 – Explain the purpose of the SIP and its relationship to the school's vision in a presentation to a group of stakeholders (e.g., at a faculty meeting, department meeting, parent group, community group).

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> • ISLCC Standards 1.A through 1.E, 4.A, and 5.A • Appropriateness of the content 	The candidate uses media in a compelling presentation format that focuses on the school's vision and mission and its connection to the work of the staff and principal to attain greater student achievement. The presentation also connects the vision to the work of the school's improvement plan and is tailored to the audience.	The presentation does not bring the vision and mission of the school into focus for the attainment of greater student achievement. The school improvement plan is mentioned but is not a central part of the work to accomplish greater student achievement. The presentation is too generic to specifically connect the audience to the material.	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> • Follows theory to practice • Logical and sequential • Understandable • Achieves the purpose 	The candidate creates a document that clearly outlines the process used in preparing for the presentation, communicating with the audience, and planning the follow-up meeting. The candidate provides additional artifacts to support the presentation. There is a logical sequence to all events, all are well-planned and executed, and achieve the stated purpose.	The candidate's outline is brief or incomplete for the presentation. Few artifacts support the presentation. It lacks organizational logic and reflects poor planning. The purpose is vague, clear communication to the audience is lacking, and the presentation does not achieve its purpose.	1 / 0
<u>Outcomes:</u>	The candidate clearly states	The outcomes of the	1 / 0

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<ul style="list-style-type: none"> Clearly stated Clearly demonstrated Data support the results 	<p>the outcomes and expectations of the presentation. The candidate has additional data and documents to support the outcomes and expectations. The candidate provides artifacts to support the presentation.</p>	<p>candidate's presentation are vague and unclear (few or no artifacts support the presentation). There are few supporting documents or data to back up the presentation.</p>	
<p><u>Products:</u></p> <ul style="list-style-type: none"> Align to standards Articulate and well organized Demonstrates full completion 	<p>The candidate produces the following presentation items: an outline, a multi-media presentation (Power Point or other), handouts, meeting minutes, and documentation of the input from the audience as a result of the presentation. (More artifacts are encouraged to demonstrate greater competency.)</p>	<p>The candidate produces few of the following suggested items and artifacts did not demonstrate competency: an outline, a multi-media presentation (Power Point or other), handouts, meeting minutes, and documentation of the input from the audience as a result of the presentation.</p>	1 / 0
<p><u>Quality:</u></p> <ul style="list-style-type: none"> First-year principal or better Complete Accurate 	<p>Demonstrates the following quality in all materials: correct formatting in accordance with the "Publication Manual of the American Psychological Association (APA), Sixth Edition" (no later amendments to or editions of these standards are incorporated); correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate meets or exceeds the standards and competencies of this assessment.</p>	<p>The following quality is lacking in materials: correct APA formatting; correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate does not meet or exceed the standards and competencies of this assessment.</p>	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

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Focus Area: 1.2 – Analyze and review data, including but not limited to, State test results, and work with a faculty team to identify areas for improvement and interventions, with particular attention given to NCLB student subgroups identified under 23 Ill. Adm. Code 1.60 (Subgroups of Students; Inclusion of Relevant Scores) and low-performing students. As used in this Section, "NCLB" refers to Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6301 et seq.).

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> • ISLLC Standards 2.A through 2.I, 5.A, 5.C, 5.D, and 5.E • Appropriateness of the content 	<p>The candidate works with faculty to review and analyze national, State, district, school and classroom data to identify academic achievement interventions for each of the schools' NCLB subgroups or low-performing students. Candidate's work reflects new interventions that align to the School Improvement Plan and the school's student achievement goals.</p>	<p>The candidate's work with faculty to analyze and review data will not likely result in improved student learning for each of the schools' NCLB subgroups or low-performing students. The candidate's work with faculty is sporadic, disconnected, or does not connect the intervention to the SIP and the school's student achievement goals.</p>	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> • Follows theory to practice • Logical and sequential • Understandable • Achieves the purpose 	<p>The candidate produces an analysis of data (an artifact) and has other artifacts to demonstrate the process used in preparing for, working with, and following up on the work with the faculty in the identification of interventions that will improve student learning for all NCLB subgroups. There is a logical sequence to all activities. Planning and execution is of high quality and achieves the purpose.</p>	<p>The candidate is not able to produce a useable process for the review and analysis of data (an artifact) or other artifacts that demonstrate a reliable process for preparing, working with, and following up on the work with the faculty. The candidate identifies inadequate improvement interventions. There is an illogical sequence to all activities. Planning and execution is poor and the purpose is not achieved.</p>	1 / 0
<u>Outcomes:</u>	The candidate produces	The candidate produces	1 / 0

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<ul style="list-style-type: none"> Clearly stated Clearly demonstrated Data support the results 	<p>clearly stated outcomes and expectations, performs data analysis, reviews the process used with the faculty (artifacts to demonstrate accomplishment) and has additional data and documents to support the outcomes of specific new improvement interventions for all NCLB subgroups.</p>	<p>unclear outcomes and expectations for the data analysis and review process with the faculty (and has poorly constructed artifacts). Further, additional data and documents to support the outcomes of specific new improvement interventions for all NCLB subgroups are lacking or absent.</p>	
<p><u>Products:</u></p> <ul style="list-style-type: none"> Align to standards Articulate and well organized Demonstrates full completion 	<p>The candidate produces the following suggested items: a document detailing the data analysis and review process and products; all materials created and used in leading the faculty through the analysis and identification of specific interventions; and the meeting minutes verifying the input of, and work done by, the faculty on the interventions (more artifacts are encouraged to demonstrate greater competency).</p>	<p>The candidate produces few of the suggested items. Those produced do not demonstrate competency in the documentation of the following processes: conducting a review of the analysis of data; leading the faculty through the analysis and identification of specific instructional interventions; detailing meeting minutes indicating faculty worked on the interventions discussed; or soliciting input from faculty in the school improvement process.</p>	1 / 0
<p><u>Quality:</u></p> <ul style="list-style-type: none"> First-year principal or better Complete Accurate 	<p>The following quality is demonstrated in all materials: correct APA formatting; correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate meets or exceeds the standards and competencies of this assessment.</p>	<p>The following quality is lacking in materials: correct APA formatting; correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate does not meet or exceed the standards and competencies of this assessment.</p>	1 / 0
Candidates must meet 5 of 5 to demonstrate		Total Score	

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competency.		
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Focus Area: 1.3 – Work with faculty or faculty teams to create, implement, and formatively evaluate a school improvement action plan.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> ISLLC Standards 1.B through 1.E, 2.A, 2.D, 2.E, 2.I, 4.A through 4.D, and 5.A Appropriateness of the content 	The candidate demonstrates his or her work with the faculty to create, implement and evaluate an SIP action plan. The action plan is based on current data, reflects current research and best practices, and is connected to the work outlined in the school's SIP.	The candidate's action plan does not clearly focus on the work of the faculty to attain greater student achievement. The plan is not based on data, does not reflect current research, and is not clearly connected to the work outlined in the school's SIP.	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> Follows theory to practice Logical and sequential Understandable Achieves the purpose 	The candidate creates a clear action plan (an artifact) in collaboration with the faculty and possesses other artifacts that demonstrate the processes used in preparing for, implementing and evaluating the SIP action plan. There is a logical sequence to all events, all are well-planned and executed, and achieve the purpose of improving student achievement.	The candidate's action plan is not clear or is missing (an artifact), and other artifacts that demonstrate the processes used in preparing for, implementing, and evaluating the action plan are inadequate to create success. The candidate does not engage faculty in the creation of the action plan. The sequence of events is illogical, often unplanned and executed, and they do not achieve the purpose of improving student achievement.	1 / 0
<u>Outcomes:</u> <ul style="list-style-type: none"> Clearly stated Clearly demonstrated Data support the results 	The candidate clearly states the outcomes and expectations of the action plan. The candidate and the faculty demonstrate a clear understanding of the roles and	The candidate states the outcomes and expectations of the initiatives but the focus is unclear. The candidate's action plan is unclear or lacks faculty	1 / 0

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	responsibilities required for the implementation of the action plan and the continuous school improvement process.	input. The additional data and documents to support the outcomes of the initiative are lacking or absent. The process for the formative evaluation of the action plan is lacking or absent.	
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	The candidate produces the following artifacts: a copy of the action plan; data and other information used with staff who work on the creation and implementation of the action plan; documentation of meetings and processes used to monitor the progress of the implementation; and evidence of a formative evaluation process and impacts on student learning attained as a result of the initiative (more artifacts are encouraged to demonstrate greater competency).	The candidate produces a few but not all of the suggested items: a copy of the action plan; data and other information used with staff who work on the creation and implementation of the action plan; documentation of meetings and processes used to monitor the progress of the implementation; evidence of a formative evaluation process and measurement of impact on student learning attained as a result of the action plan.	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	The following quality is demonstrated in all materials: correct APA formatting; correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate meets or exceeds the standards and competencies of this assessment.	The following quality is lacking in materials: correct APA formatting; correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate does not meet or exceed the standards and competencies of this assessment.	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

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Focus Area: 1.4 –Work with faculty or faculty teams to gather and examine data to assess progress on the SIP and make recommendations for improvements or modifications to the SIP for the following year.

	Meets the Standard	Does Not Meet the Standard	Score
<p><u>Content:</u></p> <ul style="list-style-type: none"> ISLLC Standards 1.B through-1.E, 2.A, 2.D, 2.E, 2.I, 4.A-4.D, and 5.A Appropriateness of the content 	<p>The candidate presents to the school's leadership team a comprehensive examination of the progress made by the staff and principal toward the identified goals of the SIP. The presentation clearly explains the data used to analyze the impact of various interventions toward the goals identified in the SIP. The candidate's recommendations are based on an analysis of interventions implemented in support of the SIP, faculty input, and are aligned with the mission and vision of the school. The presentation focuses on the work of the staff and principal to attain improved and increased student achievement and demonstrates significant logical and practical improvements for future planning by the school's leadership team.</p>	<p>The candidate's presentation to the school's leadership team is an incomplete examination of the school's SIP; the analysis of action plans is lacking and recommendations are not logical or practical for future improvement planning. The recommendations are not based on an analysis of interventions implemented in support of the SIP or are lacking in detail. The presentation is unclear in its focus on the work of the staff and principal to increase student achievement. The recommendations are not aligned with the mission and vision of the school or are not clearly articulated as such.</p>	1 / 0
<p><u>Process:</u></p> <ul style="list-style-type: none"> Follows theory to practice Logical and sequential Understandable Achieves the 	<p>The candidate demonstrates the analysis and presentation as an artifact and has other artifacts that demonstrate the processes used in preparing for, presenting, and following up on the meeting after the</p>	<p>The candidate has an incomplete analysis and presentation as an artifact and does not provide other artifacts that demonstrate the processes used in preparing for, presenting, and</p>	1 / 0

