

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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November 14, 2011 Volume 35, Issue 46

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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 October 17, 2011 to January 3, 2012.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois
- 2) Code Citation: 83 Ill. Adm. Code 735
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
735.10	Amendment
735.30	Amendment
- 4) Statutory Authority: Implementing Sections 8-101 and 9-252 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 9-252, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments reflect the creation of the "electing provider" and define the limited application of the Part to electing providers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand 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 11-0688, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Managerial 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 Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

PART 735

PROCEDURES GOVERNING THE ESTABLISHMENT OF CREDIT, BILLING,
DEPOSITS, TERMINATION OF SERVICE AND ISSUANCE OF TELEPHONE
DIRECTORIES FOR LOCAL EXCHANGE TELECOMMUNICATIONS
CARRIERS IN THE STATE OF ILLINOIS

735.10	Definitions
735.20	Policy
735.30	Scope and Application
735.40	Discrimination Prohibited
735.50	Variance
735.60	Saving Clause
735.70	Customer Billings
735.80	Deferred Payment Agreements
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735.120	Deposits
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735.130	Discontinuance or Refusal of Service
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735.150	Payment for Service
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735.170	Service Restoral Charge
735.180	Directories
735.190	Dispute Procedures
735.200	Commission Complaint Procedures
735.210	Public Notice of Commission Rules
735.220	Second Language
735.230	Customer Information Booklet
735.APPENDIX A	Notice of Discontinuance of Service
735.APPENDIX B	Requirements to Avoid Shutoff of Service in the Event of Illness
735.APPENDIX C	Public Notice Concerning Availability of this Part

AUTHORITY: Implementing Sections 8-101 and 9-252 and authorized by Section 10-101 of

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

the Public Utilities Act [220 ILCS 5/8-101, 9-252, and 10-101].

SOURCE: Adopted at 7 Ill. Reg. 2108, effective February 4, 1983; codified at 7 Ill. Reg. 15969; emergency amendment at 7 Ill. Reg. 16055, effective November 17, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5161, effective April 13, 1984; amended at 18 Ill. Reg. 4146, effective March 15, 1994; amended at 18 Ill. Reg. 6164, effective May 1, 1994; amended at 18 Ill. Reg. 17981, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16552, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7078, effective May 1, 2002; amended at 34 Ill. Reg. 3263, effective March 1, 2010; amended at 36 Ill. Reg. _____, effective _____.

Section 735.10 Definitions

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

"Applicant" – a person who applies for telecommunications service. Includes persons seeking reconnection of their service after Company-initiated termination.

"Business Service" – is telephone service where the use of the service is primarily or substantially of a business, professional, institutional, or otherwise occupational nature and as further defined in the Company's tariffs.

"Commission" – the Illinois Commerce Commission.

"Company" – telephone company or telecommunications carrier under the jurisdiction of the Illinois Commerce Commission.

"Customer" – any person who agrees to pay for telecommunication services provided by a telephone company.

"Discontinuance" – temporary (10 days or less) disconnection of telecommunications service.

"Electing Provider" – has the same meaning as ascribed in Section 13-506.2(a)(1) of the Act.

"NSF Check" – any negotiable instrument returned by a bank, savings institution, or other eligible institution thatwhich is returned by that institution with one of the following instructions:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

not sufficient funds;

uncollectible funds;

account closed;

account frozen;

no account.

"Network Access Line" – the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring, and the office line termination.

"Person" – a natural person, firm, partnership, corporation, association, municipality, cooperative, organization, governmental agency, real estate trust, or other legal entity.

"Residential Service" – telephone service where the major use of the service is of a social or domestic nature and business use, if any, is merely incidental; and where the service is located in a residence or, in the case of combined business and residential premises, where the service is located in bona fide residential quarters of ~~thesueh~~ premises and business service is located in the business quarters of the same premises, and as further defined in the Company's tariffs.

"Termination" – permanent disconnection of telecommunications service.

"User" – any person who uses telecommunications service provided by a company under the jurisdiction of the Illinois Commerce Commission.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 735.30 Scope and Application

- a) This Part shall apply to all telephone companies under the jurisdiction of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~Illinois Commerce~~ Commission and shall regulate the:

- 1) establishment of procedures governing eligibility for service, billing, deposits, and payment practices; and
- 2) establishment of conditions under which service may be discontinued or terminated.

b) ~~A telephone company that is an~~ electing provider shall comply with this Part when offering or providing the optional packages required by Section 13-506.2(d) of the Act or stand-alone residential network access lines.

c)b) Except as ~~hereinafter~~ otherwise provided in this Section, this Part sets forth the minimum general requirements and shall apply to any telecommunications carrier ~~as public utility~~ defined as such by ~~the~~ The Illinois Public Utilities Act ~~that, which~~ is ~~now or hereafter may be~~ engaged in providing telecommunication ~~telephone~~ service and ~~that which~~ comes under the jurisdiction of the Commission, provided that this Part applies to electing providers only with respect to the offering or provision of the optional packages required by Section 13-506.2(d) of the Act and stand-alone residential network access lines.

de) This Part shall supersede any rate, rule, regulation or condition of service ~~that which~~ any telephone utility presently has on file with the Commission. If any rate, rule, regulation or condition of service, or portion thereof, fails to meet the minimum general requirements in this Part, the utility shall refile ~~that such~~ rate, rule, regulation, or condition of service to conform with the provisions of this Part within 90 days of its effective date. Any rate, rule, regulation, or condition of service, or portion thereof, ~~that which~~ fails to meet the minimum general requirements in this Part shall be considered null and void 91 days after the effective date of this Part.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
50.250	Amendment
50.260	Repeal
50.610	Amendment
50.640	Amendment
50.650	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and P. A. 96-0864
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to limit the number of times a family can receive child care assistance while looking for employment or between school semesters. Section 50.250 allows for the Department to provide payments to secure or maintain a child care arrangement for a period not to exceed one month when child care arrangements would otherwise be lost and subsequent employment or activity is scheduled to begin or resume within that period. Currently, there is no limit to the number of times a family can utilize these provisions--commonly called a grace period. This rulemaking establishes a limit of three grace periods in any 12-month period for child care assistance. It also limits the grace period to one 90-day job search in any 12-month period for approved Child Care Collaboration 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 currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

50.230	Amendment	35 Ill. Reg. 6281; April 15, 2011
50.310	Amendment	35 Ill. Reg. 6281; April 15, 2011
50.320	Amendment	35 Ill. Reg. 6281; April 15, 2011
50.230	Amendment	35 Ill. Reg. 13024; August 12, 2011
50.310	Amendment	35 Ill. Reg. 13024; August 12, 2011
50.320	Amendment	35 Ill. Reg. 13024; August 12, 2011
50.710	New Section	35 Ill. Reg. 17560; November 4, 2011
50.720	New Section	35 Ill. Reg. 17560; November 4, 2011
50.730	New Section	35 Ill. Reg. 17560; November 4, 2011
50.740	New Section	35 Ill. Reg. 17560; November 4, 2011
50.750	New Section	35 Ill. Reg. 17560; November 4, 2011

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Child care providers

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

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF HUMAN SERVICES

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- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

- Section
- 50.101 Incorporation by Reference
- 50.105 Definitions
- 50.110 Participant Rights and Responsibilities
- 50.120 Notification of Available Services
- 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

- Section
- 50.210 Child Care
- 50.220 Method of Providing Child Care
- 50.230 Child Care Eligibility
- 50.235 Income Eligibility Criteria
- 50.240 Qualified Provider (Repealed)
- 50.250 Additional Service to Secure or Maintain Child Care
- | 50.260 Job Search ([Repealed](#))

SUBPART C: PAYMENT FEES

- Section
- 50.310 Fees for Child Care Services
- 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: PROVIDER REQUIREMENTS

- Section
- 50.400 Purpose
- 50.410 Qualified Provider

DEPARTMENT OF HUMAN SERVICES

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- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

- Section
- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: APPLICABILITY

Section 50.250 Additional Service to Secure or Maintain Child Care

The Department will provide payments to secure or maintain a child care arrangement for a period not to exceed one month where child care arrangements would otherwise be lost and subsequent employment or activity is scheduled to begin or resume within that period. To qualify, the parent must be approved for child care assistance and must report a loss of employment or break in the approved activity within 10 days after the date of loss or break, without exception. Families are eligible to receive care under this Section three times in any 12-month period. Payments shall not be approved if the child does not attend care.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 50.260 Job Search (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~During the period of November 1, 2009 through September 30, 2011, or as long as American Recovery and Reinvestment Act (ARRA) funds are available, the Department will provide payments to maintain a child care arrangement for a period not to exceed 90 days to allow parents who have been participating in the child care assistance program and lose their jobs to look for a new job. To qualify, the parent shall report a loss of employment within 15 days after the date of the loss, without exception. Families are eligible to receive care under this Section one time in any 12-month period. Payments shall not be approved if the child does not attend care.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section 50.610 Child Care Collaboration Program

- a) A Child Care Collaboration is defined as any braiding of Illinois child care subsidy funds or programs with other early childhood funds or programs to create higher quality full day, full year services for eligible families with young children. The purposes of the Department's Child Care Collaboration Program are:
 - 1) to facilitate collaboration between Illinois child care and other early childhood programs; and
 - 2) to increase, through collaboration, the quality and quantity of early care and education for families in Illinois who are working and/or participating in an approved training/education program.
- b) Child care collaborative arrangements approved by the Department under this Section will benefit participating early childhood programs, children and families by providing a higher quality of care. Head Start, Illinois State Board of Education (ISBE) pre-kindergarten, and child care providers eligible under this Section must be able to demonstrate this increased quality of care.
- c) All Illinois early childhood programs using child care subsidy funds in collaboration with other funding, for example, Head Start or ISBE pre-kindergarten, must comply with this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- d) The Department will approve child care collaborative arrangements under this Section provided:
- 1) the provider can demonstrate how the collaboration improves the quality of care;
 - 2) children are served in one location for their full day of care;
 - 3) parent co-payments are collected and documented according to existing Child Care Rules (see Sections 50.310 and 50.320);
 - 4) the provider can demonstrate how the collaboration is coordinated with the broader local early childhood community and is based on community need;
 - 5) the provider is qualified and eligible to receive child care reimbursement (see Sections 50.240 and 50.410) and is a profit or non-profit early childhood center or licensed family child care home; and
 - 6) the provider is using a child care contract or a child care certificate.
- e) If the conditions of eligibility in subsection (d) of this Section are met and the collaboration is approved by the Department, eligibility will be determined in accordance with all current Child Care Rules (see Sections 50.230 and 50.235), as specified by this Part, with the following three exceptions:
- 1) approved Child Care Collaboration Programs will determine child and/or family eligibility annually;
 - 2) approved Child Care Collaboration Programs will use a 90-day job loss grace period. Families are limited to one 90-day job search in any 12-month period; and
 - 3) children and/or families in approved Child Care Collaboration Programs will maintain indefinite eligibility for child care when the child's or family's participation in the collaboration is part of the current TANF Responsibility and Services Plan.

DEPARTMENT OF HUMAN SERVICES

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- f) ~~Through September 30, 2011, or as long as American Recovery and Reinvestment Act (ARRA) funds are available, the Department will extend the job loss grace period in subsection (e)(2) through the end of the program year. The end of the program year is defined as the end of the family's eligibility period, or not less than 90 days. To qualify, the parent shall report a loss of employment within 10 days after the date of loss, without exception. Families are eligible to receive care under this Section one time in any 12-month period. Payment shall not be approved if the child does not attend care.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 50.640 Notification of Eligibility

The Department or its agents will notify applicants, in writing, of their acceptance into the Child Care Collaboration Program, and subsequent eligibility to use the accompanying policies detailed in Section 50.610(e), within 60 days after receipt of the provider's application. Providers that disagree with the eligibility determination may apply for reconsideration by writing to the Chief of the Department's Bureau of Child Care and Development at the Illinois Department of Human Services Child Care Bureau, ~~400 W. Lawrence~~ 300 Hes Park Place, 2nd Floor, Springfield, Illinois ~~62762~~ 62764 within 60 days after notification of the original determination. The Chief of the Department's Bureau of Child Care and Development will make the final decision on eligibility for the program.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 50.650 Rules and Reporting for the Child Care Collaboration Program

- a) All approved Child Care Collaboration Programs will adhere to all Department rules governing the Illinois Child Care Subsidy Program with the following exceptions:
- 1) eligibility for families in an approved Child Care Collaboration Program will be determined annually;
 - 2) families participating in an approved Child Care Collaboration Program will have a grace period of 90 days subsequent to loss of employment limited to one time in any 12-month period; and

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- 3) eligibility for care in an approved Child Care Collaboration Program will be indefinite when the child's or family's participation in the collaboration is part of their current TANF Responsibility and Services Plan.
- b) Approved Child Care Collaboration Programs must maintain their quality standards as specified in Sections 50.610(a) and 50.630(a).
- c) All Department-approved Illinois Child Care Collaboration Programs will comply with the following reporting and documentation items:
 - 1) accurate completion of the Department's current Child Care Application for each collaboration family, with the appropriate place marked that indicates the family's participation in an approved collaboration; and
 - 2) submittal of an annual report to the Department, using a form to be specified by the Department.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Closure of a Rehabilitation Case
- 2) Code Citation: 89 Ill. Adm. Code 595
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
595.10	Amendment
595.20	Amendment
595.30	Amendment
595.40	Amendment
595.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Division of Rehabilitation Services. This rulemaking will add provisions for instructing customers of their right to contact the Hearings Coordinator in order to request mediation or an impartial hearing. A definition has been removed and will be added to 89 Ill. Adm. Code 521.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Completion of customer case records.
 - C) Types of professional skills necessary for compliance: VR counselors must have a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: January, 2010

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 595
CLOSURE OF A REHABILITATION CASE

Section

595.10	General Applicability
595.20	Closure Prior to Determination of Eligibility
595.30	Non-Rehabilitation Closure
595.40	Closure of a Customer Who has Achieved the Employment Outcome of the IPE
595.50	Employment Outcomes

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 27 Ill. Reg. 12621, effective July 21, 2003; amended at 29 Ill. Reg. 15964, effective October 7, 2005; amended at 36 Ill. Reg. _____, effective _____.

Section 595.10 General Applicability

- a) Rules contained within this Part are applicable to all closures of customers' cases in the DHS-~~DRSORS~~ Vocational Rehabilitation (VR) program.
- b) Closure of a customer's case shall be done:
 - 1) any time in the VR process when the counselor has determined the appropriate standards of this Part have been met; or
 - 2) any time in the process at the customer's request.
- c) ~~An applicant or~~ customer who is dissatisfied with any determination made by the counselor under this Part may request a timely review of the determination. The process of ~~thesuch~~ review shall follow 89 Ill. Adm. Code 510 (Appeals and Hearings).
- d) At the time of case closure, the customer shall be provided a written notice of the following rights:

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- 1) The availability of and information on how to contact the Client Assistance Program (CAP). This information shall include a notice that CAP may provide assistance during any appeal or mediation.
- 2) The customer's right to an impartial hearing and to pursue mediation of the issue.
- 3) Information on how a mediator or impartial hearing officer will be selected.
- 4) The ~~contact information for name and address of~~ the DHS Hearings Coordinator with whom ~~individual with whom~~ requests for mediation or impartial hearing may be filed.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 595.20 Closure Prior to Determination of Eligibility

~~An applicant's case~~ case may be closed, prior to making an eligibility determination, if the ~~customer~~ individual declines to participate or is unable to complete an assessment for determining eligibility and priority for services. DHS-~~DRSORS~~ shall make a reasonable number of attempts to contact the ~~customer~~ applicant or the applicant's representative to encourage participation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 595.30 Non-Rehabilitation Closure

A customer's case may be closed any time the counselor has determined that any of the following are present:

- a) the customer has refused services or further services or has failed to cooperate;
- b) the customer cannot be located, is otherwise unavailable for services for an extended period of time, or has died;
- c) the ~~applicant or~~ customer is determined ineligible. When ineligibility is determined, the counselor shall:
 - 1) provide an opportunity for full consultation with the customer ~~individual~~;

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- 2) inform the ~~customer~~individual, in writing and by other means if appropriate, ~~to the customer, of his or her~~the individual's ineligibility determination and the reasons for the determination, and inform the ~~customer of his or her appeal rights~~individual to file an appeal if the individual is dissatisfied with the action (see Section 595.10);
- 3) refer the ~~customer~~individual to other training or employment related programs that are part of the service delivery system under the Workforce Investment Act (29 USC 2821); and
- 4) review any ineligibility determinations made after a period of trial work that the customer is incapable of achieving an employment outcome, within 12 months and annually thereafter, if requested by the customer, within 12 months and annually thereafter ~~individual, any ineligibility determination made after a period of trial work that the individual is incapable of achieving an employment outcome.~~ This review need not be completed when:
 - A) the ~~customer~~individual has refused a review; ~~it,~~
 - B) the customer is no longer living in Illinois or the ~~customer's~~individual's whereabouts are unknown; ~~or~~
 - C) the medical condition is rapidly progressing or terminal.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 595.40 Closure of a Customer Who has Achieved the Employment Outcome of the IPE

A determination that the customer has achieved an employment outcome must meet all the following criteria:

- a) The customer has achieved the employment outcome described in the customer's IPE and the employment outcome:
 - 1) is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices;

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- 2) is in the most integrated setting possible, consistent with the customer's informed choice; and
- 3) includes substantial services to the customer. ~~Substantial services are defined as services that, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual;~~
- b) The customer has maintained the employment outcome for an appropriate period of time, not less than 90 days, necessary to ensure the stability of the employment outcome after closure, and no longer needs VR services;
- c) At the end of this appropriate period, the customer and the qualified rehabilitation counselor employed by DHS-~~DRS~~~~ORS~~ consider the employment outcome to be satisfactory and agree that the customer is performing well on the job; and
- d) The customer is informed of the availability of post-employment services.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 595.50 Employment Outcomes

The following may be considered as employment outcomes for a VR customer:

- a) Competitive Employment.
- b) ~~Vending Facility~~~~Business Enterprise~~ Program for the Blind (89 Ill. Adm. Code 650).
- c) Supported Employment. Closure in supported employment is an employment outcome when the supported employment is competitive work in an integrated setting and the compensation is based on a rate at least equal to the minimum wage with applicable benefits. ~~The customer, because of the nature and severity of the disabilities, needs intensive, time-limited support services from DHS-ORS and extended services after transition to ongoing support services. Time-limited support services shall be provided for no longer than 18 months from the initial date of placement unless special circumstances exist and the customer and~~

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~~counselor agree extension of this time period is necessary for the customer to achieve the employment outcome.~~

- d) Homemaker. Closure as a homemaker is an employment outcome when the VR services provided related directly to the customer performing or supervising housework required in the home.
- e) Family Worker. Closure as an unpaid family worker is an employment outcome when the VR services provided to the customer are directly related to the customer performing work activities in the particular business.
- f) Any other type of employment, including self-employment, telecommuting or business ownership, that is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code Citation: 35 Ill. Adm. Code 106
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
106.100	New
106.900	New
106.902	New
106.904	New
106.906	New
106.908	New
106.910	New
- 4) Statutory Authority: Implementing and authorized by Section 21(q), 26, and 28.1 of the Environmental Protection Act [415 ILCS 5/21(q), 26, and 28.1]
- 5) A Complete Description of the Subjects and Issues Involved: A more-detailed description of this rulemaking is contained in the Board's first notice opinion and order in Procedural Rules for Authorizations Under PA 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R 12-11 (Oct. 20, 2011). In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I. This docket is being opened to establish adjusted standards procedural rules concerning authorizations under Section 21(q) of the Environmental Protection Act, 415 ILCS 5/21(q). The text of that Section was amended by PA 97-220, signed and effective July 28, 2011.