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purpose	presentation. There is a logical sequence to all events, all are well-planned and executed, and they achieve the purpose of improving student achievement.	following up on the meeting after the presentation. The sequence of events is illogical, often unplanned and executed, and the events do not achieve the purpose of improving student achievement.	
<u>Outcomes:</u> <ul style="list-style-type: none"> Clearly stated Clearly demonstrated Data support the results 	The candidate clearly states the outcomes and expectations of the presentation (and possesses artifacts to demonstrate accomplishment). The candidate produces additional data and documents to support the outcomes or expectations from the presentation.	The outcomes of the candidate's presentation are vague and unclear (few or no artifacts support the presentation). There are few supporting documents or data to back up the presentation.	1 / 0
<u>Products:</u> <ul style="list-style-type: none"> Align to standards Articulate and well organized Demonstrates full completion 	The candidate produces the following presentation items: an outline, a multi-media presentation (Power Point or other), handouts, explanation of the analysis of interventions implemented in support of the SIP and how the recommendations incorporate that analysis, list of recommendations, meeting minutes, and input received as a result of the presentation. (More artifacts are most certainly welcome to demonstrate greater competency.)	The candidate produces few of the following items and those presented do not demonstrate competency: handouts, explanation of the analysis of interventions implemented in support of the SIP and how the recommendations incorporate that analysis, list of recommendations, and meeting minutes, and input received as a result of the presentation.	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> First-year principal or better 	The following quality is demonstrated in all materials: correct APA formatting;	The following quality is lacking in materials: correct APA formatting; correct	1 / 0

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<ul style="list-style-type: none"> • Complete • Accurate 	correct spelling and grammar; completeness; accuracy; comprehensiveness. The candidate meets or exceeds the standards and competencies of this assessment.	spelling and grammar; completeness; accuracy; comprehensiveness. The candidate does not meet or exceed the standards and competencies of this assessment.	
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

Assessment 2 – Demonstrate comprehensive understanding and performance in conducting teacher hiring, faculty evaluation, and professional development.

Focus Area: 2.1 – Participate in the hiring process including, at a minimum, creation of a job description; creation of interview questions and evaluation tools; participation in interviews for the position; recommendation of the candidate to hire with rationale and data to support the selection; and preparation of letters of rejection for candidates who were not selected.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> • ISLLC Standards 3.A, 3.B, 4.B, 5.B, and 6.A • Appropriateness of the content 	The candidate collaborates with staff to align the teacher job description to student learning needs. The candidate creates a job description. Alternatively, if the school district uses a standard job description, the candidate analyzes an existing job description and composes a memo to the human resources director or superintendent with recommendations for improvements to the job description. The candidate creates interview questions and a tool to evaluate the applicants' competence. The interview questions are	The candidate does not collaborate with staff on the alignment of the teacher job description to student learning needs. The candidate neither creates nor analyzes the standard job description provided by the school district and does not write a critique of it or the analysis is lacking in substance. The candidate does not create interview questions, and tools to evaluate the applicants or the interview questions are not aligned with student learning needs. The candidate does not create evaluation tools, the evaluation tools are not	1 / 0

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	aligned with student learning needs. The evaluation tools are based on the job description and provide clear criteria for evaluating the applicants for the position. The interview questions are relevant to making judgments about the competency of applicants and do not request information that violates anti-discrimination laws.	based on the job description, or the tools do not provide clear criteria for evaluating applicants for the position. One or more of the interview questions are not relevant to making judgments about the competence of applicants or request information that violates anti-discrimination laws.	
<u>Process:</u> <ul style="list-style-type: none"> • Follows theory to practice • Logical and sequential • Understandable • Achieves the purpose 	The candidate participates in the interviews of applicants for the position. The candidate greets applicants, states the purpose of the interview, asks relevant questions, takes accurate notes, and provides information to applicants about the school and district. The candidate completes the evaluations of the applicants. The candidate prepares rejection letters for candidates who were not selected.	The candidate does not complete one or more important aspects of the process. The candidate does not participate in the interviews of applicants for the position; does not perform one or more of the following: greets applicants, states the purpose of the interview, asks relevant questions, takes accurate notes, or provides information to applicants about the school and district; does not complete the evaluations of the applicants; or does not prepare rejection letters for candidates who were not selected.	1 / 0
<u>Outcomes/Reflection:</u> <ul style="list-style-type: none"> • Clearly stated • Clearly demonstrated • Data support the results • Reflection 	The candidate recommends an applicant for employment as a teacher, and the recommendation is supported with a sound rationale and data from the evaluation. (In the event an applicant was not	The candidate recommends an applicant for the position, but the rationale is weak or is not supported with data from the evaluation. The candidate does not reflect on the knowledge and skills	1 / 0

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	acceptable, the candidate explained why.) The candidate reflects on the knowledge and skills required to effectively perform his or her role and explains how the outcome of the hiring process contributes to student learning.	required to effectively perform his or her role, or the reflection is superficial. The candidate does not explain how the outcome of the hiring process contributes to student learning or the explanation is facile.	
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	The candidate produces (1) a description of collaboration with staff on alignment of the job description with student learning needs; (2) the job description the candidate creates or, if a standard job description is used by the district, a recommendation memo to human resources or the superintendent; (3) interview questions; (4) evaluation tools to rate the applicants; and (5) rejection letters for candidates who were not selected.	The candidate is missing one or more of the following: (1) description of collaboration with staff on alignment of the job description with student learning needs; (2) job description the candidate creates or, if a standard job description is used by the district, a critique of the job description; (3) interview questions; (4) evaluation tools to rate the applicants; and (5) rejection letters for candidates who were not selected.	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.	The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

Focus Area: 2.2 – Conduct a full cycle of clinical supervision, including a pre-observation conference, a classroom observation, and a post-observation conference. Write a summary that

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provides evidence using actual notes, observations, discussion, forms, and student achievement data providing feedback to the teacher. Provide examples of interventions and supports needed for the non-tenured or struggling teacher.

	Meets the Standard	Does Not Meet the Standard	Score
<p><u>Content:</u></p> <ul style="list-style-type: none"> ISLLC Standards 1.B through 1.E, 2.A, 2.D, 2.F, 2.G, 2.H, 2.I, 3.C, 3.D, 3.E, 5.B, 5.C, and 5.E Appropriateness of the content 	<p>The candidate clearly demonstrates knowledge and skills of clinical supervision and formative and summative evaluation (through a summary based upon notes, observations, meeting with a teacher, forms and student achievement data). The candidate demonstrates knowledge of methods that school leaders employ to strengthen the vision and mission of the school through alignment of clinical supervision with the school improvement process. The candidate demonstrates the communication, interpersonal, and ethical skills and understandings necessary for effective school leadership through clinical supervision.</p>	<p>The candidate does not demonstrate knowledge and skills of clinical supervision and formative and summative evaluation (through a summary based upon notes, observations, meeting with a teacher, forms and student achievement data). The candidate does not demonstrate knowledge of methods that school leaders employ to strengthen the vision and mission of the school through alignment of clinical supervision with the school improvement process. The candidate does not demonstrate the communication, interpersonal, and ethical skills and understandings necessary for effective school leadership through clinical supervision.</p>	1 / 0
<p><u>Process:</u></p> <ul style="list-style-type: none"> Follows theory to practice Logical and sequential Understandable Achieves the purpose 	<p>Based upon best practices in clinical supervision, the candidate clearly connects the three stages of clinical supervision: the pre-observation conference, classroom observation, and post-observation conference.</p>	<p>The candidate does not follow the three-step clinical supervision process. The candidate's process is disjointed, not purpose-driven, and unfocused. The process does not result in useful and data-based</p>	1 / 0

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	<p>The candidate's process is coherent and purpose-driven. The pre-observation conference establishes the purpose of the observation and the tools used to gather data on the classroom instructional process. The observation is focused and aligned to its purpose. During the post-observation conference, results are shared, recommendations for improvement provided, and professional development activities identified.</p>	<p>recommendations for improvement that could guide ongoing professional development.</p>	
<p><u>Outcomes/Reflection:</u></p> <ul style="list-style-type: none"> • Clearly stated • Clearly demonstrated • Data support the results • Reflection 	<p>The candidate clearly states the outcomes of the clinical supervision process and formative and summative evaluation. The candidate demonstrates accomplishment of the purpose of the process using appropriate data and other information to assess teacher performance from the observation. The candidate provides examples of professional development connected to the school's improvement process for the majority of teachers or necessary interventions and support for non-tenured or struggling teachers. The candidate reflects individually and seeks feedback on performance as an evaluator from the evaluated teacher or</p>	<p>The outcomes for the clinical supervision and formative and summative evaluation process are not clearly identified during the pre-observation conference. As a result, data and information collected during the observation are disjointed and unfocused. The lack of identification of outcomes negatively impacts the post-conference. The candidate's personal reflection lacks depth or does not address the individual teacher who was observed. The candidate does not solicit feedback on his or her performance as an evaluator from the teacher being evaluated or the internship principal.</p>	<p>1 / 0</p>

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	principal mentor to assess personal effectiveness.		
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	<p>The candidate produces an articulate and well-organized summary of the formative clinical supervision process that includes documentation from the formative pre-observation conference, classroom observation, the post-observation conference and the summative evaluation of the teacher's performance. In a reflection, the candidate articulates the effects of supervision on student learning and the school improvement process. Artifacts include notes and forms used in the pre-observation conference, classroom observation, post-observation conference, post-observation conference write-up or formative evaluation form; summative evaluation; professional development recommendations.</p>	<p>The candidate is missing one or more of the artifacts that summarizes the candidate's work in the clinical supervision process, including documentation from the formative pre-observation conference, classroom observation, the post-observation conference or the summative evaluation of the teacher's performance. Artifacts missing include notes and forms used in the pre-observation conference, classroom observation, post-observation conference; post-observation conference write-up or formative evaluation form; summative evaluation; or professional development recommendations.</p>	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	<p>The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.</p>	<p>The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.</p>	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

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Focus Area: 2.3 – In conjunction with stakeholders, lead in the development of a professional development plan for a school building that includes (1) data analysis (reviewed in Focus Area 1.2); (2) multiple options for teacher development; and (3) a method for evaluating the professional development plan and the extent to which it will lead to school improvement.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> • ISLLC Standards 1.B through 1.E, 2.A, 2.D, 2.F, 2.G, 3.D, 4.A through 4.D, and 5.A • Appropriateness of the content 	The candidate clearly demonstrates knowledge and understanding of the 12 components of the National Staff Development Council's Standards for Staff Development (2001).	The candidate does not or inadequately demonstrates knowledge of the National Staff Development Council's Standards for Staff Development (2001).	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> • Follows theory to practice • Logical and sequential • Understandable • Achieves the purpose 	The candidate clearly demonstrates application of the staff development standards to his or her school's professional development needs by analyzing data, creating options, and creating an evaluation plan in collaboration with stakeholders.	The candidate does not or inadequately demonstrates application of the staff development standards to his or her school's professional development needs by analyzing data, creating options, and creating an evaluation plan in collaboration with stakeholders.	1 / 0
<u>Outcomes:</u> <ul style="list-style-type: none"> • Clearly stated • Clearly demonstrated • Data support the results 	The candidate clearly states the outcomes of the school's professional development plan in relationship to school improvement.	The candidate does not or inadequately states the outcomes of the school's professional development plan in relationship to school improvement.	1 / 0
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full 	The candidate's internship time-log and reflections clearly indicate knowledge of the staff development standards, application of the	The candidate's internship time-log and reflections do not indicate or inadequately indicate knowledge of staff development standards,	1 / 0

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completion	standards to the professional development plan embedded in the school's SIP, and a mechanism for evaluating the effectiveness of the plan to improve student learning.	application of the standards to the professional development plan embedded in the school's SIP, and a mechanism for evaluating the effectiveness of the plan to improve student learning.	
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.	The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

Assessment 3 – Demonstrate comprehensive understanding and performance in conducting schoolwide management of personnel, resources, and systems for adequacy and equity.