The recent amendment allows the Board, rather than the Illinois Environmental Protection Agency, to grant authorizations under two provisions of Section 21(q). The first type of Board authorization is under Section 21(q)(2), and is limited to farm owners or operators of a composting facility on which the landscape waste composting material is utilized to operate the compost facility on more than 2% of the property's total acreage. The other type of authorization, available under Section 21(q)(3), would allow any person to apply landscape waste or composted landscape waste at a rate greater than "agronomic rates" of not more than 20 tons per acre per year. Without such Board authorizations, these activities are prohibited acts under Section 21(q), and violators are subject to enforcement.

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The proposed rules add a new Subpart I to the Board's procedural rules for adjusted standards at 35 Ill. Adm. Code 106. These procedural rules are similar to those in other Subparts in Part 106. As the Board is not required to hold hearings to amend procedural rules, the Board does not intend to do so absent a request within the 45-day first notice period following this publication.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should refer to docket R12-11 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R12-11 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Kathleen Crowley at 312/814-6929 or e-mail crowleyk@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipalities, or not-for-profit corporations that own or operate a qualifying source could be affected by the proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: Owner or operators of qualifying sources will have the same or fewer requirements for reporting, bookkeeping, or recordkeeping.
- C) Types of Professional skills necessary for compliance: It is not anticipated that any additional skills will be necessary for compliance, as the goal of small source registration is to reduce the administrative requirements for owners or operators of qualifying units, while maintaining environmental effectiveness of substantive emissions requirements for these sources.
- 14) Regulatory Agenda in which these amendments were summarized: These amendments were not summarized in any regulatory agenda, as the legislative amendment requiring the rulemaking, PA 97-220 was not signed and effective until July 28, 2011.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106

PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

- 106.100 Applicability
- 106.102 Severability
- 106.104 Definitions

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE,
AND SULFUR DIOXIDE DEMONSTRATIONS

Section

- 106.200 General
- 106.202 Petition Requirements
- 106.204 Additional Petition Requirements in Sulfur Dioxide Demonstrations
- 106.206 Notice
- 106.208 Recommendation and Response
- 106.210 Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section

- 106.300 General
- 106.302 Initiation of Proceeding
- 106.304 Petition Content Requirements
- 106.306 Response and Reply
- 106.308 Hearing
- 106.310 Burden of Proof

SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT
PERMIT PROGRAM (CAAPP) PERMITS

Section

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- 106.400 General
- 106.402 Definitions
- 106.404 Initiation of Proceedings
- 106.406 Petition Content Requirements
- 106.408 Response and Reply
- 106.410 Hearing
- 106.412 Burden of Proof
- 106.414 Opinion and Order
- 106.416 USEPA Review of Proposed Determination

SUBPART E: MAXIMUM ACHIEVABLE CONTROL
TECHNOLOGY DETERMINATIONS

- Section
- 106.500 General
- 106.502 Definitions
- 106.504 Initiation of Proceedings
- 106.506 Petition Content Requirements
- 106.508 Response and Reply
- 106.510 Hearing
- 106.512 Burden of Proof
- 106.514 Board Action

SUBPART F: CULPABILITY DETERMINATIONS FOR PARTICULATE MATTER
LESS THAN OR EQUAL TO 10 MICRONS (PM-10)

- Section
- 106.600 General
- 106.602 Initiation of Proceedings
- 106.604 Petition Content Requirements
- 106.606 Response and Reply
- 106.608 Hearing
- 106.610 Burden of Proof

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

- Section
- 106.700 Purpose

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106.702	Applicability
106.704	Termination Under Section 52.3-4(b) or (b-5) of the Act
106.706	Who May Initiate, Parties
106.707	Notice, Statement of Deficiency, Answer
106.708	Service
106.710	Notice of Hearing
106.712	Deficient Performance
106.714	Board Decision
106.716	Burden of Proof
106.718	Motions, Responses
106.720	Intervention
106.722	Continuances
106.724	Discovery, Admissions
106.726	Subpoenas
106.728	Settlement Procedure
106.730	Authority of Hearing Officer, Board Members, and Board Assistants
106.732	Order and Conduct of Hearing
106.734	Evidentiary Matters
106.736	Post-Hearing Procedures
106.738	Motion After Entry of Final Order
106.740	Relief from Final Orders

SUBPART H: AUTHORIZATIONS UNDER THE REGULATION
OF PHOSPHORUS IN DETERGENTS ACT

Section	
106.800	General
106.802	Definitions
106.804	Initiation of Proceeding
106.806	Petition Content Requirements
106.808	Response and Reply
106.810	Hearing
106.812	Burden of Proof

SUBPART I: AUTHORIZATIONS FOR CERTAIN LANDSCAPE WASTE AND
COMPOST APPLICATIONS AND ON-FARM COMPOSTING FACILITIES

<u>Section</u>	
<u>106.900</u>	<u>General</u>
<u>106.902</u>	<u>Initiation of Proceeding</u>

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106.904	Petition Content Requirements
106.906	Response and Reply
106.908	Hearing
106.910	Burden of Proof

106.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing and authorized by Sections 5, 14.2(c), 21(q), 22.4, 26, 27, 28, 28.1, 28.1, 35, 36, 37, 38, 39.5 and 52.3 of the Environmental Protection Act (the Act) [415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.1, 35, 36, 37, 38, 39.5 and 52.3], and Section 92.5 of the Regulation of Phosphorus in Detergents Act [415 ILCS 92.5].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended in R93-30 at 18 Ill. Reg. 11579, effective July 11, 1994; amended in R99-9 at 23 Ill. Reg. 2697, effective February 16, 1999; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 550, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8817, effective June 8, 2005; amended in R10-19 at 34 Ill. Reg. 11486, effective July 23, 2010; amended in R12-11 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 106.100 Applicability

- a) This Part applies to adjudicatory proceedings pursuant to specific rules or statutory provisions. Specifically, the Part applies to heated effluent, artificial cooling lake and sulfur dioxide demonstrations, water well setback exception procedures, revocation and reopening of CAAPP permits, maximum achievable control technology determinations, culpability determinations for particulate matter less than or equal to 10 microns, the involuntary termination of environmental management system agreements, and authorization of use of cleaning agents under the Regulation of Phosphorus in Detergents Act [415 ILCS 92] [and authorizations for certain landscape waste and compost applications and on-farm composting facilities](#).

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- b) This Part must be read in conjunction with 35 Ill. Adm. Code 101 which contains procedures generally applicable to all of the Board's adjudicatory proceedings. In the event of a conflict between the requirements of 35 Ill. Adm. Code 101 and those of this Part, the provisions of this Part apply.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART I: AUTHORIZATIONS FOR CERTAIN LANDSCAPE WASTE AND COMPOST APPLICATIONS AND ON-FARM COMPOSTING FACILITIES

Section 106.900 General

- a) Applicability. This Subpart applies to any person who files a petition for Board authorization concerning an individual site to:
- 1) apply landscape waste or composted landscape waste at a rate greater than the agronomic rates of 20 tons per acre per year pursuant to Section 21(q)(2) of the Act; or
- 2) operate an on-farm composting facility constituting more than 2% of the property's total acreage pursuant to Section 21(q)(3) of the Act.
- b) Demonstration. Any person who files a petition for Board authorization under this Subpart must demonstrate *that the site's soil characteristics or crop needs require a higher rate* [415 ILCS 21(q)].
- c) Parties. The person filing the petition for authorization must be named the petitioner and the Agency must be named the respondent.
- d) Filing and Service. The filing and service requirements of 35 Ill. Adm. Code 101.Subpart C will apply to the proceedings **under** this Subpart.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 106.902 Initiation of Proceeding

The petitioner must file the petition for authorization with the Clerk of the Board and must serve one copy upon the Agency.

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(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 106.904 Petition Content Requirements

The petition must contain the following information:

- a) A written statement, signed by the petitioner or an authorized representative, concerning the property for which authorization is sought, outlining a description of the specific percentage of the property or the specific application rate sought and the duration of, the reasons for, and the basis for the authorization sought, consistent with the burden of proof stated in Section 106.910 of this Part;
- b) The nature of the petitioner's operations;
- c) Any other applicable information that may be required by Section 21(q) of the Act, including but not limited to a map of the location where land application or composting would take place, a description of the uses of the surrounding areas, the method for nutrient calculations, the number of soil samples, the intended crop or planting, a description of any additives to the landscape waste, the method and timeframe for incorporating the landscape waste or compost into the soil, the method of minimizing stormwater/snowmelt runoff, the measures for removal of noncompostable wastes from the incoming loads, and the method of preventing nuisance conditions such as vectors, odors or litter.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 106.906 Response and Reply

- a) Within 21 days after the filing of a petition, the Agency may file a response to any petition in which it has not joined as co-petitioner. The response must include the comments concerning potential Board action on the petition.
- b) The petitioner may file a reply within 14 days after the service of any Agency response.

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

Section 106.908 Hearing

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The Board will hold a public hearing in an authorization proceeding only if a hearing is requested by the petitioner, the Agency, or any other person within 14 days after the filing of any reply under Section 106.806(b). The hearing officer will schedule the hearing. The Clerk will give notice of hearing in accordance with 35 Ill. Adm. Code 101. The proceedings will be in accordance with 35 Ill. Adm. Code 101.Subpart F.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 106.910 Burden of Proof

The burden of proof is on the petitioner. A petitioner may seek authorization, for an individual site, to:

- a) apply landscape waste or composted landscape waste at rates greater than "agronomic rates" of not more than 20 tons per acre per year [415 ILCS 21(q)]. An owner or operator seeking to apply landscape waste or composted landscape waste in accordance with Section 21(q)(2) of the Act at rates greater than agronomic rates must demonstrate to the Board that the site's soil characteristics or crop needs require a higher rate as specified in the petition [415 ILCS 21(q)(2)].
- b) Increase in total acreage of on-farm composting facility. A farm owner or operator seeking to apply landscape waste or landscape waste compost in accordance with Section 21(q)(3)(A) of the Act at a composting facility on which the composting materials are utilized and who proposes to do so on more than 2% of the property's total acreage on which the composting material is utilized by the farmer must demonstrate to the Board that the site's soil characteristics or crop needs require a higher rate as specified in the petition [415 ILCS 21(q)(3)(A)].

(Source: Added at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Groundwater Quality
- 2) Code Citation: 35 Ill. Adm. Code 620
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
620.110	Amend
620.125	Amend
620.210	Amend
620.302	Amend
620.310	Amend
620.410	Amend
620.420	Amend
620.440	Amend
620.450	Amend
620.505	Amend
620.510	Amend
620.605	Amend
620.APPENDIX A	Amend
620.APPENDIX B	Amend
620.APPENDIX C	Amend
620.APPENDIX D	Amend
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update the groundwater quality rules (35 Ill. Adm. Code 620) based upon new scientific data, federal amendments and technical references. The changes proposed for first notice add groundwater quality standards for those chemical constituents detected in Illinois groundwater that have toxicity values established by the United States Environmental Protection Agency (USEPA) or that have groundwater remediation objectives under the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742). In all, 39 chemical constituents are added to Part 620. Additionally, the Class I groundwater quality standard for arsenic is revised from 0.05 milligrams per liter (mg/L) to 0.010 mg/L in order to reflect the new federal Maximum Contaminant Level (MCL) for arsenic in drinking water. Also included are amendments to various definitions, provisions for preventive response levels, compliance determinations, monitoring and analytical requirements, and health advisories, as well as Part 620 Appendices A through D. For a

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more detailed discussion of these amendments, please refer to the Board's October 20, 2001 opinion and order in docket R08-18, Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620).

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: "Standard Practice for Classification of Soils for Engineering Purposes (Unified Classification System)" ASTM D2487-06. The material is prepared by and available from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

"Guidance Document for Groundwater Protection Needs Assessments (January 1995)", prepared by the Illinois Environmental Protection Agency (IEPA), Illinois State Water Survey, and Illinois State Geologic Survey and available from IEPA, 1020 N. Grand Ave. East, PO Box 19276, Springfield, IL 62794-9276.

"The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act (#22480, October 1992)", prepared by and available from IEPA, 1020 N. Grand Ave. East, PO Box 19276, Springfield, IL 62794-9276.

"Methods for Chemical Analysis of Water and Wastes (March 1983)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Inorganic Substances in Environmental Samples (August 1993)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Metals in Environmental Samples (June 1991)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Metals in Environmental Samples-Supplement I (May 1994)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Organic Compounds in Drinking Water (revised July 1991)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

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"Methods for the Determination of Organic Compounds in Drinking Water, Supplement I (July 1990)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II (August 1992)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III (August 1995)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water: Volume I (August 2000)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water (August 1980)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://nepis.epa.gov/>.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions (May 1973)", prepared by H.L. Krieger and S. Gold and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples (March 1979)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Radiochemistry Procedures Manual (December 1987)", prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB, prepared by USEPA and available from National Technical Information Service, 5285

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Port Royal Road, Springfield, VA 22161 or online at
<http://www.epa.gov/epaoswer/hazwaste/test/main.htm>.

"Water Quality Criteria 1972", prepared by National Academy of Sciences, Washington D.C., available from USEPA's National Service Center for Environmental Publications
<http://www.epa.gov/nscep/index.html>

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the Illinois Register. Comments should refer to docket R08-18 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R08-18 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Richard McGill at 312/814-6983 or e-mail mcgillr@ipcb.state.il.us.
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: It is not anticipated that the proposed amendments would have a

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significant impact on any small business, small municipality, or not-for-profit corporation. Facilities that may be impacted would include those that cause, threaten or allow the contamination of groundwater. However, the proposed amendments do not establish new corrective action or monitoring programs, and new chemical constituent standards would be phased into existing programs, as appropriate, on a site-by-site basis over time. Any economic impact resulting from applying the new standards therefore should be incremental. Considering the groundwater resource and its end users, economic benefits may result from adopting these new standards, including reduced health risks, reduced expenses for treating water at wellheads, and reduced expenses for obtaining water supplies.

- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting or bookkeeping will be required for compliance beyond what is already required for preventative notification procedures (Section 620.305), preventative response activities (Section 620.310), and reporting associated with monitoring and analytical requirements (Section 620.510).
- C) Types of Professional skills necessary for compliance: No professional skills will be necessary beyond those currently required by the existing regulations applicable to affected facilities. These may include the services of a licensed professional engineer, a licensed professional geologist, and an attorney.
- 14) Regulatory Agenda in which these amendments were summarized: July 2011

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

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

PART 620
GROUNDWATER QUALITY

SUBPART A: GENERAL

Section	
620.105	Purpose
620.110	Definitions
620.115	Prohibition
620.125	Incorporations by Reference
620.130	Exemption from General Use Standards and Public and Food Processing Water Supply Standards
620.135	Exclusion for Underground Waters in Certain Man-Made Conduits

SUBPART B: GROUNDWATER CLASSIFICATION

Section	
620.201	Groundwater Designations
620.210	Class I: Potable Resource Groundwater
620.220	Class II: General Resource Groundwater
620.230	Class III: Special Resource Groundwater
620.240	Class IV: Other Groundwater
620.250	Groundwater Management Zone
620.260	Reclassification of Groundwater by Adjusted Standard

SUBPART C: NONDEGRADATION PROVISIONS
FOR APPROPRIATE GROUNDWATERS

Section	
620.301	General Prohibition Against Use Impairment of Resource Groundwater
620.302	Applicability of Preventive Notification and Preventive Response Activities
620.305	Preventive Notification Procedures
620.310	Preventive Response Activities

SUBPART D: GROUNDWATER QUALITY STANDARDS

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Section	
620.401	Applicability
620.405	General Prohibitions Against Violations of Groundwater Quality Standards
620.410	Groundwater Quality Standards for Class I: Potable Resource Groundwater
620.420	Groundwater Quality Standards for Class II: General Resource Groundwater
620.430	Groundwater Quality Standards for Class III: Special Resource Groundwater
620.440	Groundwater Quality Standards for Class IV: Other Groundwater
620.450	Alternative Groundwater Quality Standards

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section	
620.505	Compliance Determination
620.510	Monitoring and Analytical Requirements

SUBPART F: HEALTH ADVISORIES

Section	
620.601	Purpose of a Health Advisory
620.605	Issuance of a Health Advisory
620.610	Publishing Health Advisories
620.615	Additional Health Advice for Mixtures of Similar-Acting Substances
620.APPENDIX A	Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater
620.APPENDIX B	Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances
620.APPENDIX C	Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate
620.APPENDIX D	Confirmation of an Adequate Corrective Action Pursuant to 35 Ill. Adm. Code 620.250(a)(2)

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

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SOURCE: Adopted in R89-14(B) at 15 Ill. Reg. 17614, effective November 25, 1991; amended in R89-14(C) at 16 Ill. Reg. 14667, effective September 11, 1992; amended at 18 Ill. Reg. 14084, effective August 24, 1994; amended in R96-10 at 21 Ill. Reg. 6518, effective May 8, 1997; amended in R97-11 at 21 Ill. Reg. 7869, effective July 1, 1997; amended in R01-14 at 26 Ill. Reg. 2662, effective February 5, 2002; amended in R08-18 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 620.110 Definitions

The definitions of the Environmental Protection Act [415 ILCS 5] and the Groundwater Protection Act [415 ILCS 55] apply to this Part. The following definitions also apply to this Part.

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

"Agency" means the Illinois Environmental Protection Agency.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients. [415 ILCS 55/3(b)]

"BETX" means the sum of the concentrations of benzene, ethylbenzene, toluene, and xylenes.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists; or a Category 1 or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; or a "Human carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA. [415 ILCS 5/58.2]

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"Community water supply" means a public supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/[3.1453-05](#)]

"Contaminant" means any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/[3.1653-06](#)]

"Corrective action process" means those procedures and practices that may be imposed by a regulatory agency when a determination has been made that contamination of groundwater has taken place, and are necessary to address a potential or existing violation of the standards set forth in Subpart D.

"Cumulative impact area" means the area, including the coal mine area permitted under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] and 62 Ill. Adm. Code 1700 through 1850, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface water and groundwater systems.

"Department" means the Illinois Department of Natural Resources.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL" means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero, pursuant to [40 CFR 136, appendix B \(2006\)](#)~~56 Fed. Reg. 3526-3597~~, incorporated by reference at Section 620.125; or

"Method Quantitation Limit" or "MQL" means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 620.125.

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. [415 ILCS 5/[3.2103-64](#)]

"Hydrologic balance" means the relationship between the quality and quantity of

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water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"IGPA" means the Illinois Groundwater Protection Act. [415 ILCS 55].

"LOAEL" or "Lowest observable adverse effect level" means the lowest tested concentration of a chemical or substance that produces a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. LOAEL may be determined for a human population (LOAEL-H) or an animal population (LOAEL-A).

"Licensed Professional Engineer" or "LPE" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering. [415 ILCS 5/57.2]

"Licensed Professional Geologist" or "LPG" means an individual who is licensed under the Professional Geologist Licensing Act to engage in the practice of professional geology in Illinois. ([Professional Geologist Licensing Act](#) [225 ILCS 745/15])

"NOAEL" or "No observable adverse effect level" means the highest tested concentration of a chemical or substance that does not produce a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. NOAEL may be determined for a human population (NOAEL-H) or an animal population (NOAEL-A).

"Non-community water supply" means a public water supply that is not a community water supply. [415 ILCS 5/[3.1453-05](#)]

"Off-site" means not on-site.

"On-site" means on the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that he controls and that the public does not have access to is also considered on-site property.

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"Operator" means the person responsible for the operation of a site, facility or unit.

"Owner" means the person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. [415 ILCS 5/~~3.3403-65~~]

"Potential primary source" means any unit at a facility or site not currently subject to a removal or remedial action which:

Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

Is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

Stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. [415 ILCS 5/~~3.3453-59~~]

"Potential route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. *This term does not include closed loop heat pump wells using USP food grade propylene glycol.* [415 ILCS 5/~~3.3503-58~~]

"Potential secondary source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or

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operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substance; or

Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [225 ILCS 225]. [415 ILCS 5/3.3553-60]

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference at Section 620.125.

"Previously mined area" means land disturbed or affected by coal mining operations prior to February 1, 1983.

BOARD NOTE: February 1, 1983, is the effective date of the Illinois permanent program regulations implementing the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] as codified in 62 Ill. Adm. Code 1700 through 1850.

"Property class" means the class assigned by a tax assessor to real property for purposes of real estate taxes.

BOARD NOTE: The property class (rural property, residential vacant land,

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residential with dwelling, commercial residence, commercial business, commercial office, or industrial) is identified on the property record card maintained by the tax assessor in accordance with the Illinois Real Property Appraisal Manual (February 1987), published by the Illinois Department of Revenue, Property Tax Administration Bureau.

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/[3.3653-28](#)]

"Regulated entity" means a facility or unit regulated for groundwater protection by any State or federal agency.

"Regulatory agency" means the Illinois Environmental Protection Agency, Department of Public Health, Department of Agriculture, the Office of Mines and Minerals in the Department of Natural Resources, and the Office of State Fire Marshal.

"Regulated recharge area" means a compact geographic area, as determined by the Board pursuant to Section 17.4 of the Act, the geology of which renders a potable resource groundwater particularly susceptible to contamination. [415 ILCS 5/[3.3903-67](#)]

"Resource groundwater" means groundwater that is presently being, or in the future is capable of being, put to beneficial use by reason of being of suitable quality. [415 ILCS 5/[3.4303-66](#)]

"Saturated zone" means a subsurface zone in which all the interstices or voids are filled with water under pressure greater than that of the atmosphere.

"Setback zone" means a geographic area, designated pursuant to this Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS

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5/~~3.4503-61~~]

"Site" means any location, place, tract of land and facilities, including but not limited to, buildings and improvements used for the purposes subject to regulation or control by the Act or regulations thereunder. [415 ILCS 5/~~3.4603-43~~]

"Spring" means a natural surface discharge of an aquifer from rock or soil.

"Threshold dose" means the lowest dose of a chemical at which a specified measurable effect is observed and below which it is not observed.

"Treatment" means the technology, treatment techniques, or other procedures for compliance with 35 Ill. Adm. Code, Subtitle F.

"Unit" means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). [415 ILCS 5/~~3.5153-62~~]

"USEPA" means the United States Environmental Protection Agency.

"Wellhead protection area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act [415 ILCS 5/17.1]), and pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.

"Wellhead Protection Program" or "WHPP" means the wellhead protection program for the State of Illinois, approved by USEPA under 42 USC 300h-7. BOARD NOTE: Derived from 40 CFR 141.71(b) (2003). The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act [415 ILCS 5/17.1] and 35 Ill. Adm. Code 615-617.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.125 Incorporations by Reference

- a) The Board incorporates the following material by reference:

ASTM International. 100 Barr Harbor Drive, PO Box C700, West

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~~Conshohocken, PA 19428-2959 (610) 832-9500. ASTM—American Society for Testing and Materials, 1976 Race Street, Philadelphia, Pa. 19103 (215) 299-5585~~

~~"Standard Practice for Classification of Soils for Engineering Purposes (Unified Classification System)" ASTM D2487-06.
"Standard Practice for Description and Identification of Soils (Visual Manual Procedure)" D2488-84~~

~~CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238.~~

~~Method Detection Limit Definition, appendix B to Part 136, 40 CFR 136, appendix B (2006).~~

~~Control of Lead and Copper, general requirements, 40 CFR 141.80 (2006).~~

~~Maximum contaminant levels for organic contaminants, 40 CFR 141.61 (2006).~~

~~Maximum contaminant levels for inorganic contaminants, 40 CFR 141.62 (2006).~~

~~Maximum contaminant levels for radionuclides, 40 CFR 141.66 (2006).~~

~~GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401; (202) 783-3238).~~

~~Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper, Final Rule, 56 Fed. Reg. 26460-26564 (June 7, 1991).~~

~~National Primary Drinking Water Regulations, Final Rule, 56 Fed. Reg. 3526-3597 (January 30, 1991).~~

~~National Primary Drinking Water Regulations, Final Rule, 57 Fed.~~

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~~[Reg. 31776-31849 \(July 17, 1992\).](#)~~

USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).

[Illinois Environmental Protection Agency, 1020 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276 \(217\) 785-4787.](#)

["Guidance Document for Groundwater Protection Needs Assessments," Agency, Illinois State Water Survey, and Illinois State Geologic Survey Joint Report, January 1995.](#)

["The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act," Agency, # 22480, October 1992.](#)

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD [\(301\) 657-2652](#).~~[\(301\) 657-6252](#)~~

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 [\(703\) 605-6000](#)~~[\(703\) 487-4600](#)~~.

["Methods for Chemical Analysis of Water and Wastes," March 1983, Doc. No. PB84-128677. EPA 600/4-79-020 \(available online at <http://nepis.epa.gov/>\).](#)

["Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, PB94-120821 \(referred to as "USEPA Environmental Inorganic Methods"\). EPA 600/R-93-100 \(available online at <http://nepis.epa.gov/>\).](#)

["Methods for the Determination of Metals in Environmental Samples," June 1991, Doc. No. PB91-231498. EPA 600/4-91-010 \(available online at <http://nepis.epa.gov/>\).](#)

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"Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, Doc. No. PB95-125472. EPA 600/R-94-111 (available online at <http://nepis.epa.gov/>).

"Methods for the Determination of Organic Compounds in Drinking Water," Doc. No. PB91-231480. EPA/600/4-88/039 (December 1988 (revised July 1991)) (available online at <http://nepis.epa.gov/>).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement I," Doc. No. PB91-146027. EPA/600/4-90/020 (July 1990) (available online at <http://nepis.epa.gov/>).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," Doc. No. PB92-207703. EPA/600/R-92/129 (August 1992) (available online at <http://nepis.epa.gov/>).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," Doc. No. PB95-261616. EPA/600/R-95/131 (August 1995) (available online at <http://nepis.epa.gov/>).

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water" Volume I: EPA 815-R-00-014 (August 2000) (available online at <http://nepis.epa.gov/>).

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water," Doc. No. PB80-224744. EPA 600/4-80-032, (August 1980) (available online at <http://nepis.epa.gov/>).

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, Doc. No. PB222-154/7BA. EPA-R4-73-014, May 1973.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917.

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"Radiochemistry Procedures Manual," Doc. No. PB-84-215581. EPA-520/5-84-006, December 1987.

"Methods for Chemical Analysis of Water and Wastes," EPA Publication No. EPA-600/4-79-020, (March 1983), Doc. No. PB 84-128677

"Methods for the Determination of Organic Compounds in Drinking Water", EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461

"Practical Guide for Ground-Water Sampling", EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304

"Test Methods for Evaluating Solid ~~Waste~~Wastes, Physical/Chemical Methods," ~~USEPA~~EPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB (Third Edition, 1986, as amended by Revision I, Final Update I, July 1992, (Doc. No. 955-001-00000-1) (available on line at <http://www.epa.gov/epaoswer/hazwaste/test/main.htm>). ~~PB 89-148076~~

USGS. United States Geological Survey, 1961 Stout St., Denver, CO 80294 (303) 844-4169

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents", Book I, Chapter D2 (1976~~1984~~).

b) This Section incorporates no later editions or amendments.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: GROUNDWATER CLASSIFICATION

Section 620.210 Class I: Potable Resource Groundwater

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Except as provided in Sections 620.230, 620.240, or 620.250, Potable Resource Groundwater is:

- a) Groundwater located 10 feet or more below the land surface and within:
 - 1) The minimum setback zone of a well which serves as a potable water supply and to the bottom of such well;
 - 2) Unconsolidated sand, gravel or sand and gravel which is 5 feet or more in thickness and that contains 12 percent or less of fines (i.e., fines which pass through a No. 200 sieve tested according to ASTM Standard Practice [D2487-06D2488-84](#), incorporated by reference at Section 620.125);
 - 3) Sandstone which is 10 feet or more in thickness, or fractured carbonate which is 15 feet or more in thickness; or
 - 4) Any geologic material which is capable of a:
 - A) Sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; or
 - B) Hydraulic conductivity of 1×10^{-4} cm/sec or greater using one of the following test methods or its equivalent:
 - i) Permeameter;
 - ii) Slug test; or
 - iii) Pump test.
- b) Any groundwater which is determined by the Board pursuant to petition procedures set forth in Section 620.260, to be capable of potable use.

BOARD NOTE(~~Board Note~~: Any portion of the thickness associated with the geologic materials as described in subsections 620.210(a)(2), (a)(3) or (a)(4) should be designated as Class I: Potable Resource Groundwater if located 10 feet or more below the land surface.)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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SUBPART C: NONDEGRADATION PROVISIONS
FOR APPROPRIATE GROUNDWATERS**Section 620.302 Applicability of Preventive Notification and Preventive Response Activities**

- a) Preventive notification and preventive response as specified in Sections 620.305 through 620.310 applies to:
 - 1) Class I groundwater under Section 620.210(a)(1), (a)(2), or (a)(3) ~~that~~which is monitored by the persons listed in subsection (b); or
 - 2) Class III groundwater ~~that~~which is monitored by the persons listed in subsection (b).
- b) For purposes of subsection (a), the persons that conduct groundwater monitoring are:
 - 1) An owner or operator of a regulated entity for which groundwater quality monitoring must be performed pursuant to State or Federal law or regulation (e.g., ~~section~~Section 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (42 ~~USCU.S.C.~~U.S.C. 9601, et seq.); ~~sections~~Sections 3004 and 3008 of the Resource Conservation and Recovery Act (42 ~~USCU.S.C.~~U.S.C. 6901, et seq.); ~~sections~~Sections 4(q), 4(v), 12(g), 21(d), 21(f), 22.2(f), 22.2(m) and 22.18 of the Act; 35 Ill. Adm. Code 724, 725, 730, 731, 750, 811 and 814);
 - 2) An owner or operator of a public water supply well who conducts groundwater quality monitoring;
 - 3) A ~~State~~state agency ~~that~~which is authorized to conduct, or is the recipient of, groundwater quality monitoring data (e.g., Illinois Environmental Protection Agency, Department of Public Health, ~~Department of Conservation, Department of Mines and Minerals,~~ Department of Agriculture, Office of State Fire Marshal or Department of ~~Energy and~~ Natural Resources); or
 - 4) An owner or operator of a facility that conducts groundwater quality monitoring pursuant to State or federal judicial or administrative order.

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- c) If a contaminant exceeds a standard set forth in Section 620.410 or Section 620.430, the appropriate remedy is corrective action and Sections 620.305 and 620.310 do not apply.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.310 Preventive Response Activities

- a) The following preventive assessment must be undertaken:
- 1) If a preventive notification under Section 620.305(c) is provided by a community water supply:
 - A) The Agency shall notify the owner or operator of any identified potential primary source, potential secondary source, potential route, or community water supply well that is located within 2,500 feet of the wellhead.
 - B) The owner or operator notified under subsection (a)(1)(A) shall, within 30 days after the date of issuance of such notice, sample each water well or monitoring well for the contaminant identified in the notice if the contaminant or material containing such contaminant is or has been stored, disposed of, or otherwise handled at the site. If a contaminant identified under Section 620.305(a) is detected, then the well must be resampled within 30 days of the date on which the first sample analyses are received. If a contaminant identified under Section 620.305(a) is detected by the resampling, preventive notification must be given as set forth in Section 620.305.
 - C) If the Agency receives analytical results under subsection (a)(1)(B) that show a contaminant identified under Section 620.305(a) has been detected, the Agency shall:
 - i) Conduct a well site survey pursuant to 415 ILCS 5/17.1(d), if such a survey has not been previously conducted within the last 5 years; and

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- ii) Identify those sites or activities that represent a hazard to the continued availability of groundwaters for public use unless a groundwater protection needs assessment has been prepared pursuant to 415 ILCS 5/17.1(d).
- 2) If a preventive notification is provided under Section 620.305(c) by a non-community water supply or for multiple private water supply wells, the Department of Public Health shall conduct a sanitary survey within 1,000 feet of the wellhead of a non-community water supply or within 500 feet of the wellheads for multiple private water supply wells.
- 3) If a preventive notification under Section 620.305(b) is provided by the owner or operator of a regulated entity and the applicable standard in Subpart D has not been exceeded:

A) The appropriate regulatory agency shall determine if any of the following occurs for Class I: Potable Resource Groundwater:

- i) The levels set forth below are exceeded or are changed for pH:

Constituent	Criteria (mg/L)
Para-Dichlorobenzene	0.005
Ortho-Dichlorobenzene	0.01
Ethylbenzene	0.03
Methyl Tertiary-Butyl Ether <u>(MTBE)</u>	0.02
Phenols	0.001
Styrene	0.01
Toluene	0.04
Xylenes	0.02

- ii) A statistically significant increase occurs above background (as determined pursuant to other regulatory procedures (e.g., 35 Ill. Adm. Code 616, 724, 725 or 811)) for arsenic, beryllium, cadmium, chromium, cyanide, lead, mercury, ~~or~~ thallium, or vanadium (except due to natural causes); or for acenaphthene, acetone, aldicarb, anthracene, atrazine,

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benzoic acid, carbon disulfide, carbofuran, dalapon, 2-butanone (MEK), dicamba, dichlorodifluoromethane, 1,1-dichloroethane, diethyl phthalate, di-n-butyl phthalate, dinoseb, endrin, endothall, fluoranthene, fluorine, hexachlorocyclopentadiene, isopropylbenzene (cumene), lindane (gamma-hexachloro cyclohexane), 2,4-D,1,1 - dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, MCPP (mecoprop), 2-methylnaphthalene, methoxychlor, 2-methylphenol, monochlorobenzene, naphthalene, picloram, pyrene, simazine, 2,4,5-TP (silvex/Silvex), 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, ~~and~~ 1,1,1-trichloroethane, and trichlorofluoromethane.