Focus Area: 3.1 – Investigate, define, and delineate the systems and factors within the internship school for advocating, nurturing and sustaining a culture of collaboration, trust, learning, high expectations and a personalized and motivating learning environment for students.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> • ISLLC Standards 1.D, 2.A through 2.I, 4.A through 4.D, 5.B, 5.C, 5.E, and 6.A through 6.C • Appropriateness of the content 	The candidate demonstrates knowledge and skills in an understanding of systems and factors within the internship school that advocate, nurture and sustain a culture of collaboration, trust, learning, high expectations and a personalized and motivating learning environment for students. Content knowledge is demonstrated in the	The candidate does not demonstrate knowledge and skills in an understanding of systems and factors within the internship school that advocate, nurture and sustain a culture of collaboration, trust, learning, high expectations and a personalized and motivating learning environment for students. Content knowledge	1 / 0

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	following areas: professional learning community, school improvement process, professional development, teacher leadership, building leadership teams, cultural proficiency and guaranteed and viable curriculum and climate.	is not demonstrated in the following areas: professional learning community, school improvement process, professional development, teacher leadership, building leadership teams, cultural proficiency and guaranteed and viable curriculum and climate.	
<u>Process:</u> <ul style="list-style-type: none"> • Follows theory to practice • Logical and sequential • Understandable • Achieves the purpose 	<p>The candidate clearly demonstrates an understanding of the systems and factors within the internship school that advocate, nurture and sustain a culture of collaboration, trust, learning, high expectations and a personalized and motivating learning environment for students through the graphic mapping of the system and recommendations for improvement. Recommendations are accurate, complete, logical, and able to be implemented in a school setting.</p>	<p>The candidate does not demonstrate an understanding of the systems and factors within the internship school that advocate, nurture and sustain a culture of collaboration, trust, learning, high expectations and a personalized and motivating learning environment for students through the graphic mapping of the system and recommendations for improvement. Recommendations are inaccurate, incomplete, illogical, and not able to be implemented in a school setting.</p>	1 / 0
<u>Outcomes/Reflection:</u> <ul style="list-style-type: none"> • Clearly stated and demonstrated • Data support the results • Candidate reflects on his or her role in the process • Reflection 	<p>The candidate clearly states the outcomes and expectations for improving student learning through the analysis of two areas of the school's learning environment as evidenced by conducting a review of data, identifying supporting factors and impeding factors, creating a</p>	<p>The candidate does not clearly state the outcomes and expectations for improving student learning through the analysis of two areas of the school's learning environment as evidenced by a poor review of data, lack of identification of supporting factors and impeding factors, poorly</p>	1 / 0

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	graphic map of the system, evaluating effectiveness and making recommendations for improvement. The candidate reflects on his or her involvement and the potential impact these systems may have on school personnel and student achievement and learning.	graphed map of the system, incomplete evaluation of effectiveness and poor recommendations for improvement. The candidate is not able to adequately reflect on his or her involvement and the potential impact the work may have on school personnel and student achievement and learning.	
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	The candidate produces the following: a review and map of the learning environment, an analysis of supporting and impeding factors, and an evaluation of the systems' effectiveness and recommendations for improvement. Potential learning environment system areas include professional learning communities, the school improvement process, professional development, teacher leadership, school leadership teams, cultural proficiency and guaranteed and viable curriculum and climate.	The candidate does not or poorly produces the following items: a review and map of the learning environment, an analysis of supporting and impeding factors, and an evaluation of the systems' effectiveness and recommendations for improvement. Potential learning environment system areas include professional learning communities, the school improvement process, professional development, teacher leadership and building leadership teams, and these are minimally or not included.	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.	The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.	1 / 0

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Candidates must meet 5 of 5 to demonstrate competency.	Total Score	
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Focus Area: 3.2 – Review the school's budget and other resources with the mentor. Detail how the resources are typically used, evaluated for adequacy and assessed for effectiveness and efficiency. Provide recommendations for improvement. Address the impact of the budget on the following NCLB student subgroups: limited English proficiency, special education and economically disadvantaged. Present recommendations for improvement to a faculty group and solicit input in the budget development process.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> ISLLC Standards 1.D, 2.E, 3.A through 3.E, 4.A, and 5.A through 5.E Appropriateness of the content 	<p>The candidate's presentation and artifacts support a clear understanding of the school's budget and delineate the use of available resources, evaluate adequacy and assess for effectiveness and efficiency. The candidate's presentation provides recommendations for improvement to a specific audience and solicits input. The candidate's presentation and final report addresses the impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged.</p>	<p>The candidate does not present or poorly presents his or her understanding of the school budget, available resources and specific impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged. The candidate's final budget report does not provide or minimally provides appropriate recommendations for improvement.</p>	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> Follows theory to practice Logical and sequential Understandable Achieves the purpose 	<p>The candidate documents a meeting with the mentor to review the school's budget (an artifact). The candidate demonstrates an understanding of the school budget and resources available, providing details of</p>	<p>The candidate fails to demonstrate an understanding of the school budget and resources. The candidate's report does not show an understanding of how resources are used or provide an assessment of</p>	1 / 0

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	<p>how the resources are used, and an assessment of adequacy, effectiveness, and efficiency as delineated in a report prepared and shared with the mentor. The candidate documents the presentation of recommendations for budget improvement to the faculty and receives input. The candidate and mentor meet to discuss the candidate's recommendations and reflections on the school budget, resources, impact on student subgroups and recommendations.</p>	<p>adequacy, effectiveness and efficiency. The candidate does not present the budget to a faculty group for input. No meeting or a limited meeting is held between the candidate and mentor to discuss the school budget, resources, impact on student subgroups, the candidate's recommendations or the candidate's reflections on the school budget and other resources.</p>	
<p><u>Outcomes/Reflection:</u></p> <ul style="list-style-type: none"> • Clearly stated and demonstrated • Data support the results • Candidate reflects on his or her role in the process • Reflection 	<p>The candidate clearly understands the school budget and resources as evidenced by a formal report detailing how the resources are used, including an assessment of adequacy, effectiveness and efficiency. Appropriate recommendations are made for improvement. The report specifically addresses the impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged. The report findings are presented to the principal. The candidate is able to reflect on his or her involvement in the budget</p>	<p>The candidate reviews the budget. Knowledge of other resources is minimal. The details on how the resources are used, including an assessment of adequacy, effectiveness and efficiency, are incomplete. School budget recommendations are poor or inappropriate. Little or no specificity is given to the impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged. The candidate is unable to accurately reflect on his or her involvement in reviewing the school budget, resources</p>	<p>1 / 0</p>

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	review process, resources available and the impact the recommendations will have on the school.	and impact on subgroups.	
<u>Products:</u> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	The candidate produces the following: a copy of the school budget he or she has reviewed, initialed by the mentor; a report containing the details of how the budget resources are used, and how the resources are evaluated for adequacy and assessed for effectiveness and efficiency; and recommendations for improvement. The final report addresses the impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged.	The candidate does not produce a copy of the school budget he or she has reviewed, initialed by the mentor. The report does not contain the details of how resources are used, or how the resources are evaluated for adequacy or assessed for effectiveness and efficiency. The candidate makes inadequate or inappropriate recommendations for budget improvements or the final report does not specifically address the impact of the budget on NCLB student subgroups, such as limited English proficiency, special education and economically disadvantaged.	1 / 0
<u>Quality:</u> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.	The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.	1 / 0
Candidates must meet 5 of 5 to demonstrate competency.		Total Score	

Focus Area: 3.3 – State the mission of the school. Determine and analyze the different systems that exist within the school to fulfill the school's mission (i.e., instructional (curriculum,

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assessment, technology, class structure) and management (discipline plan, attendance, maintenance, transportation)). Choose one instructional and one management system and create an assessment tool that will be used to rate the two systems. Finally, develop recommendations for improvement of aspects of the two systems that need improvement and report the findings to the mentor.

	Meets the Standard	Does Not Meet the Standard	Score
<u>Content:</u> <ul style="list-style-type: none"> ISLLC Standards 1.A, 1.B, 1.D, 2.E, 2.G, 2.H, 3.A, 3.B, 4.A, and 5.A Appropriateness of the content 	The candidate clearly incorporates the mission of the school in determining and analyzing the two different systems (one instructional and one management). The candidate creates an assessment tool for analysis to use in developing recommendations for improvement in the final report.	The candidate does not clearly incorporate the mission of the school in determining and analyzing the two different systems (one instructional and one management). The candidate's assessment tool for analysis lacks development for accurate and worthwhile recommendations for improvement in the final report.	1 / 0
<u>Process:</u> <ul style="list-style-type: none"> Follows theory to practice Logical and sequential Understandable Achieves the purpose 	The candidate demonstrates an understanding of two school systems (instructional and management) through the use of an accurately created assessment to analyze the two systems. Results of the analysis are connected to practical recommendations for improvement.	The candidate is unable to demonstrate an understanding of two school systems (instructional and management). The assessment is not accurate for use in analysis of the two systems. The analysis is unconnected to practical recommendations for improvement.	1 / 0
<u>Outcomes/Reflection:</u> <ul style="list-style-type: none"> Clearly stated and demonstrated Data support the results Candidate reflects on his or her role 	The candidate clearly states the outcomes and expectations of analyzing two systems (one instructional and one management) through reviewing data and systems, creating an	The candidate does not clearly state the outcomes and expectations of analyzing two systems (one instructional and one management). The reviewed data are lacking, the	1 / 0