- iii) For a chemical constituent of gasoline, diesel fuel, or heating fuel, the constituent exceeds the following:

Constituent	Criterion (mg/L)
BETX	0.095

- iv) For pH, a statistically significant change occurs from background.

BOARD NOTE: Constituents that are carcinogens have not been listed in subsection (a)(3)(A) because the standard is set at the PQL and any exceedence thereof is a violation subject to corrective action.

- B) The appropriate agency shall determine if, for Class III: Special Resource Groundwater, the levels as determined by the Board are exceeded.
- C) The appropriate regulatory agency shall consider whether the owner or operator reasonably demonstrates that:
- i) The contamination is a result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in accordance with laws and regulations in

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- existence at the time of the release;
- ii) The source of contamination is not due to the on-site release of contaminants; or
 - iii) The detection resulted from error in sampling, analysis, or evaluation.
- D) The appropriate regulatory agency shall consider actions necessary to minimize the degree and extent of contamination.
- b) The appropriate regulatory agency shall determine whether a preventive response must be undertaken based on relevant factors including, but not limited to, the considerations in subsection (a)(3).
- c) After completion of preventive response pursuant to authority of an appropriate regulatory agency, the concentration of a contaminant listed in subsection (a)(3)(A) in groundwater may exceed 50 percent of the applicable numerical standard in Subpart D only if the following conditions are met:
- 1) The exceedence has been minimized to the extent practicable;
 - 2) Beneficial use, as appropriate for the class of groundwater, has been assured; and
 - 3) Any threat to public health or the environment has been minimized.
- d) Nothing in this Section shall in any way limit the authority of the State or of the United States to require or perform any corrective action process.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section 620.410 Groundwater Quality Standards for Class I: Potable Resource Groundwater

- a) Inorganic Chemical Constituents
Except due to natural causes or as provided in Section 620.450, concentrations of

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the following chemical constituents must not be exceeded in Class I groundwater:

Constituent	Units	Standard
Antimony	mg/L	0.006
Arsenic*	mg/L	0.0100 0.05
Barium	mg/L	2.0
Beryllium	mg/L	0.004
Boron	mg/L	2.0
Cadmium	mg/L	0.005
Chloride	mg/L	200.0
Chromium	mg/L	0.1
Cobalt	mg/L	1.0
Copper	mg/L	0.65
Cyanide	mg/L	0.2
Fluoride	mg/L	4.0
Iron	mg/L	5.0
Lead	mg/L	0.0075
Manganese	mg/L	0.15
Mercury	mg/L	0.002
Nickel	mg/L	0.1
Nitrate as N	mg/L	10.0
<u>Perchlorate</u>	<u>mg/L</u>	<u>0.0049</u>
Radium-226	pCi/l	20.0
Radium-228	pCi/l	20.0
Selenium	mg/L	0.05
Silver	mg/L	0.05
Sulfate	mg/L	400.0
Thallium	mg/L	0.002
Total Dissolved Solids (TDS)	mg/L	1,200
<u>Vanadium</u>	<u>mg/L</u>	<u>0.049</u>
Zinc	mg/L	5.0

*Denotes a carcinogen.

- b) Organic Chemical Constituents
 Except due to natural causes or as provided in Section 620.450 or subsection (c), concentrations of the following organic chemical constituents shall not be

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exceeded in Class I groundwater:

Constituent	Standard (mg/L)
Acenaphthene	0.42
Acetone	6.3
Alachlor*	0.002
Aldicarb	0.003
Anthracene	2.1
Atrazine	0.003
Benzene*	0.005
Benzo(a)anthracene*	0.00013
Benzo(b)fluoranthene*	0.00018
Benzo(k)fluoranthene*	0.00017
Benzo(a)pyrene*	0.0002
Benzoic acid	28.0
2-Butanone (MEK)	4.2
Carbofuran	0.04
Carbon Disulfide	0.7
Carbon Tetrachloride*	0.005
Chlordane*	0.002
Chloroform*	0.07
Chrysene*	0.012
Dalapon	0.2
Dibenzo(a,h)anthracene*	0.0003
Dicamba	0.21
Dichlorodifluoromethane	1.4
1,1-Dichloroethane	1.4
Dichloromethane*	0.005
Di(2-ethylhexyl)phthalate*	0.006
Diethyl Phthalate	5.6
Di-n-butyl Phthalate	0.7
Dinoseb	0.007
Endothall	0.1
Endrin	0.002
Ethylene Dibromide*	0.00005
Fluoranthene	0.28
Fluorene	0.28
Heptachlor*	0.0004

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Heptachlor Epoxide*	0.0002
Hexachlorocyclopentadiene	0.05
Indeno(1,2,3-cd)pyrene*	0.00043
Isopropylbenzene (Cumene)	0.7
Lindane (Gamma-Hexachlorocyclohexane)	0.0002
2,4-D	0.07
ortho-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
1,2-Dibromo-3-Chloropropane*	0.0002
1,2-Dichloroethane*	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2-Dichloropropane*	0.005
Ethylbenzene	0.7
MCCP (Mecoprop)	0.007
Methoxychlor	0.04
2-Methylnaphthalene	0.028
2-Methylphenol	0.35
Methyl Tertiary-Butyl Ether (MTBE)	0.07
Monochlorobenzene	0.1
Naphthalene	0.14
P-Dioxane*	0.0077
Pentachlorophenol*	0.001
Phenols	0.1
Picloram	0.5
Pyrene	0.21
Polychlorinated Biphenyls (PCBs) (as decachloro-biphenyl)*	0.0005
alpha-BHC (alpha-Benzene hexachloride)*	0.00011
Simazine	0.004
Styrene	0.1
2,4,5-TP (Silvex)	0.05
Tetrachloroethylene*	0.005
Toluene	1.0

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Toxaphene*	0.003
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
1,2,4-Trichlorobenzene	0.07
Trichloroethylene*	0.005
Trichlorofluoromethane	2.1
Vinyl Chloride*	0.002
Xylenes	10.0

*Denotes a carcinogen.

- c) [Explosive Constituents](#)
[Concentrations of the following explosive constituents must not exceed the Class I groundwater standard:](#)

Constituent	Standard (mg/L)
1,3-Dinitrobenzene	0.0007
2,4-Dinitrotoluene*	0.0001
2,6-Dinitrotoluene*	0.00031
HMX (High Melting Explosive, Octogen)	1.4
Nitrobenzene	0.014
RDX (Royal Demolition Explosive, Cyclonite)	0.084
1,3,5-Trinitrobenzene	0.84
2,4,6-Trinitrotoluene (TNT)	0.014

[*Denotes a carcinogen.](#)

- d)e) [Complex Organic Chemical Mixtures](#)

Concentrations of the following chemical constituents of gasoline, diesel fuel, or heating fuel must not be exceeded in Class I groundwater:

Constituent	Standard (mg/L)
Benzene*	0.005
BETX	11.705

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*Denotes a carcinogen.

~~e)~~d) pH
Except due to natural causes, a pH range of 6.5 - 9.0 units must not be exceeded in Class I groundwater.

~~f)~~e) Beta Particle and Photon Radioactivity

- 1) Except due to natural causes, the average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not exceed a dose equivalent to the total body organ greater than 4 mrem/year in Class I groundwater. If two or more radionuclides are present, the sum of their dose equivalent to the total body, or to any internal organ shall not exceed 4 mrem/year in Class I groundwater except due to natural causes.
- 2) Except for the radionuclides listed in subsection ~~f)~~e)(3), the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent must be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data in accordance with the procedure set forth in NCRP Report Number 22, incorporated by reference at Section 620.125(a).
- 3) Except due to natural causes, the average annual concentration assumed to produce a total body or organ dose of 4 mrem/year of the following chemical constituents shall not be exceeded in Class I groundwater:

Constituent	Critical Organ	Standard (pCi/L)
Tritium	Total body	20,000.0
Strontium-90	Bone marrow	8.0

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.420 Groundwater Quality Standards for Class II: General Resource Groundwater

a) Inorganic Chemical Constituents

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- 1) Except due to natural causes or as provided in Section 620.450 or subsection (a)(3) or (d) of this Section, concentrations of the following chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Antimony	0.024
Arsenic*	0.2
Barium	2.0
Beryllium	0.5
Cadmium	0.05
Chromium	1.0
Cobalt	1.0
Cyanide	0.6
Fluoride	4.0
Lead	0.1
Mercury	0.01
Nitrate as N	100.0
<u>Perchlorate</u>	<u>0.0049</u>
Thallium	0.02
<u>Vanadium</u>	<u>0.1</u>

*Denotes a carcinogen.

- 2) Except as provided in Section 620.450 or subsection (a)(3) or (d) of this Section, concentrations of the following chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Boron	2.0
Chloride	200.0
Copper	0.65
Iron	5.0
Manganese	10.0
Nickel	2.0

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Selenium	0.05
Total Dissolved Solids (TDS)	1,200.0
Sulfate	400.0
Zinc	10.0

- 3) The standard for any inorganic chemical constituent listed in subsection (a)(2) of this Section, for barium, or for pH does not apply to groundwater within fill material or within the upper 10 feet of parent material under such fill material on a site not within the rural property class for which:
- A) Prior to November 25, 1991, surficial characteristics have been altered by the placement of such fill material so as to impact the concentration of the parameters listed in subsection (a)(3) of this Section, and any on-site groundwater monitoring of such parameters is available for review by the Agency.
- B) On November 25, 1991, surficial characteristics are in the process of being altered by the placement of such fill material, that proceeds in a reasonably continuous manner to completion, so as to impact the concentration of the parameters listed in subsection (a)(3) of this Section, and any on-site groundwater monitoring of such parameters is available for review by the Agency.
- 4) For purposes of subsection (a)(3) of this Section, the term "fill material" means clean earthen materials, slag, ash, clean demolition debris, or other similar materials.

b) Organic Chemical Constituents

- 1) Except due to natural causes or as provided in Section 620.450 or subsection (b)(2) or (d) of this Section, concentrations of the following organic chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Acenaphthene	2.1

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Acetone	6.3
Alachlor*	0.010
Aldicarb	0.015
Anthracene	10.5
Atrazine	0.015
Benzene*	0.025
Benzo(a)anthracene*	0.00065
Benzo(b)fluoranthene*	0.0009
Benzo(k)fluoranthene*	0.006
Benzo(a)pyrene*	0.002
Benzoic acid	28.0
2-Butanone (MEK)	4.2
Carbon Disulfide	3.5
Carbofuran	0.2
Carbon Tetrachloride*	0.025
Chlordane*	0.01
Chloroform*	0.35
Chrysene*	0.06
Dalapon	2.0
Dibenzo(a,h)anthracene	0.0015
Dicamba	0.21
Dichlorodifluoromethane	7.0
1,1-Dichloroethane	7.0
Dichloromethane*	0.05
Di(2-ethylhexyl)phthalate*	0.06
Diethyl Phthalate	5.6
Di-n-butyl Phthalate	3.5
Dinoseb	0.07
Endothall	0.1
Endrin	0.01
Ethylene Dibromide*	0.0005
Fluoranthene	1.4
Fluorene	1.4
Heptachlor*	0.002
Heptachlor Epoxide*	0.001
Hexachlorocyclopentadiene	0.5
Indeno(1,2,3-cd)pyrene*	0.0022
Isopropylbenzene (Cumene)	3.5
Lindane (Gamma-Hexachloro	0.001

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cyclohexane)	
2,4-D	0.35
Ortho-Dichlorobenze	1.5
Para-Dichlorobenzene	0.375
1,2-Dibromo-3-Chloropropane*	0.002
1,2-Dichloroethane*	0.025
1,1-Dichloroethylene	0.035
cis-1,2-Dichloroethylene	0.2
Trans-1,2-Dichloroethylene	0.5
1,2-Dichloropropane*	0.025
Ehylbenzene	1.0
MCPP (Mecoprop)	0.007
Methoxychlor	0.2
2-Methylnaphthalene	0.14
2-Methylphenol	0.35
Methyl Tertiary-Butyl Ether (MTBE)	0.07
Monochlorobenzene	0.5
Naphthalene	0.22
P-Dioxane*	0.0077
Pentachlorophenol*	0.005
Phenols	0.1
Picloram	5.0
Pyrene	1.05
Polychlorinated Biphenyls (PCBs) (as decachloro-biphenyl)*	0.0025
alpha-BHC (alpha-Benzene hexachloride)*	0.00055
Simazine	0.04
Styrene	0.5
2,4,5-TP	0.25
Tetrachloroethylene*	0.025
Toluene	2.5
Toxaphene*	0.015
1,1,1-Trichloroethane	1.0
1,2,4-Trichlorobenzene	0.7
1,1,2-Trichloroethane	0.025
Trichlorofluoromethane	10.5
Vinyl Chloride*	0.01
Xylenes	10.0

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* Denotes a carcinogen.

- 2) The standards for pesticide chemical constituents listed in subsection (b)(1) of this Section do not apply to groundwater within 10 feet of the land surface, provided that the concentrations of such constituents result from the application of pesticides in a manner consistent with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (7 USC 136 et seq.) and the Illinois Pesticide Act [415 ILCS 60].

- c) Explosive Constituents
Concentrations of the following explosive constituents must not exceed the Class II groundwater standard:

<u>Constituent</u>	<u>Standard</u> <u>(mg/L)</u>
<u>1,3-Dinitrobenzene</u>	<u>0.0007</u>
<u>2,4-Dinitrotoluene*</u>	<u>0.0001</u>
<u>2,6-Dinitrotoluene*</u>	<u>0.00031</u>
<u>HMX (High Melting</u> <u>Explosive, Octogen)</u>	<u>1.4</u>
<u>Nitrobenzene</u>	<u>0.014</u>
<u>RDX (Royal Demolition</u> <u>Explosive, Cyclonite)</u>	<u>0.084</u>
<u>1,3,5-Trinitrobenzene</u>	<u>0.84</u>
<u>2,4,6-Trinitrotoluene (TNT)</u>	<u>0.014</u>

*Denotes a carcinogen.

- de) Complex Organic Chemical Mixtures
 Concentrations of the following organic chemical constituents of gasoline, diesel fuel, or heating fuel must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Benzene*	0.025
BETX	13.525

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*Denotes a carcinogen

- ed) pH
Except due to natural causes, a pH range of 6.5 - 9.0 units must not be exceeded in Class II groundwater that is within 5 feet of the land surface.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.440 Groundwater Quality Standards for Class IV: Other Groundwater

- a) Except as provided in subsections (b) or (c), Class IV: Other Groundwater standards are equal to the existing concentrations of constituents in groundwater.
- b) For groundwater within a zone of attenuation as provided in 35 Ill. Adm. Code 811 and 814, the standards specified in Section 620.420 must not be exceeded, except for concentrations of contaminants within leachate released from a permitted unit.
- c) For groundwater within a previously mined area, the standards set forth in Section 620.420 must not be exceeded, except for concentrations of TDS, chloride, iron, manganese, sulfates, ~~or~~ pH, 1,3-dinitrobenzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, HMX (high melting explosive, octogen), nitrobenzene, RDX (royal demolition explosive, cyclonite), 1,3,5-trinitrobenzene, or 2,4,6-trinitrotoluene (TNT). For concentrations of TDS, chloride, iron, manganese, sulfates, ~~or~~ pH, 1,3-dinitrobenzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, HMX, nitrobenzene, RDX, 1,3,5-trinitrobenzene, or 2,4,6-trinitrotoluene (TNT), the standards are the existing concentrations.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.450 Alternative Groundwater Quality Standards

- a) Groundwater Quality Restoration Standards
- 1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.

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- 2) Except as provided in subsections (a)(3) or (a)(4)~~below~~, the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 apply to any chemical constituent in groundwater within a groundwater management zone.
 - 3) Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.
 - 4) After completion of a corrective action as described in Section 620.250(a), the standard for such released chemical constituent is:
 - A) The standard as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the concentration as determined by groundwater monitoring of such constituent is less than or equal to the standard for the appropriate class set forth in those [Sectionssections](#); or
 - B) The concentration as determined by groundwater monitoring, if such concentration exceeds the standard for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such constituent, and:
 - i) To the extent practicable, the exceedence has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned; and
 - ii) Any threat to public health or the environment has been minimized.
 - 5) The Agency shall develop and maintain a listing of concentrations derived pursuant to subsection (a)(4)(B)~~above~~. This list shall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing shall be published in the Environmental Register.
- b) Coal Reclamation Groundwater Quality Standards
- 1) Any inorganic chemical constituent or pH in groundwater, within an underground coal mine, or within the cumulative impact area of

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groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] and 62 Ill. Adm. Code 1700 through 1850, is subject to this Section.

- 2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430 and 620.440 are not applicable to inorganic constituents and pH.
- 3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a), 620.430, and 620.440 are applicable to inorganic constituents and pH, except:
 - A) The concentration of total dissolved solids (TDS) must not exceed:
 - i) The post-reclamation concentration or 3000 mg/L, whichever is less, for groundwater within the permitted area; or
 - ii) The post-reclamation concentration of TDS must not exceed the post-reclamation concentration or 5000 mg/L, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and Minerals and the Agency have determined that no significant resource groundwater existed prior to mining (62 Ill. Adm. Code 1780.21(f) and (g)); and
 - B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area must not be exceeded.
 - C) For pH, the post-reclamation concentration within the permitted area must not be exceeded within Class I: Potable Resource Groundwater as specified in Section 620.210(a)(4).
 - D) [For 1,3-dinitrobenzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, HMX \(high melting explosive, octogen\), nitrobenzene, RDX \(royal demolition explosive, cyclonite\), 1,3,5-trinitrobenzene, and 2,4,6-](#)

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[trinitrotoluene \(TNT\), the post-reclamation concentration within the permitted area must not be exceeded.](#)

- 4) A refuse disposal area (not contained within the area from which overburden has been removed) is subject to the inorganic chemical constituent and pH requirements of:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D of this Part for such area that is placed into operation on or after the effective date of this Part.
- 5) For a refuse disposal area (not contained within the area from which overburden has been removed) that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(4)(C) and the following applies to the additional area:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional refuse disposal area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and
 - B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.
- 6) A coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, is subject to the inorganic chemical constituent and pH requirements of:

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- A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such plant that was placed into operation after February 1, 1983 and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such plant that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D for such plant that is placed into operation on or after the effective date of this Part.
- 7) For a coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:
- A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and
 - B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.
- c) Groundwater Quality Standards for Certain Groundwater Subject to a No Further Remediation Letter under Part 740. While a No Further Remediation Letter is in effect for a region formerly encompassed by a groundwater management zone established under 35 Ill. Adm. [Code](#) 740.530, the groundwater quality standards for "contaminants of concern", as defined in 35 Ill. Adm. Code 740.120, within such area shall be the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section 620.505 Compliance Determination

- a) Compliance with standards at a site is to be determined as follows:
- 1) For a structure (e.g., buildings), at the closest practical distance beyond the outermost edge for the structure.
 - 2) For groundwater that underlies a potential primary or secondary source, the outermost edge as specified in Section 620.240(e)(1).
 - 3) For groundwater that underlies a coal mine refuse disposal area, a coal combustion waste disposal area, or an impoundment that contains sludge, slurry, or precipitated process material at a coal preparation plant, the outermost edge as specified in Section 620.240(f)(1) or location of monitoring wells in existence as of the effective date of this Part on a permitted site.
 - 4) For a groundwater management zone, as specified in a corrective action process.
 - 5) For groundwater, any point, where monitoring is conducted using a water well, or a monitoring well that meets one of the following conditions:
 - A) For a potable water supply well if geologic ~~logs~~~~log(s)~~ exist for this well or geologic logs in the immediate 1,000-foot area of this well are representative of the hydrogeologic materials encountered by this well as determined by a licensed professional geologist or a licensed professional engineer or a WHPA has been delineated outside of an applicable setback zone of a community water well or well field in accordance with the "Guidance Document for Groundwater Protection Needs Assessments," incorporated by reference at Section 620.125, and "Illinois Approved WHPP," incorporated by reference at Section 620.125.
 - B) For a potable water supply well other than a community water supply well, a construction report has been filed with the

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Department of Public Health for such potable well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 77 Ill. Adm. Code 920.

- C) For a potable water supply well that was constructed prior to August 20, 1965, the enactment of the Illinois Water Well Construction Code [415 ILCS 30], and meets all of the following criteria:
- i) Construction must be done in a manner that will enable the collection of groundwater samples that represent in situ groundwater conditions;
 - ii) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and
 - iii) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.
- D) For a community water supply well, such well has been permitted by the Agency, or has been constructed in accordance with 35 Ill. Adm. Code 602.115.
- E) For a water well other than a potable water supply well (e.g., a livestock watering well or an irrigation well), a construction report has been filed with the Department of Public Health or the Office of Mines and Minerals in the Department of Natural Resources for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920.

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- F) For a monitoring well, such well meets the following requirements:
- i) Construction must be done in a manner that will enable the collection of groundwater samples;
 - ii) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and
 - iii) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.
- 6) Monitoring shall not be conducted for compliance determinations pursuant to subsection (a) of this Section:
- A) For a water well that is:
 - i) Less than 15 feet in total depth from the land surface,
 - ii) bored or dug,
 - iii) constructed of permeable materials (e.g., cement, tile, stone or brick), and
 - iv) 36 inches or more in diameter.
 - B) For a water well with water quality problems due to damaged well construction materials or poorly-designed well construction;
 - C) For a water well in a basement or pit; or
 - D) For water well water from a holding tank.

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- b) For a spring, compliance with this Subpart shall be determined at the point of emergence.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 620.510 Monitoring and Analytical Requirements

- a) Representative Samples
A representative sample shall be taken from locations as specified in Section 620.505.
- b) Sampling and Analytical Procedures
- 1) Samples must be collected in accordance with the procedures set forth in the documents pertaining to groundwater monitoring and analysis ["Methods for Chemical Analysis of Water and Wastes,"](#) ["Methods for the Determination of Inorganic Substances in Environmental Samples,"](#) ["Methods for the Determination of Metals in Environmental Samples,"](#) ["Methods for the Determination of Organic Compounds in Drinking Water,"](#) ["Methods for the Determination of Organic Compounds in Drinking Water, Supplement I,"](#) ["Methods for the Determination of Organic Compounds in Drinking Water, Supplement II,"](#) ["Methods for the Determination of Organic Compounds in Drinking Water, Supplement III,"](#) ["Methods for the Determination of Organic and Inorganic Compounds in Drinking Water,"](#) ["Prescribed Procedures for Measurement of Radioactivity in Drinking Water,"](#) ["Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions,"](#) ["Radiochemical Analytical Procedures for Analysis of Environmental Samples,"](#) ["Radiochemistry Procedures Manual,"](#) ["Practical Guide for Ground Water Sampling,"](#) ["Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" \(SW-846\), 40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62,](#) ["Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground Water Samples for Selected Unstable Constituents,"](#) ~~["Methods for Chemical Analysis of Water and Wastes,"](#)~~ ~~["Methods for the Determination of Organic Compounds in Drinking Water,"](#)~~ ["Practical Guide for Ground-Water Sampling,"](#) ~~["Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" \(SW-846\), 56 Fed. Reg. 3526-3597, 56 Fed.](#)~~

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~~Reg. 26460-26564, 57 Fed. Reg. 31776-31849,~~ "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," incorporated by reference at Section 620.125 or other procedures adopted by the appropriate regulatory agency.

- 2) Groundwater elevation in a groundwater monitoring well must be determined and recorded when necessary to determine the gradient.
- 3) The analytical methodology used for the analysis of constituents in Subparts C and D must be consistent with both of the following:
 - A) The methodology must have a PQL at or below the preventive response levels of Subpart C or groundwater standard set forth in Subpart D, whichever is applicable; and
 - B) "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Inorganic Substances in Environmental Samples," "Methods for the Determination of Metals in Environmental Samples," "Methods for the Determination of Organic Compounds in Drinking Water," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement I," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water," "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," "Radiochemical Analytical Procedures for Analysis of Environmental Samples," "Radiochemistry Procedures Manual," "Practical Guide for Ground Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846), 40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62, "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground Water Samples for Selected Unstable Constituents,"~~The methodology must be consistent with methodologies contained in "Methods for Chemical Analysis of~~

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~~Water and Wastes", "Methods for the Determination of Organic Compounds in Drinking Water"; "Practical Guide for Ground-Water Sampling", "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846); "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents", incorporated by reference at Section 620.125.~~

- c) Reporting Requirements
At a minimum, groundwater monitoring analytical results must include information, procedures and techniques for:
- 1) Sample collection (including but not limited to name of sample collector, time and date of the sample, method of collection, and identification of the monitoring location);
 - 2) Sample preservation and shipment (including but not limited to field quality control);
 - 3) Analytical procedures (including but not limited to the method detection limits and the PQLs); and
 - 4) Chain of custody control.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART F: HEALTH ADVISORIES

Section 620.605 Issuance of a Health Advisory

- a) The Agency shall issue a Health Advisory for a chemical substance if all of the following conditions are met:
- 1) A community water supply well is sampled and a substance is detected and confirmed by resampling;
 - 2) There is no standard under Section 620.410 for such chemical substance; and

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- 3) The chemical substance is toxic or harmful to human health according to the procedures of Appendix A, B, or C.
- b) The Health Advisory must contain a general description of the characteristics of the chemical substance, the potential adverse health effects, and a guidance level to be determined as follows:
- 1) If disease or functional impairment is caused due to a physiological mechanism for where there is a threshold dose below which no damage occurs, the guidance level for any such substance shall be the Maximum Contaminant Level Goal ("MCLG"), adopted by USEPA for such substance, [40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62](#)~~56 Fed. Reg. 26460-26564, 56 Fed. Reg. 3526-3597, and 57 Fed. Reg. 31776-31849~~, incorporated by reference at Section 620.125. If there is no MCLG for the substance, the guidance level is the Human Threshold Toxicant Advisory Concentration for such substance as determined in accordance with Appendix A, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (SW-846), incorporated by reference at Section 620.125 for the substance. If the concentration for such substance is less than the lowest appropriate PQL for the substance specified in SW-846, incorporated by reference at Section 620.125, the guidance level is the lowest appropriate PQL.
 - 2) If the chemical substance is a carcinogen, the guidance level for any such chemical substance is the [one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 \(SW-846\), lowest appropriate PQL specified in SW-846](#), incorporated by reference at Section 620.125 for such substance. [If the concentration for such substance is less than the lowest appropriate PQL for the substance specified in SW-846, the guidance level is the lowest appropriate PQL. The one-in-one-million cancer risk concentration, the Human Nonthreshold Toxicant Advisory Concentration \(HNTAC\), shall be determined according to the following equation:](#)

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$$\frac{HNTC = TR \times BW \times AT \times 365 \text{ days / year}}{(mg / L) \times SF \times IR \times EF \times ED}$$

Where:

- TR ≡ Target Risk = 1.0E-06
BW ≡ Body Weight = 70 kg
AT ≡ Averaging Time = 70 years
SFo ≡ Oral Slope Factor = Chemical-specific
IR ≡ Daily Water Ingestion Rate = 2 liters/day
EF ≡ Exposure Frequency = 350 days/year
ED ≡ Exposure Duration = 30 years

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 620.APPENDIX A Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater

- a) Calculating the Human Threshold Toxicant Advisory Concentration
For those substances for which USEPA has not adopted a Maximum Contaminant Level Goal ("MCLG"), the Human Threshold Toxicant Advisory Concentration is calculated as follows:

$$HTTAC = \frac{RSC \times ADE}{W}$$

Where:

- HTTAC = Human Threshold Toxicant Advisory Concentration in milligrams per liter (mg/L);
- RSC = Relative contribution of the amount of the exposure to a chemical via drinking water when compared to the total exposure to that chemical from all sources. Valid chemical-specific data shall be used if available. If valid chemical-specific data are not available, a value of 20% (= 0.20) must be used;
- ADE = Acceptable Daily Exposure of substance in milligrams per day (mg/d) as determined pursuant to subsection (b); and
- W = Per capita daily water consumption equal to 2 liters per day (L/d).

- b) Procedures for Determining Acceptable Daily Exposures for Class I: Potable Resource Groundwater
- 1) The Acceptable Daily Exposure (ADE) represents the maximum amount of a threshold toxicant in milligrams per day (mg/d), which if ingested daily for a lifetime results in no adverse effects to humans. Subsections (b)(2) through (b)(6) list, in prescribed order, methods for determining the ADE in Class I: Potable Resource Groundwater.
 - 2) For those substances for which the USEPA has derived a Verified Oral Reference Dose for humans, USEPA's Reference Dose given in

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milligrams per kilogram per day (mg/kg/d), as determined in accordance with methods provided in National Primary and Secondary Drinking Water Regulations, [40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62](#); ~~Final Rule, 56 Fed. Reg. 3526-3597, (January 30, 1991)~~, incorporated by reference at Section 620.125, must be used. The ADE equals the product of multiplying the Reference Dose by 70 kilograms (kg), which is the assumed average weight of an adult human.

- 3) For those substances for which a no observed adverse effect level for humans (NOAEL-H) exposed to the substance has been derived, the ADE equals the product of multiplying one-tenth of the NOAEL-H given in milligrams of toxicant per kilogram of body weight per day (mg/kg/d) by the average weight of an adult human of 70 kilograms (kg). If two or more studies are available, the lowest NOAEL-H must be used in the calculation of the ADE.
- 4) For those substances for which only a lowest observed adverse effect level for humans (LOAEL-H) exposed to the substance has been derived, one-tenth the LOAEL-H must be substituted for the NOAEL-H in subsection (b)(3).
- 5) For those substances for which a no observed adverse effect level has been derived from studies of mammalian test species (NOAEL-A) exposed to the substance, the ADE equals the product of multiplying 1/100 of the NOAEL-A given in milligrams toxicant per kilogram of test species weight per day (mg/kg/d) by the average weight of an adult human of 70 kilograms (kg). Preference will be given to animal studies having High Validity, as defined in subsection (c), in the order listed in that subsection. Studies having a Medium Validity must be considered if no studies having High Validity are available. If studies of Low Validity must be used, the ADE must be calculated using 1/1000 of the NOAEL-A having Low Validity instead of 1/100 of the NOAEL-A of High or Medium Validity, except as described in subsection (b)(6). If two or more studies among different animal species are equally valid, the lowest NOAEL-A among animal species must be used in the calculation of the ADE. Additional considerations in selecting the NOAEL-A include:
 - A) If the NOAEL-A is given in milligrams of toxicant per liter of water consumed (mg/L), prior to calculating the ADE the NOAEL-

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A must be multiplied by the average daily volume of water consumed by the mammalian test species in liters per day (~~L/d/d~~) and divided by the average weight of the mammalian test species in kilograms (kg).

- B) If the NOAEL-A is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the ADE, the NOAEL-A must be multiplied by the average amount in kilograms of food consumed daily by the mammalian test species (kg/d) and divided by the average weight of the mammalian test species in kilograms (kg).
 - C) If the mammalian test species was not exposed to the toxicant each day of the test period, the NOAEL-A must be multiplied by the ratio of days of exposure to the total days of the test period.
 - D) If more than one equally valid NOAEL-A is available for the same mammalian test species, the best available data must be used.
- 6) For those substances for which a NOAEL-A is not available but the lowest observed adverse effect level (LOAEL-A) has been derived from studies of mammalian test species exposed to the substance, one-tenth of the LOAEL-A may be substituted for the NOAEL-A in subsection (b)(5). The LOAEL-A must be selected in the same manner as that specified in subsection (b)(5). One-tenth the LOAEL-A from a study determined to have Medium Validity may be substituted for a NOAEL-A in subsection (b)(3) if the NOAEL-A is from a study determined to have Low Validity, or if the toxicity endpoint measured in the study having the LOAEL-A of Medium Validity is determined to be more biologically relevant than the toxicity endpoint measured in the study having the NOAEL-A of Low Validity.
- c) Procedures for Establishing Validity of Data from Animal Studies
- 1) High Validity Studies
 - A) High validity studies use a route of exposure by ingestion or gavage, and are based upon:

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- i) Data from animal carcinogenicity studies with a minimum of 2 dose levels and a control group, 2 species, both sexes, with 50 animals per dose per sex, and at least 50 percent survival at 15 months in mice and 18 months in rats and at least 25 percent survival at 18 months in mice and 24 months in rats;
 - ii) Data from animal chronic studies with a minimum of 3 dose levels and a control group, 2 species, both sexes, with 40 animals per dose per sex, and at least 50 percent survival at 15 months in mice and 18 months in rats and at least 25 percent survival at 18 months in mice and 24 months in rats, and a well-defined NOAEL; or
 - iii) Data from animal subchronic studies with a minimum of 3 dose levels and control, 2 species, both sexes, 4 animals per dose per sex for non-rodent species or 10 animals per dose per sex for rodent species, a duration of at least 5% of the test species' lifespan, and a well-defined NOAEL.
- B) Supporting studies which reinforce the conclusions of a study of Medium Validity may be considered to raise such a study to High Validity.
- 2) Medium Validity Studies
Medium validity studies are based upon:
- A) Data from animal carcinogenicity, chronic, or subchronic studies in which minor deviations from the study design elements required for a High Validity Study are found, but which otherwise satisfy the standards for a High Validity Study;
 - B) Data from animal carcinogenicity and chronic studies in which at least 25 percent survival is reported at 15 months in mice and 18 months in rats (a lesser survival is permitted at the conclusion of a longer duration study, but the number of surviving animals should not fall below 20 percent per dose per sex at 18 months for mice and 24 months for rats), but which otherwise satisfy the standards for a High Validity Study;

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- C) Data from animal subchronic or chronic studies in which a Lowest Observable Adverse Effect Level (LOAEL) is determined, but which otherwise satisfy the standards for a High Validity Study; or
 - D) Data from animal subchronic or chronic studies which have an inappropriate route of exposure (for example, intraperitoneal injection or inhalation) but which otherwise satisfy the standards for a High Validity Study, with correction factors for conversion to the oral route.
- 3) Low Validity Studies
Low validity studies are studies not meeting the standards set forth in subsection (c)(1) or (c)(2).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 620.APPENDIX B Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

- a) This appendix describes procedures for evaluating mixtures of similar-acting substances which may be present in Class I: Potable Resource Groundwaters. Except as provided otherwise in subsection (c), subsections (d) through (h) describe the procedure for determining the Hazard Index for mixtures of similar-acting substances.
- b) For the purposes of this appendix, a "mixture" means two or more substances which are present in Class I: Potable Resource Groundwater which may or may not be related either chemically or commercially, but which are not complex mixtures of related isomers and congeners which are produced as commercial products (for example, PCBs or technical grade chlordane).
- c) The following substances listed in Section 620.410 are mixtures of similar acting substances:
- 1) Mixtures of ortho-Dichlorobenzene and para-Dichlorobenzene. The Hazard Index ("HI") for such mixtures is determined as follows:

$$HI = [\text{ortho-Dichlorobenzene}]0.6 + [\text{para-Dichlorobenzene}]0.075$$
 - 2) Mixtures of 1,1-Dichloroethylene and 1,1,1-trichloroethane. The Hazard Index ("HI") for such mixtures is determined as follows:

$$HI = [1,1\text{-Dichloroethylene}]0.007 + [1,1,1\text{-trichloroethane}]0.2$$
- d) When two or more substances occur together in a mixture, the additivity of the toxicities of some or all of the substances will be considered when determining health-based standards for Class I: Potable Resource Groundwater. This is done by the use of a dose addition model with the development of a Hazard Index for the mixture of substances with similar-acting toxicities. This method does not address synergism or antagonism. Guidelines for determining when the dose addition of similar-acting substances is appropriate are presented in Appendix C. The Hazard Index is calculated as follows:

$$HI = [A] \backslash ALA + [B] \backslash ALB + \dots [I] \backslash ALI$$

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Where:

HI = Hazard Index, unitless.