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<p>in the process</p> <ul style="list-style-type: none"> • Reflection 	<p>assessment tool, evaluating effectiveness, making recommendations and reporting findings to the principal. The candidate is able to reflect on his or her involvement in the project and the impact the recommendations will have on the school.</p>	<p>assessment is ineffective and lacks connection to the recommendations, and the reported findings are not appropriate. The candidate is lacking in the reflection on his or her involvement in the project and the impact the recommendations will have on the school.</p>	
<p><u>Products:</u></p> <ul style="list-style-type: none"> • Align to standards • Articulate and well organized • Demonstrates full completion 	<p>The candidate produces a report that contains the following: a clear connection of recommended changes to the mission of the school; a mapping of two systems (one instructional and one management); an assessment tool used for the systems' evaluation; an analysis of the data; and recommendations for improvement.</p>	<p>The candidate is unable to produce a report that contains clear connections of recommended changes to the mission of the school; an analysis of two systems in the school (one instructional and one management); an assessment tool used for analysis; and recommendations for improvement.</p>	1 / 0
<p><u>Quality:</u></p> <ul style="list-style-type: none"> • First-year principal or better • Complete • Accurate 	<p>The following quality is demonstrated in all materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; meets or exceeds the standards and competencies of this assessment.</p>	<p>The following quality is lacking in materials: correct APA format, correct spelling and grammar, completeness, accuracy, and comprehensiveness; did not meet the standards and competencies of this assessment.</p>	1 / 0
<p>Candidates must meet 5 of 5 to demonstrate competency.</p>		<p>Total Score</p>	

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

- a) Parts (Headings and Code Citations):
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board dealing with the Board's regulations for organic material emission standards and limitations for the Metro East and Chicago areas. More specifically, the Agency will be setting forth a proposal to repeal the Gasoline Volatility Standards due to applicability of the Federal gasoline volatility standards and the federal reformulated gasoline program. The rulemaking will also contain other minor amendments including allowing the use of equivalent high volume low pressure spray gun technology in motor vehicle refinishing operations under Subpart HH of Parts 218 and 219.
- B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28].
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 and 28 of the Act [415 ILCS 5/27 and 5/28].
- D) Date agency anticipates First Notice:
An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Winter of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is currently regulated by 35 Ill. Adm. Code 218.585, 219.585, and Subpart HH of Parts 218 and 219.

F) Agency contact person for information:
Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
For information regarding the Agency's development of this proposal,
please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
217-782-5544

b) Parts (Headings and Code Citations):
Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)

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JULY 2011 REGULATORY AGENDA

Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.
 - B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].
 - C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
 - D) Date agency anticipates First Notice:
An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
 - E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that would fall under the classification of a gasoline dispensing facility and other area source NESHAPs.
 - F) Agency contact person for information:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794
217-524-8509
webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal,

please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
217-782-5544

- c) Parts (Headings and Code Citations):
Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board exempting smaller sources emitting greenhouse gases from permitting.

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The proposal relates to permitting exemptions under Section 201.146, 201.210 and other related sections in that Part. The proposal will also include streamlining permit exemptions, clarifying exemptions, and adding additional exemptions from the requirements to obtain construction and operating permits for smaller units and sources. The proposal may also amend or create definitions.

- B) Statutory authority: Implementing and authorized by Sections 10, 27, 39 and 39.5 of the Act [415 ILCS 5/10, 27, 39 and 39.5].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Winter of 2011. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that emits greenhouse gases or that propose to construct and/or operate projects that are very small and are required to obtain construction and operating permits.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Carol Webb
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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Rachel L. Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- d) Parts (Headings and Code Citations):
Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board. The proposal relates to the collection of fees under the Clean Air Act Permit Program ("CAAPP") from sources emitting greenhouse gases. The proposal may amend or create definitions.
- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and consistent with by Sections 27 of the Act [415 ILCS 5/27], and necessary should Section 39.5 of the Act be amended [415 ILCS 5/39.5].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once

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the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of products and may have to obtain permits and pay higher fees.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian
Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
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- e) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)
- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM2.5 and related precursor compounds.
 - B) Statutory authority: Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].
 - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
 - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
 - E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.
 - F) Agency contact person for information:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
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Address questions concerning this regulatory agenda:

Carol Webb
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webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- f) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will establish a "grandfathering" provision for particulate matter less than 2.5 micrometers (PM2.5) in the Federal Prevention of Significant Deterioration (PSD) program. The "grandfathering" provision applies to permit applications submitted before the July 15, 2008, effective date of

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the new rule, which allows the PM10 surrogate policy to continue to be used as the basis for approving such permits for PM2.5.

- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various components of particulate matter.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
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POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

217-524-8509
webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- g) Part (Heading and Code Citation):
Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R12-3

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R12-3 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time,

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the Board is not aware of any federal amendments to the federal RCRA Subtitle C hazardous waste rules that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R12-3, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-3 would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will either dismiss this docket or propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

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Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-3, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

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- h) Parts (Headings and Code Citations):
Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for measuring filterable and condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.
- B) Statutory authority: Implementing Section 10 and authorized by Section 27 and Section 28 of the Environmental Protection Act [415 ILCS 5/10 and 27 and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-3629

Address questions concerning this regulatory agenda:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- i) Parts (Headings and Code Citations):
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will modify the definitions of "miscellaneous metal parts and products coating" and "coil coating" for Parts 218 and 219 to clarify that lubricating

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oils are not considered "coatings" for purposes of Subpart F, Coating Operations, but rather protective oils applied to metal for the purpose of providing lubrication, similar to the treatment of such oils under the Federal National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR Part 63, Subpart M. M. M. M.

- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that uses lubricating oil that is applied to metal for purposes of lubrication in a metal fabrication process.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Carol Webb
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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Gina Roccaforte
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- j) Part (Headings and Code Citations):
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
- 1) Rulemaking: Docket number R11-23
- A) Description: The proposed rules amend the Board's regulations for organic material emission standards and limitations for the Metro East and Chicago areas. Specifically, the proposal will amend recently promulgated regulations regarding Group II and Group IV Consumer and Commercial Products. The amendments are in response to comments the Agency received from the United States Environmental Protection Agency. The Illinois Environmental Protection Agency (Agency) filed the proposal on March 7, 2011 under the "fast-track" provisions of Section 28.5 of the Act.

POLLUTION CONTROL BOARD

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- B) Statutory authority: Implemented by Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 5/28, and 5/28.5].
- C) Scheduled meeting/hearing dates: Hearings were held on April 27, May 1, and June 1, 2011 as required by Sections 27, 28 and 28.5 of the Act [415 ILCS 5/27, 28 & 28.5].
- D) Date Agency anticipates First Notice: A Notice of Proposed Rules was published in the *Illinois Register* on April 1, 2011 (35 Ill. Reg. 4887).
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is currently regulated by 35 Ill. Adm. Code 218 or 219 and that falls within one of the Group II or IV Product Categories.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Tim Fox
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-817-6085
foxt@ipcb.state.il.us

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
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webbc@ipcb.state.il.us

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
dana.vetterhoffer@illinois.gov

- k) Parts (Headings and Code Citations):

Nitrogen Oxide Omissions (35 Ill. Adm. Code 217)

- 1) Rulemaking: Docket number R11-8

- A) Description: On September 2, 2010, the Board accepted for hearing a proposal for statewide general rulemaking filed on August 19, 2010, by the Illinois Environmental Protection Agency (Agency). The proposal seeks to amend the Board's air rules pursuant to the general rulemaking provisions of Sections 10, 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/10, 27 and 28 (2008)) and the Board's procedural rules at 35 Ill. Adm. Code 102.202(b). The Agency states that the proposed amendments would sunset the trading provisions of the Nitrogen Oxide SIP Call Trading Program. The sole provisions to be amended involve the holding and trading provisions in Part 217.Subpart U, codified at 35 Ill. Adm. Code Part 217.Subpart U.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R11-8 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

- B) Statutory authority: Implementing and authorized by Sections 10, 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 & 28].

POLLUTION CONTROL BOARD

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- C) Scheduled meeting/hearing dates: Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The Board has scheduled the first hearing in Springfield on December 9, 2010. A second hearing will be scheduled for Chicago in Spring 2011.
- D) Date agency anticipates First Notice: The Board expects to proceed with publication of first notice in Summer 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's nitrogen oxide (NO_x) emission rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R11-8, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-8, as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of the proposed Part 217.

For information regarding the development of these amendments, please contact:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Rachel Doctors, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Rachel.Doctors@il.gov

- l) Parts (Headings and Code Citations):
Nitrogen Oxide Omissions (35 Ill. Adm. Code 217)
 - 1) Rulemaking: Docket number R11-24 R11-26 (consolidated)
 - A) Description: On April 7, 2011, the Board accepted for hearing a proposal for statewide general rulemaking filed on April 4, 2011, by the Illinois Environmental Protection Agency (Agency) and assigned docket R11-24. The proposal seeks to amend the Board's air rules pursuant to the general rulemaking provisions of Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27 and 28 (2008)) and the Board's procedural rules at 35 Ill. Adm. Code 102.202. The Agency states that the proposed amendments would modify the date for compliance with the requirements of various Subparts of 35 Ill. Adm. Code Part 217, which contain provisions relating to the control of nitrogen oxides emissions from various source categories, including emission units within these source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting and fossil-fuel fired stations.

On May 19, 2011, the Board accepted for hearing an identical proposal for statewide general rulemaking filed on April 22, 2011, by the Illinois Environmental Regulatory Group (IERG) and assigned docket R11-26. The Board consolidated R11-24 with R11-26 on May 19, 2011.

Any person interested in reviewing the Agency's or IERG's proposals or any other documents introduced to dockets R11-24 or R11-26 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

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- B) Statutory authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the proposals in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The first hearing was held on June 2, 2011 in Chicago. The second hearing was held on June 28, 2011 in Edwardsville.
- D) Date agency anticipates First Notice: The Board expects to proceed with publication of first notice in Summer or Fall 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's nitrogen oxide (NO_x) emission rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R11-24 or R11-26, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-24 or R11-26, as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
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312-814-6931
robertsd@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of the proposed Part 217.

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

For information regarding the development of these amendments, please contact:

Gina Roccaforte, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Gina.Roccaforte@Illinois.gov

- m) Parts (Headings and Code Citations):
Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)
- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board. The proposal would alter or remove an exemption for AIM coatings being sold in packages of one quart or less. The proposal will also add several source categories of consumer products to the list, as well as some clean-up or housekeeping amendments.
 - B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
 - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
 - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

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E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

n) Parts (Headings and Code Citations):
Hospital/Medical/Infectious Waste Incinerators (35 Ill. Adm. Code 229)

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1) Rulemaking: R11-20

- A) Description: On December 23, 2010, the Illinois Environmental Protection Agency (Agency) proposed state-wide amendments to tighten requirements pertaining to Hospital/Medical Infectious Waste Incinerators.

The proposed rules would reflect amendments promulgated by USEPA to federal air quality standards including new source performance standards (NSPS) and emissions guidelines (EG). Changes include revised emission standards (more stringent than existing ones), revised waste management plan provisions (for greater flexibility in demonstrating compliance), and removal of an existing startup, shutdown, and malfunction provision.

The only known affected Illinois source is the Stericycle, Inc. facility in Clinton, DeWitt County.

- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: Hearings were held on June 8, 2011 in Clinton, and June 28, 2011 in Chicago.
- D) Date agency anticipates First Notice: The Board anticipates that it will cause publication of a Notice of Proposed Amendments in the *Illinois Register* during the summer of 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of products. However, none have been identified.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking, noting docket R11-20 to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda, noting docket R11-20 to:

Kathleen Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
crowlek@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

o) Parts (Headings and Code Citations): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board. The rulemaking will propose to repeal the steady-state idle exhaust and evaporative system integrity test standards as a result of amendments to the Vehicle Emissions Inspections Law. The rulemaking will propose other necessary changes as a result of amendments to the Vehicle Emissions Inspection Law.

B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/13C] and Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].

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- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27, 28].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing standards.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

POLLUTION CONTROL BOARD

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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
217-782-5544

- p) Parts (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

- 1) Rulemaking: R11-18

- A) Description: On December 2, 2010, pursuant to the requirements of the Clean Water Act to conduct triennial reviews of water quality standards [33 U.S.C. §1313(c)(1)], the Illinois Environmental Protection Agency filed a rulemaking proposal with the Board. The proposal would update the Public and Food Processing Water Supply and General Use water quality standards in 35 Ill. Adm. Code Part 302 for boron, manganese and fluoride based on the most up to date scientific information available.

The Agency has also proposed other miscellaneous changes, including a proposal to eliminate the *Illinois Register* publication requirement for numeric criteria derived under 35 Ill. Adm. Code 302.Subpart F, such criteria instead to be maintained on the Agency website under specified update conditions; corrections to the General Use zinc standard; elimination of STORET codes (as that database is no longer being supported by USEPA); revision to cross-references; clarification of language in Section 302.208; and changes of references to cyanide mercury, chloride, and toluene in tables.

- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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- C) Scheduled meeting/hearing dates: A hearing was held in Springfield on June 21, 2011, and another hearing is scheduled for July 26, 2011 in Chicago.
- D) Date agency anticipates First Notice: After the hearings, and following the close of the post-hearing comment period, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* in late 2011 or early 2012.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality or not-for-profit corporation that discharge boron, manganese, fluoride, or zinc into waters of the State designated as General Use waters or Public and Food Processing Water Supply waters.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R11-18 to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-18 to:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
crowlek@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Deborah J. Williams

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- q) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
- 1) Rulemaking: Docket Number R08-9 Subdocket A
- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket A will deal with issues related to recreational use designations.

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- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing, and received numerous comments on this subdocket.
- D) Date agency anticipates First Notice: The first notice period began in August 2010.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-4925
tipsorm@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217-782-5544

- r) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
- 1) Rulemaking: Docket Number R08-9 Subdocket B
- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.
- In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.
- On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket B will address issues relating to disinfection and whether or not disinfection may or may not be necessary to meet those use designation.

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- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Summer of 2011.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-4925
tipsorm@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217-782-5544

- s) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
- 1) Rulemaking: Docket Number R08-9 Subdocket C
- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.
- In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.
- On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket C will address the issues involving proposed aquatic life uses.

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- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing, and additional hearings have been scheduled in 2011.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Fall of 2011.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
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tipsorm@ipcb.state.il.us

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- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217-782-5544

- t) Part (Heading and Code Citation):
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket Number R08-9 Subdocket D

- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

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On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing, and additional hearings have been scheduled in 2011.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Fall of 2011.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

312-814-4925
tipsorm@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217-782-5544

- u) Parts (Headings and Code Citations):
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket Number R07-21

- A) Description: On May 30, 2007, the City of Joliet (Joliet) filed a proposal for a site-specific rulemaking with the Board. Joliet's proposal seeks site-specific relief from the Board's general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208(e) and (g)) and provisions for determining water quality based effluent limitations (35 Ill. Adm. Code 304.105). Joliet states that under its proposal, the general use water quality standards for copper and fluoride and the provisions for determining water quality based effluent limitations would not apply to that portion of Hickory Creek downstream from the Joliet Street Bridge in Joliet to the juncture with the Des Plaines River that receives the discharge from the Joliet East Side waste water treatment plant (WWTP). Instead, Joliet proposes that its East Side WWTP discharge would have to comply with limits of 0.15 milligrams per liter (mg/L) for copper and 3.5 mg/L for fluoride as monthly average values. Joliet filed an amended petition on December 31, 2009.

Joliet explains that its petition is a follow-up to a March 30, 2007 Consent Order entered in a Will County Circuit Court case between Joliet, the Illinois Environmental Protection Agency (IEPA), and the Attorney

POLLUTION CONTROL BOARD

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General's Office. According to Joliet, the Consent Order set interim daily maximum limits for copper limit (0.1156 mg/L) and fluoride (3.5 mg/L).

The Board has delayed hearing in this rulemaking at the request of Joliet, pending among other things, additional information concerning potential funding sources for WWTP improvements. In an April 20, 2011, status report, Joliet reported steps it has taken to move forward with the compliance program to allow it to ultimately move its discharge from Hickory Creek and the confluence with the Des Plaines River directly to the Des Plaines River. The Board will schedule hearings when Joliet is prepared to proceed to hearing.

- B) Statutory authority: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- C) Scheduled meeting/hearing dates: The Board will schedule hearings when Joliet is ready to proceed to hearing.
- D) Date agency anticipates First Notice: The Board anticipates that it may propose a site-specific rule for first- notice publication in the *Illinois Register* in the Winter or Spring of 2012.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges downstream of Joliet's discharge into the Des Plaines River, as outlined above.
- F) Agency contact person for information:

Address comments concerning the substance of the rulemaking, noting docket R07-21 to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting R07-21 to:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Kathleen Crowley
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-6929
crowlek@ipcb.state.il.us

G) Related rulemakings and other pertinent information: None

v) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R12-2

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R12-2 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal wastewater pretreatment regulations that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R12-2, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of

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illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-2 would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-2, as follows:

POLLUTION CONTROL BOARD

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John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- w) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

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- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal during the Fall or Winter of 2011. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The Agency has stated that it anticipates proposing amendments to its rules entitled

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"Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Stefanie Diers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-0810

- x) Parts (Heading and Code Citation): Agriculture Related Water Pollution (35 Ill. Adm. Code Subtitle E)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) will prepare a rulemaking proposal for filing before the Board relating to the United States Environmental Protection Agency's Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were adopted on December 22, 2008.

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- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2011. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

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- G) Related Rulemaking and other pertinent information: Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 1927
Springfield, Illinois 62794-9276
217-782-5544

- y) Part (Heading and Code Citation):
Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket Number R12-4

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R12-4 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware any federal amendments to the SDWA primary drinking water regulations that occurred during this update period.

The Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R12-4, as necessary and appropriate.

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Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R12-4, if the earliest federal amendments in the applicable period occurred on January 1, 2011, the due date for Board adoption would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information:

POLLUTION CONTROL BOARD

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Address written comments concerning the substance of the rulemaking, noting docket number R12-4, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 611.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- z) Part (Headings and Code Citations):
Laboratory Accreditation Rules (35 Ill. Adm. Code 611)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency's own laboratory accreditation

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rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2011. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.
- F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

Other pertinent information concerning these amendments:

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Joanne M. Olson
Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-5544

aa) Parts (Headings and Code Citations):
Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: Docket Number R11-25

A) Description: On April 21, 2011, the Board received from the Illinois Environmental Protection Agency a rulemaking proposal to establish a maximum setback zone for six community water supply (CWS) wells owned by Fayette Water Company (FWC) in Fayette County.

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- B) Statutory authority: Implementing and authorized by Sections 14.3(d), 27, and 28 of the Environmental Protection Act [415 ILCS 5/14.3(d), 27, 28].
- C) Scheduled meeting/hearing dates: The Board has scheduled a hearing on July 27, 2011, at the Fayette County Courthouse in Vandalia.
- D) Date agency anticipates First Notice: The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Fall or Winter of 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation to the extent the affected entity operates within the radius of the proposed maximum setback zone.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-25, as follows:

John T. Therriault
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-25, as follows:

Timothy Fox
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6085
foxt@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of the proposal, please contact the following Agency attorney:

POLLUTION CONTROL BOARD

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Joanne M. Olson
Illinois Environmental Protection Agency
1021 N. Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62756
217-782-5544

- bb) Part (Heading and Code Citation):
Groundwater Quality (35 Ill. Adm. Code 620)
- 1) Rulemaking: Docket Number R08-18
- A) Description: On February 19, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Board's groundwater quality rules (35 Ill. Adm. Code 620). On March 20, 2008, the Board accepted the Agency's proposal for hearing in Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620, docket R08-18. In its proposal, the Agency notes that it is periodically necessary to amend the groundwater quality standards to account for new scientific data, federal updates, updated technical references, and the discovery of additional groundwater parameters. To that end, the proposed amendments, according to the Agency are intended to ensure that as the science and technical data behind the standards evolve, the groundwater regulations stay current.
- The Agency states that in developing the proposal, the Agency evaluated the electronically-reported groundwater data for Illinois Resource Conservation and Recovery Act (RCRA) and solid waste facilities under its purview. A data query was conducted for some 300 groundwater parameters not included in 35 Ill. Adm. Code 620.Subpart C. The Agency explains that it also evaluated confirmed groundwater contaminants at various cleanup sites. The Agency now proposes, for example, updates to make Part 620 consistent with groundwater remediation objectives listed in the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742) for several chemicals detected in groundwater but not currently included in Part 620. The Agency also proposes a groundwater standard for perchlorate based on the new reference dose published by the United States Environmental Protection Agency (USEPA) and

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recommended by the National Academy of Science (NAS). Additionally, the Agency is proposing an amendment to the existing groundwater standard of 0.050 milligrams per liter (mg/L) for arsenic based on the amendment of the federal drinking water standard or maximum contaminant level (MCL) for arsenic to 0.010 mg/L. The Agency further proposes amendments to the provisions on incorporations by reference, including the addition of "Guidance Document for Groundwater Protection Needs Assessments (January 1995)," prepared by the Agency, the Illinois State Water Survey, and the Illinois State Geologic Survey.

On February 17, 2011, the Agency filed a motion to amend its proposal prior to the Board going forward with any first-notice amendments. By hearing officer order of May 2, 2011, the Agency's motion was granted, removing the chemical Di-n-octyl phthalate from the Agency's proposed groundwater standards.