[A], [B], [I] = Concentration of each similar-acting substance in groundwater in milligrams per liter (mg/L).

ALA, ALB, ALI = The acceptable level of each similar-acting substance in the mixture in milligrams per liter (mg/L).

- e) For substances which are considered to have a threshold mechanism of toxicity, the acceptable level is:
- 1) The standards listed in Section 620.410; or
 - 2) For those substances for which standards have not been established in Section 620.410, the Human Threshold Toxicant Advisory Concentration (HTTAC) as determined in Appendix A.
- f) For substances ~~that~~^{which} are carcinogens, the acceptable level is:
- 1) The standards listed in Section 620.410; or
 - 2) For those substances for which standards have not been established under Section 620.410, the one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 620.125, for the substance, in which case the lowest appropriate PQL shall be the acceptable level, the lowest appropriate PQL of USEPA-approved analytical methods specified in SW-846, incorporated by reference at Section 620.125, for each substance.
- g) Since the assumption of dose addition is most properly applied to substances that induce the same effect by similar modes of action, a separate HI must be generated for each toxicity endpoint of concern.
- h) In addition to meeting the individual substance objectives, a Hazard Index must be less than or equal to 1 for a mixture of similar-acting substances.

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 620.APPENDIX C Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

- a) Substances must be considered similar-acting if:
- 1) The substances have the same target in an organism (for example, the same organ, organ system, receptor, or enzyme).
 - 2) The substances have the same mode of toxic action. These actions may include, for example, central nervous system depression, liver toxicity, or cholinesterase inhibition.
- b) Substances that have fundamentally different mechanisms of toxicity (threshold toxicants vs. carcinogens) must not be considered similar-acting. However, carcinogens which also cause a threshold toxic effect should be considered in a mixture with other similar-acting substances having the same threshold toxic effect. In such a case, an Acceptable Level for the carcinogen must be derived for its threshold effect, using the procedures described in Appendix A.
- c) Substances which are components of a complex mixture of related compounds which are produced as commercial products (for example, PCBs or technical grade chlordane) are not mixtures, as defined in Appendix B. Such complex mixtures are equivalent to a single substance. In such a case, the Human Threshold Toxicant Advisory Concentration may be derived for threshold effects of the complex mixture, using the procedures described in Appendix A, if valid toxicological or epidemiological data are available for the complex mixture. If the complex mixture is a carcinogen, the Health Advisory Concentration is the one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 620.125, for the substance, in which case the lowest appropriate PQL shall be the Health Advisory Concentration. ~~lowest appropriate PQL of USEPA-approved analytical methods specified in SW-846, incorporated by reference at Section 620.125.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 620.APPENDIX D Confirmation of an Adequate Corrective Action Pursuant to 35 Ill. Adm. Code 620.250(a)(2)

Pursuant to 35 Ill. Adm. Code 620.250(a) if an owner or operator provides a written confirmation to the Agency that an adequate corrective action, equivalent to a corrective action process approved by the Agency, is being undertaken in a timely and appropriate manner, then a groundwater management zone may be established as a three-dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site. This document provides the form in which the written confirmation is to be submitted to the Agency.

Note 1. Parts I and II are to be submitted to IEPA at the time that the facility claims the alternative groundwater standards. Part III is to be submitted at the completion of the site investigation. At the completion of the corrective process, a final report is to be filed which includes the confirmation statement included in Part IV.

Note 2. The issuance of a permit by IEPA's Division of Air Pollution Control or Water Pollution Control for a treatment system does not imply that the Agency has approved the corrective action process.

Note 3. If the facility is conducting a cleanup of a unit which is subject to the requirements of the Resource Conservation and Recovery Act (RCRA) or the 35 Ill. Adm. Code 731 regulations for Underground Storage Tanks, this confirmation process is not applicable and cannot be used.

Note 4. If the answers to any of these questions require explanation or clarification, provide such in an attachment to this document.

Part I. Facility Information

Facility Name _____

Facility Address _____

County _____

Standard Industrial Code (SIC) _____

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1. Provide a general description of the type of industry, products manufactured, raw materials used, location and size of the facility.
2. What specific units (operating or closed) are present at the facility which are or were used to manage waste, hazardous waste, hazardous substances or petroleum?

	<u>YES</u>	<u>NO</u>
Landfill	_____	_____
Surface Impoundment	_____	_____
Land Treatment	_____	_____
Spray Irrigation	_____	_____
Waste Pile	_____	_____
Incinerator	_____	_____
Storage Tank (above ground)	_____	_____
Storage Tank (underground)	_____	_____
Container Storage Area	_____	_____
Injection Well	_____	_____
Water Treatment Units	_____	_____
Septic Tanks	_____	_____
French Drains	_____	_____
Transfer Station	_____	_____
Other Units (please describe)	_____	_____
_____	_____	_____
_____	_____	_____

3. Provide an extract from a USGS topographic or county map showing the location of the site and a more detailed scaled map of the facility with each waste management unit identified in Question 2 or known/suspected source clearly identified. Map scale must be specified and the location of the facility must be provided with respect to Township, Range and Section.
4. Has the facility ever conducted operations which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances" as defined by the Illinois Environmental Protection Act? Yes ___ No ___ If the answer to this question is "yes" generally describe these operations.
5. Has the facility generated, stored or treated hazardous waste as defined by the

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Resource Conservation and Recovery Act? Yes ___ No ___ If the answer to this question is "yes" generally describe these operations.

6. Has the facility conducted operations which involved the processing, storage or handling of petroleum? Yes ___ No ___ If the answer to this [question](#) is "yes" generally describe these operation.
7. Has the facility ever held any of the following permits?
 - a. Permits for any waste storage, waste treatment or waste disposal operation. Yes ___ No ___ If the answer to this question is "yes", identify the IEPA permit numbers.
 - b. Interim Status under the Resources Conservation and Recovery Act (filing of a RCRA Part A application). Yes ___ No ___ If the answer to this question is "yes", attach a copy of the last approved Part A application.
 - c. RCRA Part B Permits. Yes ___ No ___ If the answer to this question is "yes", identify the permit log number.
8. Has the facility ever conducted the closure of a RCRA hazardous waste management unit? Yes ___ No ___
9. Have any of the following State or federal government actions taken place for a release at the facility?
 - a. Written notification regarding known, suspected or alleged contamination on or emanating from the property (e.g., a Notice pursuant to Section 4(q) of the Environment Protection Act)? Yes ___ No ___ If the to this question is "yes", identify the caption and date of issuance.
 - b. Consent Decree or Order under RCRA, CERCLA, EAct Section 22.2 (State Superfund), or EAct Section 21(f) (State RCRA). Yes ___ No ___
 - c. If either of Items a or b were answered by checking "yes", is the notice, order or decree still in effect? Yes ___ No ___
10. What groundwater classification will the facility be subject to at the completion of the remediation?

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Class I ____ Class II ____ Class III ____ Class IV ____
If more than one Class applies, please explain.

- 11. Describe the circumstances which the release to groundwater was identified.

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

_____ Facility Name	_____ Signature of Owner/Operator
_____ Location of Facility	_____ Name of Owner/Operator
_____ EPA Identification Number	_____ Date

PART II: Release Information

- 1. Identify the chemical constituents release to the groundwater. Attach additional documents as necessary.

<u>Chemical Description</u>	<u>Chemical Abstract No.</u>
_____	_____
_____	_____
_____	_____

- 2. Describe how the site will be investigated to determine the source or sources of the release.
- 3. Describe how groundwater will be monitored to determine the rate and extent of the release.
- 4. Has the release been contained on-site at the facility?
- 5. Describe the groundwater monitoring network and groundwater and soil sampling protocols in place at the facility.
- 6. Provide the schedule for investigation and monitoring.

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- 7. Describe the laboratory quality assurance program utilized for the investigation.
- 8. Provide a summary of the results of available soil testing and groundwater monitoring associated with the release at the facility. The summary or results should provide the following information: dates of sampling; types of samples taken (soil or water); locations and depths of samples; sampling and analytical methods; analytical laboratories used; chemical constituents for which analyses were performed; analytical detection limits; and concentrations of chemical constituents in ppm (levels below detection should be identified as "ND").

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of knowledge and belief, true and accurate and confirm that the actions identified herein will be undertaken in accordance with the schedule set forth herein.

Facility Name	Signature of Owner/Operator
Location of Facility	Name of Owner/Operator
EPA Identification Number	Date

Part III: Remedy Selection Information

- 1. Describe the selected remedy.
- 2. Describe other remedies which were considered and why they were rejected.
- 3. Will waste, contaminated soil or contaminated groundwater be removed from the site in the course of this remediation? Yes ___ No ___ If the answer to this question is "yes", where will the contaminated material be taken?
- 4. Describe how the selected remedy will accomplish the maximum practical restoration of beneficial use of groundwater.
- 5. Describe how the selected remedy will minimize any threat to public health or the

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environment.

- 6. Describe how the selected remedy will result in compliance with the applicable groundwater standards.
- 7. Provide a schedule for design, construction and operation of the remedy, including dates for the start and completion.
- 8. Describe how the remedy will be operated and maintained.
- 9. Have any of the following permits been issued for the remediation?
 - a. Construction or Operating permit from the Division of Water Pollution Control. Yes ___ No ___
 - b. Land treatment permit from the Division of Water Pollution Control. Yes ___ No ___ If the answer to this question is "yes", identify the permit number.
 - c. Construction or Operating permit from the Division of Air Pollution Control. Yes ___ No ___ If the answer to this question is "yes", identify the permit number.
- 10. How will groundwater at the facility be monitored following completion of the remedy to ensure that the groundwater standards have been attained?

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate and confirm that the actions identified herein will be undertaken in accordance with the schedule set forth herein.

Facility Name

Signature of Owner/Operator

Location of Facility

Name of Owner/Operator

EPA Identification Number

Date

POLLUTION CONTROL BOARD

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PART IV: Completion Certification

This certification must accompany documentation which includes soil and groundwater monitoring data demonstrating successful completion of the corrective process described in Parts I-III.

Facility Name _____

Facility Address _____

County _____

Standard Industrial Code (SIC) _____

Date _____

Based on my inquiry of those persons directly responsible for gathering the information, I certify that an adequate corrective action, equivalent to a corrective action process approved by the Agency, has been undertaken and that the following restoration concentrations are being met:

<u>Chemical Name</u>	<u>Chemical Abstract No.</u>	<u>Concentration</u> <u>(mg/Lmg/l)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Facility Name

Signature of Owner/Operator

Location of Facility

Name of Owner/Operator

EPA Identification Number

Date

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Number: 515.620 Proposed Action: Amend
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: Part 515 set forth requirements for Emergency Medical Services Systems, including licensing requirements for emergency medical technicians. Section 515.620 was added to the rules in 2011 to implement Public Act 96-1469, which amended the Emergency Medical Services (EMS) Systems Act to authorize the Department to suspend, revoke or refuse to issue or renew the license of any licensee who has been convicted of a Class X, Class 1, or Class 2 felony in Illinois or has been convicted of an equivalent offense in another state. Section 515.620 is being amended to add that failure to disclose felony convictions on an application shall be grounds for license denial or revocation. The amendment also states that the Department will have the authority to require that the applicant sign authorization permitting the Department to obtain a criminal history report from the Illinois State Police or other law enforcement agency at the applicant's cost.

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

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

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
515.100	Amend	35 Ill. Reg. 10520; July 8, 2011
515.125	Amend	35 Ill. Reg. 10520; July 8, 2011
515.445	Amend	35 Ill. Reg. 10520; July 8, 2011
515.825	Amend	35 Ill. Reg. 10520; July 8, 2011
515.830	Amend	35 Ill. Reg. 10520; July 8, 2011
515.3090	New	35 Ill. Reg. 10520; July 8, 2011
515.4000	Amend	35 Ill. Reg. 10520; July 8, 2011
515.4010	Amend	35 Ill. Reg. 10520; July 8, 2011
515.4020	New	35 Ill. Reg. 10520; July 8, 2011
515.Appendix D	Amend	35 Ill. Reg. 10520; July 8, 2011
515.Appendix K	Amend	35 Ill. Reg. 10520; July 8, 2011
515.Appendix L	Amend	35 Ill. Reg. 10520; July 8, 2011
515.Appendix M	Amend	35 Ill. Reg. 10520; July 8, 2011
515.Appendix N	New	35 Ill. Reg. 10520; July 8, 2011
515.Appendix O	New	35 Ill. Reg. 10520; July 8, 2011
515.Appendix P	New	35 Ill. Reg. 10520; July 8, 2011
515.860	New	35 Ill. Reg. 12645; July 29, 2011
515.750	Amend	35 Ill. Reg. 14071; August 19, 2011

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the Illinois Register to:

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

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

- 13) Initial Regulatory Flexibility Analysis:

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation

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515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder

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515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements
515.835	Stretcher Van Provider Licensing Requirements
515.840	Stretcher Van Requirements
515.845	Operation of Stretcher Vans
515.850	Reserve Ambulances

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section	
515.900	Licensure of SEMSV Programs – General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center

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515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

515.3000	EMS Assistance Fund Administration
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SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation

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515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Interfacility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 36 Ill. Reg. _____, effective _____.

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SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.620 Felony Convictions

- a) Applicants and licensees convicted of an Illinois *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* shall be subject to adverse licensure actions under Section 3.50(d)(8) of the Act. In determining whether an applicant or licensee has been convicted of an *out-of-state equivalent offense* under Section 3.50(d)(8)(H) of the Act, the Department shall look to the essential elements of the out-of-state offense to determine whether that conviction is substantially equivalent to an Illinois Class X, Class 1 or Class 2 felony. The fact that the out-of-state offense may be named or classified differently by another state, territory or country shall not be considered in determining whether the out-of-state offense is equivalent. The controlling factor shall be whether the essential elements of the out-of-state offense are substantially equivalent to the essential elements of an Illinois Class X, Class 1 or Class 2 felony (Section 3.50(d) of the Act).
- b) All applicants for any license, permit or certification under the Act shall fully disclose any and all felony convictions in writing to the Department at the time of initial application or renewal. Failure to disclose all felony convictions on an application submitted to the Department shall be grounds for license denial or revocation (see Section 515.430).
- c) All Beginning June 1, 2011, all licensees and certificate and permit holders under the Act shall report all new felony convictions to the Department within seven days after conviction. Convictions shall be reported by means of a letter to the Department.
- d) For applicants with a Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense (Section 3.50(d) of the Act), the Department shall have the authority to require that the applicant sign an authorization permitting the Department to obtain a criminal history report from the Illinois State Police or other law enforcement agency at the applicant's cost. The failure or refusal of any felony applicant to provide the authorization and fee required by the applicable law enforcement agency shall be grounds for denial of licensure, including renewal.