- B) Statutory authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/8] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting /hearing date: The Board held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Chicago on June 18, 2008, and the second hearing took place in Springfield on July 16, 2008.
- D) Date agency anticipates First Notice: The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Fall or Winter of 2011.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency does not anticipate that the proposed amendments would have a significant impact on any small business, small municipality, or not-for-profit corporation. Sources and facilities that may be impacted would include those that cause, threaten, or allow the contamination of groundwater. According to the Agency, however, the proposed groundwater quality standards do not establish new corrective action or monitoring programs, and new constituent standards would be phased into existing programs, as appropriate, over time. The Agency

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explains that any economic impact resulting from applying the new standards therefore would be incremental and occur on a site-by-site basis over time. Considering the resource and its end users, the Agency indicates that economic benefits may result from adopting these standards, including reduced health risks, reduced expenses for treating water at wellheads, and reduced expenses for obtaining water supplies.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Richard McGill
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-6983
mcgillr@ipcb.state.il.us

G) Related rulemaking and other pertinent information: A related rulemaking is pending in Board docket R11-9, captioned Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

For information regarding the Agency's development of this proposal, please contact:

Richard Cobb
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-785-4787

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cc) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)

RCRA Permit Program (35 Ill. Adm. Code 703)

Procedures For Permit Issuance (35 Ill. Adm. Code 705)

Hazardous Waste Management System: General (35 Ill. Adm. Code 720)

Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)

Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)

Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

Land Disposal Restrictions (35 Ill. Adm. Code 728)

Standards for Universal Waste Management (35 Ill. Adm. Code 733)

Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R12-7

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R12-7 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each by about mid-August 2011. The board will then propose corresponding

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amendments to the Illinois federal RCRA Subtitle C derived hazardous waste regulations using the identical-in-substance procedure, or dismiss docket R12-7 as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. If the USEPA adopted an amendment on January 1, 2011, the due date for the Board adoption of amendments in docket 12-7 is January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments is assumed to be January 1, 2012, the Board will propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early September, 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State. Alternatively, if no amendment to the Illinois hazardous waste regulations is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small

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municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-7, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information: The pending consolidated RCRA Subtitle C update dockets R11-2 and R11-16 will affect the text of Parts 702, 720 through 726 and 728. The reserved UIC update docket for the period January 1, 2011 through June 30, 20 (R12-5), and other, as yet unknown, Board proceedings may affect the text of 35 Ill. Adm. Code 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, or 739.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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dd) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket Number R11-16

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R11-16 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any other federal actions that affect the RCRA Subtitle C regulations and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois UIC

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regulations using the identical-in-substance procedure or dismiss docket R11-16, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R11-16, if the earliest federal amendments in the applicable period occurred on January 1, 2011, the due date for Board adoption would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2012, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October, 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information:

POLLUTION CONTROL BOARD

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Address written comments concerning the substance of the rulemaking, noting docket number R11-16, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-16, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The RCRA Subtitle C docket for the period of January 1, 2010 and the reserved UIC update docket for the period of July 1, 2010 through December 31 2010 (R11-14). No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- ee) Parts (Headings and Code Citations):
RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)

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Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R12-5

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R12-5 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R12-5, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2012, the due date for Board adoption of amendments in docket R12-5 would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-5, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

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- G) Related rulemakings and other pertinent information: The pending consolidated RCRA Subtitle C update dockets for the periods January 1, 2010 through June 30, 2010 (R11-2), and July 1, 2010 through December 31 2010 (R11-16) will affect the text of 35 Ill. Adm. Code 720. The reserved RCRA Subtitle C update docket for the periods January 1, 2011 through June 30, 2011 (R12-7) may affect Parts 702, 705, and 720. The reserved UIC update docket for the period July 1, 2010 through December 31, 2010 (R11-16) will affect the text of Parts 704 and 730. No other presently known proceeding would affect Parts 704, 730, or 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- ff) Part (Heading and Code Citation):
Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R12-1

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R12-1 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is

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not aware of any amendments to the federal UST regulations that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R12-1, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-1 would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

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E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-1, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

gg) Part (Headings and Code Citations):
Underground Storage Tanks (35 Ill. Adm. Code 731);

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Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, through June 23, 2002) (35 Ill. Adm. Code 732);
Petroleum Underground Storage Tanks (Releases Reported On or After June 23, 2002) (35 Ill. Adm. Code 734)

- 1) Rulemaking: Docket number R11-22
 - A) Description: The Illinois Environmental Protection Agency filed a proposal on February 18, 2011 in response to changes made to the Leaking Underground Storage Tank Program [415 ILCS 5/57 et. seq.] by Public Act 96-908.
 - B) Statutory Authority: Sections 27 and 57.14A of the Environmental Protection Act [415 ILCS 5/27 and 5/57.14A].
 - C) Scheduled meeting/hearing dates: Hearings were held on May 10 and June 16, 2011 as required in Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28]
 - D) Date agency anticipates First Notice: The Board anticipates publication of the Notice of Proposed Rules in the summer or fall of 2011.
 - E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, or not for profit corporations that are regulated under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.
 - F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Tim Fox
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6085
foxt@ipcb.state.il.us

POLLUTION CONTROL BOARD

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Address concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

Kyle Rominger
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
kyle.rominger@illinois.gov

hh) Part (Headings and Code Citation):

Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Docket Number R11-9

- A) Description: On November 9, 2010, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend the Board's rules for the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742). On November 18, 2010, the Board accepted the Agency's proposal for hearing in Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, docket R11-9. With the proposed amendments, the Agency seeks to add the indoor inhalation exposure route to the existing risk-based methodology under TACO. The Agency explains that the amendments are designed to protect building occupants from a contaminated site's volatile chemicals that may migrate from the soil and groundwater to the indoor air. This migration is commonly known as "vapor intrusion."

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- B) Statutory Authority: These amendments were proposed pursuant to Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled Meeting/Hearing Dates: The Board held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Springfield on March 29, 2011, and the second hearing took place in Chicago on May 24, 2011.
- D) Date Agency Anticipates First Notice: The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Fall or Winter of 2011.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation performing environmental remediation under a program subject to the Board's TACO rules, such as the Site Remediation Program (SRP), the Leaking Underground Storage Tank (LUST) Program, or a Resource Conservation and Recovery Act (RCRA) Part B permit. According to the Agency, the use of TACO has put many sites back into safe, productive use. The Agency contends that the public policy reasons for adding the indoor inhalation exposure route to the TACO rules outweigh extra remediation costs that may be incurred due to the amendments. These reasons include better protecting the health of Illinois residents, expanding liability relief, and facilitating property transactions.
- F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

POLLUTION CONTROL BOARD

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Richard McGill
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
312-814-6983
mcgillr@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: A related rulemaking is pending in Board docket R08-18, captioned Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620.

For information regarding the development of these amendments please contact:

Kimberly A. Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
kimberly.geving@illinois.gov

- ii) Parts (Headings and Code Citations):
Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)
- 1) Rulemaking: Docket Number R12-6
- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental

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Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R12-6 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R12-6, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2011, the due date for adoption of amendments in docket R12-6 would be January 1, 2012.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If

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the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-6, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R12-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Docket R10-9 entitled "In the Matter of: Financial Assurance Instruments-- Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G" could affect the text of 35 Ill. Adm. Code 807, 810, or 811.

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Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

jj) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)

Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: Docket number R10-9

- A) Description: On July 27, 2009, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board. That proposal was filed pursuant to the Board's general rulemaking authority of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].

The Board has assigned docket number R10-9 for consideration of the Agency's proposal.

The Agency proposal requests that the Board make a number of changes in the landfill financial assurance provisions. The Agency's proposal states that the current State requirements date back to 1985 and 1990. The proposal states that the Board added federally derived requirements applicable to municipal solid waste landfills in 1993, amending them in 1997 and 1999. The Agency asserts that the financial assurance provisions have remained substantially unchanged since these times. The Agency wants the Board to update the financial assurance regulations to account for changes that have occurred over the years—principally with regard to comparable provisions in federally derived hazardous waste regulations.

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The Agency wants the Board to update certain documents incorporated by reference to the latest versions of these documents that are available. The Agency wants the Board to shorten the minimum required terms of bonds and letters of credit used to provide financial assurance from the current four or five years to one year. The Agency requests that the Board add evergreen renewal language to bonds and letters of credit, in order to shift the burden of maintaining continuous financial assurance to regulated entities. The Agency asserts that the current lack of such renewal provisions has imposed the burden of ensuring continuous coverage on the Agency.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R10-9 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

- B) Statutory authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The Board held one hearing in Springfield in Spring 2010. A second hearing was held in Chicago in Summer 2010.
- D) Date agency anticipates First Notice: First notice was published in the *Illinois Register* on February 25, 2011. The Board expects final adoption in Summer 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that owns or operates a landfill in Illinois.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R10-9, as follows:

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R10-9, as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the development of these amendments, please contact:

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
stephanie.flowers@illinois.gov
217-782-5544

- kk) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)

Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: Docket number R10-9 Subdocket A

- A) Description: On July 27, 2009, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board, docketed as R10-9. That proposal was filed pursuant to the Board's general rulemaking authority of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28]. The Agency proposal requests that the Board make a number of

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changes in the landfill financial assurance provisions. The Agency's proposal states that the current State requirements date back to 1985 and 1990. The proposal states that the Board added federally derived requirements applicable to municipal solid waste landfills in 1993, amending them in 1997 and 1999. The Agency asserts that the financial assurance provisions have remained substantially unchanged since these times. The Agency wants the Board to update the financial assurance regulations to account for changes that have occurred over the years—principally with regard to comparable provisions in federally derived hazardous waste regulations.

The Agency wants the Board to update certain documents incorporated by reference to the latest versions of these documents that are available. The Agency wants the Board to shorten the minimum required terms of bonds and letters of credit used to provide financial assurance from the current four or five years to one year. The Agency requests that the Board add evergreen renewal language to bonds and letters of credit, in order to shift the burden of maintaining continuous financial assurance to regulated entities. The Agency asserts that the current lack of such renewal provisions has imposed the burden of ensuring continuous coverage on the Agency.

In Summer 2011, the Board created this Subdocket to address concerns raised after the proposal had been adopted for second notice.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R10-9(a) may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

- B) Statutory authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice

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of the hearings at least 20 days prior to the date of the hearings. The Board held two hearings in R10-9. One hearing was held in Springfield on May 11, 2010. A second hearing was held in Chicago on July 15, 2010.

- D) Date agency anticipates First Notice: The Board anticipates first notice publication in Summer 2011.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that owns or operates a landfill in Illinois.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R10-9(a), as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R10-9(a), as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Docket R10-9 entitled "In the Matter of: Financial Assurance Instruments-- Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G" would affect the text of 35 Ill. Adm. Code 807, 810 or 811.

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JULY 2011 REGULATORY AGENDA

For information regarding the development of these amendments, please contact:

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
stephanie.flowers@illinois.gov
217-782-5544

- II) Part (Headings and Code Citations):
Management of Used and Waste Tires (35 Ill. Adm. Code 848)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with legislative amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.
- B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board as soon as the Fall or Winter of 2011, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
stephanie.flowers@il.gov

mm) Part (Headings and Code Citations):

Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)

1) Rulemaking: No docket presently reserved.