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- e) In deciding whether to issue any license to a person with a felony conviction under Section 3.50(d) of the Act, the Department shall consider the degree to which the applicant's criminal history suggests that the applicant may present a risk to patients. Factors to be considered shall include, but not be limited to:
- 1) The length of time since the conviction and the severity of the penalty imposed;
 - 2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;
 - 3) Whether there are repeat or multiple convictions or whether the convictions suggest a particular pattern of overall disregard for the safety or property of others;
 - 4) Whether the conviction suggests a propensity that may pose a threat to the public in stressful situations commonly confronted by EMS providers and First Responders;
 - 5) The degree to which the applicant provided full, complete and accurate information upon written request of the Department; and
 - 6) Other unusual facts and circumstances that strongly suggest that the applicant should not be granted a license.
- f) The Department may request and the applicant shall provide all additional information relevant to the applicant's history and the factors listed in subsection (e). The Department shall deny any application when the applicant fails or refuses to provide additional relevant information requested by the Department, including, but not limited to, providing the written authorization and fee for a police criminal background check.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.63 Proposed Action: Repeal
- 4) Statutory Authority: 625 ILCS 5/2-104
- 5) A Complete Description of the Subjects and Issues Involved: Effective August 5, 2011, Public Act 97-263 removed the Secretary of State's authority to issue a driver's license without the application providing a social security number. As such, we are now repealing the administrative rule that set forth the process to be followed when a person applied for a driver's license but did not provide a social security number.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department

SECRETARY OF STATE

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2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two recent agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits

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- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at

SECRETARY OF STATE

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14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective

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January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 1030.63 Religious Exemption for Social Security Numbers (Repealed)

- a) ~~Members of religious groups whose faith will not permit them to obtain social security numbers may request the social security number be omitted on their driver's license application.~~
- b) ~~The applicant for a special religious number shall state in the person's own handwriting on an exception form, supplied by the Secretary of State at a Driver Services Facility, that he or she is a member of a certain religious group and that the person wants to apply for a driver's license without applying for a social security card. The applicant shall affix his or her signature immediately after the statement on the exception form.~~
- e) ~~Personnel at the Driver Services Facility shall complete the exception form, attach it to the application for a driver's license, and mail it to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The exception form shall contain the applicant's full name and address, including the county. It shall also contain the applicant's driver's license or identification card number. This information shall appear as it was furnished on the application.~~

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- d) ~~The application and exception form shall indicate 000-00-0000 for the social security number.~~
- e) ~~The applicant shall be issued a 90-day temporary driver's license and a receipt if all other requirements have been met.~~
- f) ~~The applicant shall sign an affidavit, supplied by the Secretary of State, stating that the use of a social security number on a driver's license file is against his or her religious convictions and stating the reasons why the applicant holds these beliefs. The affidavit shall also contain a statement from his/her religious leader or minister attesting that the use of a social security number is against the religious convictions of the applicant's faith. The submitted affidavit shall be notarized.~~
- g) ~~The affidavit shall be sent to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The Department will contact the religious leader to verify the information. The affidavit shall be attached to the original application and examined for compliance with this Section.~~
- h) ~~The applicant shall be notified in writing by the Director of Driver Services that the application has been approved or rejected because the applicant failed to comply with the provisions of this Section.~~
- i) ~~If approved, the applicant shall return to the Driver Services Facility with the letter of approval receipt to be issued a driver's license with a distinctive number assigned by the Department in lieu of the social security number. If rejected, the applicant shall be notified of the right to request an administrative hearing pursuant to 92 Ill. Adm. Code 1001 and IVC Section 2-118.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section Number: 180.18 Proposed Action:
Amendment
- 4) Statutory Authority: Implemented and authorized by 5/9-519 of the Uniform Commercial Code Act. [810 ILCS 5/9-519]
- 5) Complete Description of the Subjects and Issues Involved: Section 180.18 (9) is amended, the word "AND" is converted to "&" and the "&" symbol is left the same. The results of searching "AND" and "&" will be identical.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Service Companies and Illinois Secretary of State.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rulemakings will not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Dennis L. Hankins, Administrator
Illinois Secretary of State
Department of Business Services/UCC Division
Howlett Building Room #350 West
501 South Second Street
Springfield, IL 626756

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217/785-2238

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the last regulatory agenda.

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

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NOTICE OF PROPOSED AMENDMENT

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

Section

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

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

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010; amended at 36 Ill. Reg. _____, effective _____.

Section 180.18 Search Requests and Reports

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

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

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not limited to, the following:

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

- 5) The word "the" if used anyplace in the search criteria is disregarded.
- 6) All spaces are disregarded.
- 7) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no

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middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

- 8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unlapsed financing statements and exactly match the name requested, as modified.

9) The word "AND" is converted to "&" and the "&" symbol is left the same. The results searching "AND" and "&" will be identical.

- c) Optional information. A UCC search request may contain any of the following information:
 - 1) The request may limit the records requested by limiting them by the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) on the financing statements. A report created by the filing officer in response to such a request shall contain the statement "A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search".
 - 2) The request may ask for copies of UCC records identified on the primary search response.
 - 3) Instructions on the mode of delivery desired, if other than by ordinary mail, which will be honored if the requested mode is available to the filing office.
 - 4) UCC or Federal Tax Lien Search Requests. All information requests submitted on a UCC-11 Information Request Form will be assumed to be a UCC information search unless otherwise identified as a Federal Tax Lien search. Only one type of search may be requested per form. A

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separate fee and form are required for each search requested.

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

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- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1600.100	Amendment
1600.120	Amendment
1600.205	Amendment
1600.241	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: Sections 1600.100, 1600.205 and 1600.241 – these proposed amendments will ensure that SURS is in compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act). Section 1600.120 this proposed amendment is to redefine the number of trustees needed to establish a quorum for a Board meeting and deletes one obsolete sentence. These revisions are necessary due to the changes in the composition of the Board, as set forth in Public Act 96-6.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

STATE UNIVERSITIES RETIREMENT SYSTEM

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Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: Sections 1600.100, 1600.205 and 1600.241 have not been previously summarized on a Regulatory Agenda. Section 1600.120 was summarized on the July 2011 Regulatory Agenda.

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

STATE UNIVERSITIES RETIREMENT SYSTEM

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Compensation Subject to Withholding
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- [1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA](#)
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section

- 1600.300 Effective Beneficiary Designations

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- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedure

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section

- 1600.500 Rules of Practice – Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases
- 1600.655 Expiration of a QILDRO
- 1600.660 Reciprocal Systems QILDRO Policy Statement
- 1600.665 Providing Benefit Information for Divorce Purposes

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SUBPART G: BOARD TRUSTEE ELECTION

Section

1600.700	Nomination of Candidates
1600.705	Election Date/Election Day – Defined
1600.710	Petitions
1600.715	Eligible Voters
1600.720	Election Materials
1600.725	Marking of Ballots
1600.730	Return of Ballots and Ballot Counting Process
1600.735	Certification of Ballot Counting
1600.740	Challenges to Election Results
1600.745	Candidate Informational Communication
1600.750	Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1,

STATE UNIVERSITIES RETIREMENT SYSTEM

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2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.100 Definitions

Certain terms used frequently throughout this Part are defined in this Section. Unless the context requires a different meaning, other terms used in this Part shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15]. The definition of a term under a specific Section or Subpart shall supercede, for the purposes of that Section or Subpart, this Section.

"Annuitant" – *A person receiving a retirement, reversionary, survivors or beneficiary annuity or disability retirement annuity from the System.* [40 ILCS 5/15-119]

"Annuity Payment Period" – *The period beginning on the date specified by the participant submitting a written application, which shall not be prior to termination of employment or more than one year before the application is received by the Board of Trustees of SURS; however, if the participant is not an employee of an employer participating in SURS or in a participating system as defined in Article 20 of the Code on April 1 of the calendar year next following the calendar year in which the participant attains age 70½, the annuity payment period shall begin on that date regardless of whether an application has been filed.* [40 ILCS 5/15-135(b)]

"Board" – The Board of Trustees of the State Universities Retirement System as constituted under 40 ILCS 5/15-159.

"Chairperson" – The chairperson of the Board.

"Claims Panel Committee" – The quasi-adjudicative body constituted under the Board's bylaws that hears all administrative contested matters as fiduciaries pursuant to Section 1600.500. An appointed Board committee delegated with authority to hear cases and recommend findings of fact and conclusions of law according to Board policy and Section 1600.500.

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"Code" or "Pension Code" – The Illinois Pension Code [40 ILCS 5].

"Effective Rate of Interest" – *The interest rate for all or any part of a fiscal year that is determined by the Board based on factors including the System's past and expected investment experience; historical and expected fluctuations in the market value of investments; the desirability of minimizing volatility in the effective rate of interest from year to year; and the provision of reserves for anticipated losses upon sales, redemptions, or other disposition of investments and for variations in interest experience.* [40 ILCS 5/15-125(2)]

"Employee" – A person defined as an "employee" under 40 ILCS 5/15-107.

"Employer" – An entity defined as an "employer" under 40 ILCS 5/15-106.

"Executive Director" – The chief administrative officer of SURS, appointed by the Board.

"FOIA" – Freedom of Information Act [5 ILCS 140].

"General Counsel" – In-house legal counsel for SURS.

"IRS" – Internal Revenue Service of the U.S. Department of the Treasury.

"IRC" – Internal Revenue Code [of 1986, as amended](#) (26 USC 1 et seq.).

"Member" – A SURS participant or annuitant.

"Participant" – A person participating in SURS under Section 15-134 of the Code.

"Participating Employee" – A participant who at the time is an employee.

"Prescribed Rate of Interest" – *The rate of interest to be used in actuarial valuation and in development of actuarial tables.* The prescribed rate of interest is determined by the Board on the basis of the probable average effective rate of interest on a long term basis. [40 ILCS 5/15-125(1)]

"Principal Office of SURS" – State Universities Retirement System, 1901 Fox

STATE UNIVERSITIES RETIREMENT SYSTEM

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Drive, Champaign IL 61820.

"SURS" or "System" – ~~Illinois~~ State Universities Retirement System created by Article 15 of the Code [40 ILCS 5/Art. 15].

"USERRA" – Uniformed Services Employment and Reemployment Rights Act of 1994 (38 USC 4301 et seq.).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1600.120 Open Meetings Act

a) Introduction

- 1) The Illinois Open Meetings Act [5 ILCS 120] sets forth *the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. It is also the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.*
- 2) *It is the intent of the Open Meetings Act:*
 - A) *to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;*
 - B) *to protect the citizen's right to know; and*
 - C) *that provisions for exceptions to the open meeting requirements be strictly construed against closed meetings. [5 ILCS 120/1]*
- 3) By means of this Section, SURS has established procedures to conduct its business in accordance with the Open Meetings Act.

b) Definition

"Meeting" – Any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail,

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electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the Board held for the purpose of discussing SURS business. [5 ILCS 120/1.02] A quorum for a Board of Trustees meeting shall be six members of the Board. Unless the Board sets a quorum in excess of 5 members, a gathering of 3 or more members of the Board for the purpose of discussing SURS business shall be considered a meeting. A quorum for a Board committee is the least number more than one-half of the members of the committee. A quorum of the Board or of a Board committee must be physically present at the location of an open meeting of the Board or the committee, respectively. If, however, an open meeting of the Board or a Board committee is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and public notice is provided as required under the Open Meetings Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion of a building owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to Board committees that do not have authority to make binding recommendations or determinations or to take any other substantive action.

- c) Attendance by a Means Other Than Physical Presence
- 1) If a quorum of the members of the Board or a Board committee is physically present as required by subsection (b), a majority of those physically present, or at least 3 physically present members of a committee consisting of 5 members, may allow a member of that body to attend the meeting by other means (video or audio conference) if the member is prevented from physically attending because of:
 - A) personal illness or disability;
 - B) employment purposes or the business of the public body; or
 - C) a family or other emergency.

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- 2) If a member wishes to attend a meeting by other means, the member must notify the recording secretary of the Board or the Board committee before the meeting unless advance notice is impractical.
 - 3) A majority of the Board or a committee may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by this subsection (c).
 - 4) Except as provided in this subsection (c)(4), the limitations of this subsection (c) shall not apply to closed meetings of the Board or the Executive Committee or to open or closed meetings of any other subsidiary body, including without limitation any committee other than the Executive Committee, that does not have authority to make binding recommendations or determinations or to take any other substantive action. If the limitations of this subsection (c) do not apply, any or all members of the Board or a subsidiary body may attend a meeting by audio or video conference. An open meeting attended by audio or video conference will be broadcast at the properly noticed location of the meeting. Neither advance notice nor permission for such means of attendance is required. No minimum number of members need be physically present at the noticed location of the meeting.
- d) Time and Place of Open Meetings
- 1) *All open meetings shall be held at specified times and places which are convenient and open to the public.*
 - 2) *No open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday. [5 ILCS 120/2.01]*
- e) Public Notice; Agenda; Schedule
- 1) *Posting. Public notice shall be given by posting a copy of the notice at the principal office of SURS [5 ILCS 120/2.02(a)]. Copies of the posted notice shall also be given to any news medium that has filed with the Executive Director an annual request for notice of meetings [5 ILCS 120/2.02(b)].*

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- 2) News Medium Request. Any news medium may file with the Executive Director of SURS an annual request for public notice of all meetings of the Board of Trustees of SURS. The Executive Director shall maintain an updated list of all news media that have filed annual requests and shall be responsible for seeing that the news media receive the notices mandated by the Open Meetings Act and this Section.
- 3) Regular Meetings. *Public notice shall be given of the schedule of regular meetings at the beginning of each fiscal year, stating the regular dates, times, and places of each meeting.*
 - A) *Agenda of Regular Meetings. An agenda for each regular meeting shall be posted in accordance with subsection (e)(1) at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda. [5 ILCS 120/2.02(a)]*
 - B) Schedule of Regular Meetings. At the beginning of each fiscal year, the Executive Director of SURS shall prepare and make available a schedule of all its regular meetings for that fiscal year, listing the times and places of meetings.
 - C) Change in Regular Meeting Date. *If a change is made in a regular meeting date, at least 10 days' notice of the change shall be given by publication in the official State newspaper. Notice of the change shall also be posted at the principal office of SURS. Notice of the change shall also be given to any news medium that has filed with the Executive Director an annual request for notice of meetings. [5 ILCS 120/2.03]*
- 4) Special Meetings. Public notice of any special meeting shall be given at least 48 hours before the meeting.
 - A) *Agenda of Special Meetings. An agenda of a special meeting shall also be included with the public notice of the meeting. However, the validity of any action taken by the Board that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]*

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- B) News Medium Notice. *Any news medium that has filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members of the Board, provided that the news medium has given the Executive Director an address or telephone number within Illinois at which notice may be given.* [5 ILCS 120/2.02(b)]
- 5) Rescheduled or Reconvened Meetings. *Public notice of any rescheduled or reconvened meeting shall be given at least 48 hours before the meeting.*
- A) Exception to Notice Requirement. No public notice is required to be given of any reconvened meeting when *the meeting was open to the public and either:*
- i) *the meeting is to be reconvened within 24 hours; or*
 - ii) *an announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda.* [5 ILCS 120/2.02(a)]
- B) Agenda of Rescheduled or Reconvened Meeting. *An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of the meeting. However, the validity of any action taken by the Board that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.* [5 ILCS 120/2.02(a)]
- C) News Medium Notice. *Any news medium that has filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of the Board, provided that the news medium has given the Executive Director an address or telephone number within Illinois at which notice may be given.* [5 ILCS 120/2.02(b)]
- 6) Emergency Meeting. *Notice of an emergency meeting shall be given as soon as is practicable. In any event, prior to an emergency meeting being held, notice shall be given to any news medium that has filed an annual*

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request for notice. [5 ILCS 120/2.02(a)] Any news medium that has filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the Board, provided that the news medium has given the Executive Director an address or telephone number within Illinois at which notice may be given. [5 ILCS 120/2.02(b)]

f) Recording Meeting

- 1) *Any person may record by tape, film or other means the proceedings at any open meeting, subject to rules as may be prescribed by the Board of Trustees, and subject to subsection (f)(2) and the provisions of Section 8-701 of the Code of Civil Procedure [735 ILCS 120/8-701]. [5 ILCS 120/2.05]*
- 2) *If any witness at any meeting required to be open under the Open Meetings Act refuses to testify on the grounds that he or she may not be compelled to testify if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken, then the authority holding the meeting shall prohibit any recording during the testimony of the witness. Nothing in this subsection (f) shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure. [5 ILCS 120/2.05]*

g) Closed Meetings

- 1) Subject. The Board or a Board committee may hold closed meetings to consider any subject permitted under Section 2(c) of the Open Meetings Act, including the following subjects:
 - A) *The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of SURS, including hearing testimony on a complaint lodged against an employee to determine its validity [5 ILCS 120/2(c)(1)];*
 - B) *Collective negotiating matters between SURS and its employees or their representatives, or deliberations concerning salary schedules*

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for one or more classes of employees [5 ILCS 120/2(c)(2)];

- C) *Evidence or testimony presented in open hearing, or in closed hearing when specifically authorized by law, to a quasi-adjudicative body, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning [5 ILCS 120/2(c)(4)];*
- D) *The purchase or lease of real property for the use of SURS [5 ILCS 120/2(c)(5)];*
- E) *The setting of a price for sale or lease of real property owned by SURS [5 ILCS 120/2(c)(6)];*
- F) *The sale or purchase of securities, investments, or investment contracts [5 ILCS 120/2(c)(7)];*
- G) *Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ILCS 120/2(c)(8)];*
- H) *Litigation, when an action against, affecting or on behalf of SURS has been filed and is pending before a court or administrative tribunal, or when the Board or a Board committee finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting [5 ILCS 120/2(c)(11)];*
- I) *Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which SURS is a member [5 ILCS 120/2(c)(16)];*
- J) *The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board (see 20 ILCS 405/67.28) [5 ILCS 120/2(c)(20)]; and*

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- K) *Discussion of minutes of closed meetings, whether for purposes of approval by the Board or Board committee of the minutes, or for purposes of semiannual review of the minutes [5 ILCS 120/2(c)(21)].*
- 2) Procedure
- A) *Vote. Upon the majority vote of a quorum present of the Board or Board committee at an open meeting, the Board may hold a meeting closed to the public or may close a portion of a meeting to the public. The motion to close a meeting, or a portion of the meeting, shall state a citation to the specific exemption set forth in Section 2 of the Open Meetings Act. The vote of each member shall be taken by roll call vote, shall be publicly disclosed, and shall be recorded and entered into the minutes of the meeting.*
- B) *Subject. Only topics specified in the vote to close may be considered during the closed meeting.*
- C) *Series of Meetings. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in the series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote. [5 ILCS 120/2a]*
- h) Minutes of Meetings
- 1) Open Meetings
- A) *Content. The Board or Board committee shall keep written minutes of all open meetings. The minutes shall include:*
- i) *the date, time and place of the meeting;*
- ii) *the members of the Board recorded as either present or absent, and whether the members were physically present or present by means of video or audio conference; and*

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- iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
 - B) Public Inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of the minutes by the Board or Board committee.
- 2) Closed Meetings
- A) Content. The Board or Board committee *shall keep written minutes of all closed meetings. The minutes shall include:*
 - i) *the date, time and place of the meeting;*
 - ii) *the members of the Board recorded as either present or absent; and*
 - iii) *a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.*
 - B) Public Inspection. *The minutes of any closed meeting shall be available for public inspection only after the Board determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping the minutes confidential.*
 - C) Semiannual Review. The Board *shall semiannually review minutes of all closed meetings. At closed meetings, a determination shall be made, and reported in an open session, that either:*
 - i) *the need for confidentiality still exists as to all or a part of those minutes; or*
 - ii) *the minutes or portions of the minutes no longer require confidential treatment and are available for public inspection. [5 ILCS 120/2.06]*

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section 1600.205 Compensation Subject to Withholding

Section 15-157 of the Illinois Pension Code requires every participating employee to make contributions of 8% of his or her pay to fund the benefits payable under SURS. This contribution is deducted from the participating employee's pay on a pre-tax basis and remitted to SURS via payroll deduction. The contributions are made as a percentage of the participating employee's "earnings". Earnings are defined at Section 15-111 of the Code. This Section states SURS' interpretation of what items of compensation are includable as earnings for the purposes of Section 15-111. The following shall be used when determining whether certain payments to employees are subject to SURS withholding.