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- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations resulting from Public Act 96-1416.
- B) Statutory authority: Sections 3.160, 22.51 and 22.51a of the Environmental Protection Act [415 ILCS 5/3.160, 22.51 and 22.51a].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board as soon as the Summer of 2011, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that operates a clean construction or demolition debris fill operation or an uncontaminated soil fill operation as well as any small business, small municipality or not-for-profit corporation that disposes of clean construction or demolition debris or uncontaminated soil at a permitted or registered fill operation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
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Springfield, Illinois 62794-9274
217-524-8509

POLLUTION CONTROL BOARD

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webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
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stephanie.flowers@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER
OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL
YEAR 2011

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2011 (July 1, 2010, through June 30, 2011).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During
Fiscal Year 2011 (July 1, 2010 through June 30, 2011)Docket/Docket TitleFinal Determination

In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 07-6 (October 7, 2010)

The Board granted this petition for reissuance of a previous adjusted standard (*see* AS 96-3) for Cabot's inorganic chemical manufacturing facility located in Tuscola, Douglas County. The facility manufactures fumed silica dioxide. The previous adjusted standard allowed Cabot to dispose of hazardous wastes into three underground injection control wells (Well #1, #2, and #3). Cabot now seeks to inject the same hazardous wastes only into Wells #2 and #3, and only through December 31, 2027. On June 1, 2010, USEPA granted Cabot a federal exemption, subject to conditions. The federal and State petitions were similar, and the IEPA recommended that the Board grant the adjusted standard to Cabot. The adjusted standard granted by the Board includes numerous conditions, including some similar to the conditions set by USEPA. The Board's conditions include, but are not limited to, the maximum amounts of certain concentrations of constituents in the injected waste; the volume of waste that may be injected; and testing and reporting

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

requirements. An additional order correcting a typographical error was issued on November 18, 2010.

In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 807.104 and 810.103 or, in the alternative, a finding of inapplicability) AS 09-03,
(October 7, 2010)

Petitioner, located in Madison, Madison County, sought a determination that steelmaking slag fines used as raw materials in its process do not constitute "waste" under the Environmental Protection Act. Alternatively, petitioner sought an adjusted standard from specified definitions in the Board's solid waste regulations. Due to initial deficiencies in the petition, the Board issued an order on January 7, 2010 stating that it could not determine that the steelmaking slag fines were not a waste or that an adjusted standard was warranted. Petitioner filed a motion to reconsider along with supplemental information. On October 7, 2010, the Board granted the finding of inapplicability, and denied the adjusted standard as moot. The Board found that the steelmaking slag fines petitioner processes to produce coarse and fine metallic fractions in bulk, nugget, and briquette form to be used in steel manufacturing are not a waste under certain conditions. Conditions include, but are not limited to, testing requirements, and ensuring that fines do not contain hazardous waste.

Final Actions Taken by the Pollution Control Board in Combined Sewer Overflow Exception Proceedings During Fiscal Year 2011 (July 1, 2010 through June 30, 2011)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2011, as none were filed with the Board or pending during fiscal year 2011.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Request copies, noting the appropriate docket number, to:

John Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-3629

Address questions concerning this notice, noting the appropriate docket number, to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

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 May 31, 2011 through June 6, 2011 and have been scheduled for review by the Committee at its July 12, 2011 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>
7/15/11	<u>Illinois Racing Board</u> , Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)	4/15/11 35 Ill. Reg. 6325	7/12/11
7/16/11	<u>Department of Commerce and Economic Opportunity</u> , Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)	3/25/11 35 Ill. Reg. 4736	7/12/11
7/17/11	<u>Secretary of State</u> , Merit Commission (80 Ill. Adm. Code 50)	4/8/11 35 Ill. Reg. 6058	7/12/11
7/17/11	<u>Secretary of State</u> , Merit Commission Public Information, Rulemaking and Organization (2 Ill. Adm. Code 555)	4/8/11 35 Ill. Reg. 6053	7/12/11
7/20/11	<u>Illinois Commerce Commission</u> , Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	3/11/11 35 Ill. Reg. 3878	7/12/11

PROCLAMATIONS

**2011-196
National Maritime Day**

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and,

WHEREAS, the S. S. Savannah departed for what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and,

WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and,

WHEREAS, according to information provided by the U.S. Department of Transportation's Maritime Administration in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and,

WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and,

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22, 2011 as **NATIONAL MARITIME DAY** in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 20, 2011

Filed by the Secretary of State June 3, 2011

**2011-197
Memorial Day**

WHEREAS, Memorial Day was designated as a national holiday for the purpose of cherishing and solemnly celebrating our memories of those who sacrificed their lives on the battlefield in service to our country; and,

WHEREAS, Memorial Day was first observed in 1868 upon the order of Illinois' own John A. Logan, national commander of the Grand Army of the Republic, who called on every American to raise the flag in honor of those lost and to "renew our pledges to aid and assist those whom

PROCLAMATIONS

they have left among us as sacred charges upon the Nation's gratitude,—the soldier's and sailor's widow and orphan"; and,

WHEREAS, Memorial Day today continues to serve as a reminder to every American that our freedom was bought and is preserved at a great cost, and that each of us owes a boundless debt of gratitude to those valorous men and women who have given their lives to defend our country on the battlefields, on the seas and in the skies around the world; and,

WHEREAS, Memorial Day 2011 offers everyone in the Land of Lincoln an opportunity to honor those brave men and women who have served, and continued to serve, as members of the United States Armed Forces; and,

WHEREAS, Memorial Day 2011 reminds us that we can acknowledge our debt to those who serve by flying the flag proudly, by paying our respects at the final resting places of those who fell in battle, and by supporting our men and women in uniform through the Illinois Military Family Relief Fund or other organizations dedicated to helping veterans and servicemembers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 30, 2011, as **MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to noon on this day, and ask everyone in Illinois to honor the enduring legacy of our national heroes who gave their lives in defense of our nation and the undying American principles of justice, freedom, and democracy.

Issued by the Governor May 23, 2011

Filed by the Secretary of State June 3, 2011

2011-198**Flag Honors – Officer Paul Nauden**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of law enforcement who selflessly serve to protect our lives and keep our families and communities safe; and,

WHEREAS, every day, the men and women who work in law enforcement face great risks and, in many cases, put their safety on the line to perform their duties; and,

WHEREAS, in the morning of May 20, 2011 one of these dedicated public servants, Officer Paul Nauden of the Chicago Police Department, was suddenly taken from us at the age of 46; and,

WHEREAS, throughout his 21 year career as a proud member and officer of the Chicago Police Department, Officer Nauden represented the City of Chicago and the State of Illinois admirably; and,

PROCLAMATIONS

WHEREAS, although Officer Nauden is no longer with us, he will always be remembered for the countless lives that were impacted by his public service; and,

WHEREAS, during the course of his career, Officer Nauden received 49 Department awards, including awards for Meritorious Performance, Department Commendations, Police Officer of the Month, and Special Commendation; and,

WHEREAS, funeral services will be held on Friday, May 27, 2011, for Officer Nauden, who is survived by his wife April, children Avrial and Alana, sister Sherrie, brothers Lawrence, Matthew, and Norvel, and his mother Barbara:

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 May 25, 2011 until sunset on May 27, 2011 in honor and remembrance of Officer Nauden, whose selfless service and sacrifice is an inspiration.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

2011-199**CPR and AED Awareness Week**

WHEREAS, heart disease affects men, women, and children of every age and race in the United States and it continues to be the leading cause of death in the United States; and,

WHEREAS, approximately 295,000 emergency medical services treated out-of-hospital that are cardiac arrests occur annually nationwide. Roughly 92 percent of sudden cardiac arrest victims die before arriving at the hospital. Sudden cardiac arrest results from an abnormal heart rhythm in most adults, often ventricular fibrillation. Unfortunately, only 31.4 percent of out-of-hospital cardiac arrest victims receive bystander cardiopulmonary resuscitation (CPR); and,

WHEREAS, prompt delivery of CPR more than doubles the victim's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the amount of time in which an electric shock from a defibrillator can be effective; and,

WHEREAS, an automated external defibrillator (AED), even when used by a bystander, is safe, easy to operate, and, if used immediately after the onset of sudden cardiac arrest, highly effective in terminating ventricular fibrillation so the heart can resume a normal, effective rhythm; and,

WHEREAS, for every minute without bystander CPR, survival from witnessed cardiac arrest decreases 7-10 percent. The interval between the 911 telephone call and the arrival of

PROCLAMATIONS

Emergency Medical Services personnel is usually longer than five minutes, therefore a cardiac arrest victim's survival is likely to depend on a public trained in CPR and AED use and access to these lifesaving devices; and,

WHEREAS, the Chicago Medical Society, American Red Cross, American Heart Association, and the National Safety Council are preparing a public awareness and training campaign on CPR and AED use to be held during the first week of June:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 1-7, 2011 as **CPR AND AED AWARENESS WEEK** in Illinois, in recognition of the good work of the Chicago Medical Society, American Red Cross, American Heart Association and the National Safety Council, and encourage all Americans to become properly trained in CPR and AED usage.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

2011-200**Cultural Month of Michoacán**

WHEREAS, the Michoacáños represent the largest group of Mexican immigrants living in the United States; and,

WHEREAS, of the 500,000 Michoacáños living in the Midwest, 250,000 have chosen the State of Illinois to be their newly adopted home; and,

WHEREAS, the Federación de Clubes Michoacáños en Illinois is a not for profit organization that promotes the well-being and advancement of Michoacáños in the Midwest as well as Mexico through education, cultural, civic and social projects in a bi-national context to promote the formation of proactive citizens that seek full participation in the societies in which they live; and,

WHEREAS, Casa Michoacán, headquarters of the Federación de Clubes Michoacáños en Illinois, has been a focus of social, educational and cultural enrichment, as well as a beacon for the March 10 and May 1 immigration rights rallies in 2006 that put Chicago and Illinois at the forefront of the national immigration debate; and,

WHEREAS, The Honorable Leonel Godoy Rangel, Governor of the Mexican State of Michoacán, will visit Illinois once again this year to participate in the annual PRESENCIA MICHOACÁNA 2011, a cultural and civic event that, since the year 2000, has gathered Michoacáños from all over the region to celebrate their culture and history, and strengthen their presence in the Midwest:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **CULTURAL MONTH OF MICHOACÁN** in Illinois, to promote greater awareness and appreciation of the Michoacán culture, and in recognition of all Michoacáños who call Illinois home.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

2011-201**General Aviation Appreciation Month**

WHEREAS, general aviation and community airports play a critical role in the lives of our citizens, as well as in the operation of our businesses and farms; and,

WHEREAS, the State of Illinois has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions and aviation organizations and community airports and airport operators; and,

WHEREAS, Illinois is home to 112 airports, which serve 27,000 pilots and 10,578 general aviation aircraft; and,

WHEREAS, general aviation contributes \$6 billion, or \$492 per capita, to the state's economy; the seventh highest total in the nation; and,

WHEREAS, general aviation accounted for 3,102 full-time jobs statewide as well as 1,145 part-time jobs; and,

WHEREAS, general aviation plays a vital role in the State's response to emergencies and natural disasters; and,

WHEREAS, Illinois is home to 65 charter flight companies, 98 repair stations, and 13 flight schools operating 131 aircraft and providing 333 jobs. In addition, there are 89 fixed-based operators in the state; and,

WHEREAS, organizations like the Illinois Pilots Association, the Alliance for Aviation Across America, National Business Aviation Association, National Association of State Aviation Officials, and National Air Transportation Association recognize and promote the interests and importance of aviation in Illinois and throughout the world; and,

WHEREAS, many communities in Illinois depend heavily on general aviation and community airports for the continued flow of commerce, tourists and visitors to our State:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **GENERAL AVIATION APPRECIATION MONTH** in Illinois, in recognition of general aviation as a vital strategic resource to our state.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

2011-202**The Charles Tillman Family Organ/Tissue Donor Awareness Day**

WHEREAS, currently more than 105,000 men, women and children in our country, including nearly 5,000 in Illinois, are waiting for lifesaving organ transplants; and,

WHEREAS, an average of 18 Americans die each day due to the growing and critical shortage of donated organs for transplant; and,

WHEREAS, caring Illinois families have consented to give the gift of life through organ/tissue donation at the death of a loved one; and,

WHEREAS, thousands of Illinois men, women and children and their families have celebrated new life through organ and tissue donations; and,

WHEREAS, the family of Charles Tillman, left cornerback for the Chicago Bears, has personally been affected by the need for organ donation; and,

WHEREAS, Tiana Tillman received a life saving heart transplant at the age of six months; and,

WHEREAS, The Charles Tillman Family have made it their mission to promote awareness of Organ/Tissue donation; and,

WHEREAS, The Charles Tillman Family has teamed with the Office of Illinois Secretary of State Jesse White and appeared in radio and television public service announcements statewide, urging Illinoisans to join the donor registry:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 18, 2011 as **THE CHARLES TILLMAN FAMILY ORGAN/TISSUE DONOR AWARENESS DAY** in Illinois, and encourage all citizens to become organ donors and to make their families aware of their wishes.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

PROCLAMATIONS

2011-203**Eye Health Awareness Day**

WHEREAS, the gift of sight is one of our most valued senses; and,

WHEREAS, statistically African Americans are particularly susceptible to loss of vision due to a higher risk of eye disease; and,

WHEREAS, with early detection and treatment, it is possible to preserve sight for this high risk group; and,

WHEREAS, the Illinois Association of Ophthalmology and the American Academy of Ophthalmology are joining together with the New Mt. Pilgrim Baptist Church on the west side of Chicago to conduct a free eye screening event; and,

WHEREAS, ophthalmologists, ophthalmology residents in training, ophthalmic technicians, and lay people are volunteering to help conduct screening exams with a goal to discover undetected vision problems and eye disease among high-risk citizens; and,

WHEREAS, through the screening event, area residents will learn about their visual status and will receive information about resources for further evaluation, if necessary:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 11, 2011 as **EYE HEALTH AWARENESS DAY** in Illinois, and encourage all citizens to gain greater awareness of the importance of medical eye care for everyone.

Issued by the Governor May 24, 2011

Filed by the Secretary of State June 3, 2011

2011-204**American Eagle Day**

WHEREAS, the Bald Eagle was designated as the United States of America's National Emblem on June 20, 1782 by our Country's Founding Fathers at the Second Continental Congress; and,

WHEREAS, the Bald Eagle is unique to North America and represents such American values and attributes as Freedom, Courage, Strength, Spirit, Justice, Quality and Excellence; and,

WHEREAS, the Bald Eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress,

PROCLAMATIONS

Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce, and U.S. Postal Service; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in the beliefs, traditions, religions, lifestyles and heritage of Americans from all walks of life, including U.S. military servicemen and women, American Indians, Christians, and members of various civic, fraternal, patriotic, veterans, youth, conservation, educational, outdoors, nature, sportsman, wildlife, political and sports organizations; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, and culture, as well as on United States stamps, currency, and coinage; and,

WHEREAS, the Bald Eagle was once endangered and threatened with possible extinction, but is gradually making an encouraging comeback to America's skies; and,

WHEREAS, the Bald Eagle was federally classified as an "endangered species" in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled "threatened" status under that Act in 1995; and,

WHEREAS, the Department of Interior and U.S. Fish and Wildlife Service delisted the Bald Eagle from Endangered Species Act protection in 2007, but the Bald Eagle will continue to be protected under the Bald and Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and,

WHEREAS, the recovery of the United States' Bald Eagle population was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 20, 2011 as **AMERICAN EAGLE DAY** in Illinois, and encourage all citizens to join in support of the majestic Bald Eagle's continuing recovery and the protection of its precious natural habitat, and in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor May 26, 2011

Filed by the Secretary of State June 3, 2011

2011-205
Association Week

WHEREAS, the Association Forum of Chicagoland represents CEOs and executives from more than 500 associations located throughout Chicago and its surrounding communities; and,

PROCLAMATIONS

WHEREAS, the associations that the Association Forum serves generate more than 9 billion dollars annually for Chicago's economy; and,

WHEREAS, the Chicagoland associations employ more than 47,000 people in various capacities; and,

WHEREAS, the Association Forum represents institutions such as the American Bar Association, the American Medical Association, the American Hospital Association, the Healthcare Information and Management Systems Society and the National Association of Realtors, among many others; and,

WHEREAS, the Chicago area is home to the second largest concentration of association headquarters in the United States, and ranks first in the number of health care-related organizations; and,

WHEREAS, Chicagoland-based associations hold and sponsor more than 30,000 meetings, seminars, conventions and trade shows in the Chicagoland area which attracts more than 2 million attendees; and,

WHEREAS, the Association Forum provides educational and experiential resources to its members; and,

WHEREAS, the Association Forum will celebrate Association Week 2011 from June 13-17; and,

WHEREAS, the contributions of associations and their employees to their communities will be recognized during Association Week by such events as GenNext Meets GenNow, Annual Meeting, All-Star Day, Honors Gala and a Community Service Event:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 13-17, 2011 as **ASSOCIATION WEEK** in Illinois in support of our associations, and encourage all citizens to recognize and celebrate the many contributions that Illinois headquartered associations make to the health, education and overall well-being of the people of the Land of Lincoln.

Issued by the Governor June 2, 2011

Filed by the Secretary of State June 3, 2011

2011-206

¡Vive Tu Vida! Get Up! Get Moving! Wellness Day

PROCLAMATIONS

WHEREAS, Hispanic communities in Illinois and throughout the United States are faced with many challenges every day. One such challenge faced by the Hispanic community, among others, is health and wellness; and,

WHEREAS, with a Hispanic population of nearly 15.8 percent, Illinois recognizes the need to confront the challenges Hispanics face with a proactive strategy that strengthens community alliances and networks; and,

WHEREAS, it is also important to ensure that the state's Hispanic community receives culturally proficient and linguistically appropriate health and human services; and,

WHEREAS, there are a number of organizations, such as the Chicago Hispanic Health Coalition and the National Alliance for Hispanic Health, working to achieve that goal and to ensure that the perspective and experience of the Hispanic community is brought to the forefront of health care services and policy; and,

WHEREAS, the Chicago Hispanic Health Coalition empowers individuals, builds coalitions, and supports organizations, with the goal of promoting healthy behaviors and reducing the risk of illness and injury; and,

WHEREAS, to maximize and coordinate efforts among city and state organizations to promote healthy lifestyle awareness in Chicago's Hispanic communities, the Chicago Hispanic Health Coalition, and the Illinois Departments of Human Services and Public Health are joining together with the National Alliance for Hispanic Health to sponsor ¡Vive Tu Vida! Get Up! Get Moving!, the nation's premier annual Hispanic family physical activity and healthy lifestyle event; and,

WHEREAS, more than 45,000 people are expected to attend ¡Vive Tu Vida! Get Up! Get Moving! events in ten cities across the country this year; and,

WHEREAS, these events will feature fun and excitement for the whole family, free health screenings, healthy snacks, and prize drawings, as well as activity stations for soccer, tennis, baseball, basketball, dance, aerobics, yoga and much more; and,

WHEREAS, this year, Chicago will host a ¡Vive Tu Vida! Get Up! Get Moving! event on June 18:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 18, 2011 as **¡VIVE TU VIDA! GET UP! GET MOVING! WELLNESS DAY** in Illinois, and encourage all residents to recognize the need for increased health awareness in the Hispanic community and to support the efforts of those participating in this important event.

Issued by the Governor June 2, 2011

Filed by the Secretary of State June 3, 2011

PROCLAMATIONS

2011-207**Welcome Home 2011 Days**

WHEREAS, the Vietnam War, in which North Vietnam and the Viet Cong were in conflict with the United States and South Vietnam, took place from 1961 to 1975. The number of U.S. troops on the ground in the Southeast Asian country peaked in 1969 at approximately 543,000; and,

WHEREAS, on January 17, 1973, the Paris Peace Accords were signed requiring the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all members of the United States Armed Forces from South Vietnam. On March 30, 1973 the U.S. Armed Forces completed the withdrawal of combat troops from Vietnam; and,

WHEREAS, all told, more than 58,000 members of the United States Armed Forces made the ultimate sacrifice during the Vietnam War, and more than 300,000 were injured; and,

WHEREAS, those who returned home from fighting in the war in Vietnam were caught in the middle of a contentious public debate about U.S. involvement in the conflict and initially did not have the traditional welcome home ceremonies they deserved; and,

WHEREAS, on June 13, 1986, the Chicago Vietnam Veterans Welcome Home Parade was held, with over 200,000 veterans and their families marching proudly down the streets of Chicago to the applause of over 300,000 spectators, making it the largest parade of its kind in American history; and,

WHEREAS, that emotional and inspirational day helped change the country's outlook toward Vietnam veterans and provided a healing process which generated a grassroots movement that laid the groundwork for today's returning soldiers; and,

WHEREAS, June 13, 2011 will mark the 25th Anniversary of this historic event. To commemorate this anniversary, some of the original Parade Committee members have formed the Welcome Home 2011 Committee and have planned a weekend of activities in observance; and,

WHEREAS, events planned for "Welcome Home 2011: Together Then... Together Again," include a kick-off rally at Navy Pier, a display of photographs at the Chicago Cultural Arts Center submitted by veterans, Vietnam Moving Wall display at Navy Pier, a Heroes Banquet Dinner, and a concert in Millennium Park, as well as military unit reunions, vendor and informational booths, seminars, and veteran author discussion panels; and,

WHEREAS, the 25th Anniversary of the historic Chicago Vietnam Veterans Welcome Home Parade provides an opportunity to honor the brave members of the United States Armed Forces who served faithfully during the conflict in Vietnam:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 17-19, 2011, as **WELCOME HOME 2011 DAYS** in Illinois, in honor of all of those who served bravely and faithfully in the Vietnam War, as well as those who have served or are currently serving our country in Iraq and Afghanistan.

Issued by the Governor June 2, 2011

Filed by the Secretary of State June 3, 2011

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 25 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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