- a) Determination of the Purpose of the Payment
 - 1) If the payment is for services rendered, then the payment is subject to SURS withholding.
 - 2) If the payment is for a reason other than services rendered, it would not be subject to SURS withholding.
 - 3) Other Payments
 - A) Bonuses; Awards. Bonuses received by an employee that are related to services rendered for a specific period of time, not to exceed one academic year, shall be included in earnings subject to SURS withholding. Awards, such as longevity of service awards or outstanding employee awards, that are not associated with a particular time period are not subject to SURS withholding.
 - B) Retirement Payments or Incentives. Payments made to induce someone to retire, or not to retire, are not for services rendered, but are made in conjunction with an employee's retirement and are not subject to SURS withholding. These payments are also not includable in the final rate of earnings under Section 15-112.

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- C) Group Fringe Benefits. Group fringe benefits provided by the employer are not subject to SURS withholding. However, employer paid premiums on employer-provided group term life insurance in excess of \$50,000 are subject to SURS withholding.
- D) Housing Allowance. A housing allowance, whether in the form of a direct salary payment or as a residence in which the employee resides, is subject to SURS withholding.
- E) Automobile Allowance. An automobile allowance in the form of a direct salary payment is subject to SURS withholding. However, neither business use nor personal use of an employer-provided automobile is subject to SURS withholding.
- F) Non-Qualified Moving Expenses. Non-qualified moving expenses (see 26 USC 217) are not subject to SURS withholding as they are not furnished in lieu of salary.
- G) Unused Sick Leave Paid at Termination of Employment. These payments are not subject to SURS withholding, except for collectively bargained payments made in accordance with Section 15-112 of the Code.
- H) Overtime. Overtime is subject to SURS withholding.
- I) Miscellaneous Other Benefits. Fringe benefits that are provided in lieu of salary are subject to SURS withholding. Items that are not provided in lieu of salary (such as reimbursement for out-of-pocket travel expenses, relocation expenses, etc.) are not subject to SURS withholding. Items such as country club dues, tuition waivers, tickets to athletic and performing arts events for family members of employees, and other items that are reported as taxable income on the employee's Form W-2 are not subject to SURS withholding, unless those items are a negotiated fringe benefit in lieu of salary.
- J) [Military Differential Wage Payments and Salary Continuation Benefits. For payments made on or after January 1, 2009, differential wage payments, as defined under section 414\(u\)\(12\) of](#)

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the IRC (26 USC 414(u)(12)), and payments to an individual who does not currently perform services for an employer by reason of qualified military service, as defined under section 414(u)(1) of the IRC (26 USC 414(u)(1)), to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service, shall be earnings subject to SURS withholding and shall be compensation paid or made available during the limitation year for purposes of applying the limitations under section 415 of the IRC.

b) Earning History

Certain earnings may be excludable from the "final rate of earnings" determined under Section 15-112 of the Code. Earnings are always attributable to the period when earned, not when paid. SURS reserves the right to reallocate reported earnings to the period when earned, when this is necessary to accurately reflect the employee's earning history.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA

In the case of a participant who dies while performing "qualified military service", as defined in section 414(u) of the IRC, any survivor or beneficiary of the participant is entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under SURS had the participant resumed employee status and then terminated employment on account of death.

(Source: Added at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Promotion Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
510.20	Amend
510.30	Amend
510.40	Amend
510.50	Amend
510.140	Amend
510.160	Amend
510.260	Amend
510.360	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665]
- 5) Effective Date of Rulemaking: October 28, 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 7023 on April 29, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemakings: Change Bureau to Office per direction from the Director, for Tourism Marketing Partnership Program raise the minimum grant amount and maximum grant amount, limit number of applications per Grantee to 1 per fiscal year, standardize the grant amount to 50% grant and 50% match and for all grant programs in the Office of tourism change the minimum review committee score required to be eligible for grant to 60 out of 100 up from 50 out of 100.
- 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 Amendments 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 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

510.10	Authority
510.20	Definitions
510.30	Form of Application
510.40	Application Procedures
510.50	Grant Agreement
510.60	Computation of Time
510.70	Severability (Repealed)
510.80	Administrative Requirements for Grants

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section

510.110	Purpose
510.120	Eligible Uses of Grant Funds
510.130	Allocation of Appropriations
510.140	Funding Limitation
510.150	Matching Funds
510.160	Evaluation and Selection Process

SUBPART C: TOURISM ATTRACTION DEVELOPMENT
GRANT AND LOAN PROGRAM

Section

510.210	Purpose
510.220	Eligible Uses of Grant and Loan Funds
510.230	Allocation of Appropriations
510.240	Funding Limitation
510.250	Matching Funds

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- 510.260 Evaluation and Selection Process
510.270 Administrative Requirements for Loans

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section

- 510.310 Purpose
510.320 Eligible Uses of Grant Funds
510.330 Allocation of Appropriations
510.340 Funding Limitation
510.350 Matching Funds
510.360 Evaluation and Selection Process

AUTHORITY: Implementing and authorized by the Illinois Promotion Act. [20 ILCS 665]

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 18834, effective December 8, 2000, for a maximum of 150 days; emergency expired May 6, 2001; old Part repealed and new Part adopted at 25 Ill. Reg. 8993, effective July 1, 2001; amended at 32 Ill. Reg. 13443, effective July 29, 2008; amended at 35 Ill. Reg. 18608, effective October 28, 2011.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 510.20 Definitions

The following definitions are applicable to this Part:

"Act": means the Illinois Promotion Act [20 ILCS 665].

"Applicant": means an organization, unit of local government or other eligible

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entity, as defined in Section 510.110, 510.210 or 510.310 of this Part, submitting a written request for Program funds appropriated under the Act.

"Application": means a written request for grant funds containing the required information and attachments.

~~"Bureau of Tourism": means the division of the Department that has the delegated authority to perform all administrative functions relating to the Act.~~

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

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

"Economic Impact": means the direct financial result of visitor spending at a tourism destination, attraction or event.

"Eligible Project": means a project that is eligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Fiscal Year": means July 1 through June 30, the Fiscal Year of the State of Illinois.

"Grant Agreement": means a written document executed between the Grantee and the Department setting forth the 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, and requiring unspent Grant Funds to be returned to the State.

"Grant Amount" or "Grant Funds": means a monetary amount that the Department shall award to a Grantee for its expenditure on an Eligible Project.

"Grantee": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210, or 510.310 of this Part, eligible to receive Program funds appropriated under the Act.

"Ineligible Project": means a project that is ineligible for funding as defined in

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Sections 510.120, 510.220, and 510.320 of this Part.

"In Kind Contribution": means noncash contributions necessary to complete the Project for which the cash value is easily documented (i.e., donated labor, equipment, supplies and materials), and that are eligible grant and match line-item expenditures identified in the budget of the Grant Agreement.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any Municipality, county or region of Illinois. [20 ILCS 665/3(b)]

"Matching Funds": means the portion of the Total Project Cost that is provided by the Grantee. Matching Funds shall not be funds from other Department funded grant programs or used to match any other grant, and are necessary and irrevocably obligated to the Project.

"Municipality": means "Municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)]. [20 ILCS 665/3(d)]

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

"Private Sector": means any non-governmental entity.

"Program": means the Tourism Marketing Partnership Program, Tourism Attraction Development Loan and Grant Program, or the Tourism Private Sector Grant Program described in this Part.

"Project": means the activity or program of activities, described by the Applicant in the Application and approved by the Department, for which a grant is awarded.

"Supporting Visitor Services": means accommodations, restaurants, shopping, and recreational and cultural activities located within a reasonable distance from the location of the Tourism Attraction, Tourism Destination or Tourism Event being promoted.

"Total Project Cost": means all necessary and reasonable costs related to the

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completion of the Project as identified in the budget of the Grant Agreement.

"Tourism": means travel 50 miles or more one-way, or an overnight trip outside of a person's normal routine. [20 ILCS 665/3(e)]

"Tourism Attraction": means fishing and hunting areas, State parks, historical/cultural sites, areas of historic or scenic interest, museums, recreation areas, botanical gardens, theme/amusement parks, interpretive programs and other facilities or businesses that attract or serve visitors that are open to the public for a minimum of 100 days per year (if the Tourism Attraction is entirely event driven, then it shall be open for a minimum of 200 hours per year), and are marketed and promoted to visitors from more than 50 miles away.

"Tourism Destination": means a city, town or other area the economy of which is dependent on revenues accruing from tourism.

"Tourism Event": means an event, such as a major convention, trade show, sporting activity, or festival, with potential to attract visitors from outside a 50-mile radius and to produce significantly increased Economic Impact for the State of Illinois through overnight stays.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

Section 510.30 Form of Application

- a) All communications relating to the Application procedures defined in Section 510.40 shall be sent to the Illinois ~~Office~~**Bureau** of Tourism of the Illinois Department of Commerce and Economic Opportunity, located at 620 East Adams, Springfield, Illinois 62701.
- b) An Application shall be typed or computer generated using the current approved format provided by the Department.
- c) An Application shall contain one original and five copies.
- d) An Application shall include information and supporting documents that will enable the Department to evaluate the Application based on the criteria described in Sections 510.160, 510.260 and 510.360 of this Part.

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- e) Each Application, including supporting documents and attachments, shall be contained under a single cover.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

Section 510.40 Application Procedures

- a) Upon request, the Department shall supply interested entities with Application guidelines and instructions that describe the Program rules, required information, and attachments. Applications under these Programs will be accepted on an ongoing basis beginning May 1, with grants awarded July 1 through the end of each Fiscal Year, or until all appropriated funds have been awarded. Applicants should submit their Application at least 60 days prior to the Project initiation 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) An Application will be considered delivered and submitted on the date it is postmarked or hand delivered to the OfficeBureau of Tourism at the Department's Springfield address.
- c) Within 30 business days after the Department receives the Application, the program manager shall notify the Applicant whether, after a brief review, the Application and attachments, if any, 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 business days to cure any deficiencies. In the event the Applicant fails to cure all deficiencies within the 20 business days, the Application shall be considered null and void and returned to the Applicant.
- d) Within 90 days from the date an Application is determined to be complete, the program manager shall notify the Applicant whether the Application has been approved or rejected. If the Application has been rejected, the notification shall state the reasons for that determination.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

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Section 510.50 Grant Agreement

- a) When an Application has been approved for funding, the Grantee and the Department shall execute a Grant Agreement. If the Project is initiated and costs are incurred before the Department approves the Application, the Department bears no responsibility for those costs in the event the Application is denied or the grant is funded at less than the amount requested.
- b) The Grant Agreement shall contain substantive provisions, including, but not limited to, the following:
 - 1) A recitation of legal authority pursuant to which the agreement is made;
 - 2) An identification of the Project scope and schedule, and the work or services to be performed or conducted by the Grantee;
 - 3) An identification of the Grant Amount;
 - 4) The conditions and manner in which the Department shall pay the Grant Amount subject at all times to annual appropriation by the Illinois General Assembly;
 - 5) The Grantee agrees to provide and pay the applicable Matching Funds of the Total Project Cost;
 - 6) The Grantee agrees not to assign or transfer any of the rights, duties or obligations of the Grantee without the written consent of the Department;
 - 7) The Grantee agrees not to amend the Project scope or budget without the Department's written consent. Failure to do so will result in a cost disallowance. The Project must be completed by the end date stated in the Grant Agreement unless a written modification request for an extension of time is submitted before the grant end date and approved by the Department;
 - 8) The Grantee agrees to expend the Grant Amount and any accrued interest only for the purposes of the Project as stated in the Grant Agreement and

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approved by the Department;

- 9) The Grantee agrees not to 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 the Act; and
- 10) The Grantee agrees to acknowledge the Department's participation in the Project by displaying the Department's current logo and/or providing a statement that identifies the Project as being developed and/or funded in cooperation with the Department/~~Office~~Bureau of Tourism. Grantee's failure to utilize the Department logo correctly (e.g., size, placement, etc.) or statement may result in a 10% deduction of the Total Project Cost.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.140 Funding Limitation

The Total Project Cost must equal or exceed ~~\$20,000~~\$3,000 in order to be considered for a grant award.

- a) ~~Up to 40 percent of the Total Project Cost may be funded for approved Projects generating additional visitation to the area from outside 50 miles but generating limited overnight stays.~~
- ab) Up to 50 percent of the Total Project Cost may be funded for Projects that generate significant visitation and overnight stays to the area.
- be) The maximum Grant Amount for any one Grantee in a Fiscal Year shall be ~~\$100,000~~\$50,000, unless a Project is a cooperative marketing project initiated by the Department that includes multiple partners across multiple Local Tourism Convention Bureau jurisdictions. Grantees are limited to one grant application per Fiscal Year. However, if on February 1 of any given year, remaining Grant Funds are available, Grantees who have reached the maximum Grant Amount of \$100,000 may submit an additional application for consideration~~\$50,000 can apply for additional funds.~~

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- cd) Grantees that charge "for-profit" participants for inclusion in promotional projects must also include the promotion of the entire destination in ~~such~~ advertisements. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

Section 510.160 Evaluation and Selection Process

- a) The Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
- 1) To what extent does the Project promote a viable Tourism Attraction, Tourism Destination or Tourism Event located within 30 miles of an area with Supporting Visitor Services?
 - 2) To what extent is the Project part of the Applicant's overall marketing plan?
 - 3) To what extent does the Project include repeat marketing efforts and to what extent do the results from those efforts justify repeat funding?
 - 4) To what extent do the geographic advertising markets appear reasonable and based upon research?
 - 5) To what extent will a majority of the marketing be targeted to attract visitors from outside 50 miles?
 - 6) To what extent does the Project encompass multiple attractions, municipalities, or counties?
 - 7) To what extent does the Project demonstrate how it will increase visitation, length of stay and/or Tourism expenditures from outside 50 miles?

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- 8) To what extent does the Project include tracking and evaluation measures?
 - 9) To what extent will the Project have a significant impact on the area's overall tourism efforts?
 - 10) To what extent will the Project have a significant impact on the State's overall tourism efforts?
- b) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~6050~~ 100 possible points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

SUBPART C: TOURISM ATTRACTION DEVELOPMENT
GRANT AND LOAN PROGRAM

Section 510.260 Evaluation and Selection Process

- a) The Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
 - 1) To what extent is the Project a viable Tourism Attraction located within 30 miles of an area with Supporting Visitor Services?
 - 2) To what extent does the attraction meet the definition of a Tourism Attraction in Section 510.20 of this Part?
 - 3) To what extent are the costs itemized on the budget reasonable and necessary to enhance or develop the Tourism Attraction?

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- 4) To what extent is the Tourism Attraction currently marketed or going to be marketed to visitors from outside 50 miles?
 - 5) To what extent does the Project demonstrate how it will increase visitation, length of stay and/or Tourism expenditures from outside 50 miles?
 - 6) To what extent does the Project include adequate tracking and evaluation measures?
 - 7) To what extent will the development or enhancement of the Tourism Attraction be completed and open to the public with regular scheduled hours at the end of the grant period?
 - 8) To what extent will the increase in expenditures from additional visitors generate economic benefits to the State and local area?
 - 9) To what extent will the Project have a significant impact on the area's overall tourism efforts?
 - 10) To what extent will the Project demonstrate the potential for sustainable economic growth and job creation, and to what extent will it have a significant impact on the State's overall tourism efforts?
- b) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~60~~ 50 out of 100 possible points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- c) Financial Evaluation Component – The Department shall conduct a financial analysis of the loan Application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past 3 years, as well as the most recent 90 days, and a 3 year projected balance sheet and profit and loss

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statement, and a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis that will determine the: liquidity and debt coverage for the Project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1999-2000 (no later amendments or editions included) "RMA Annual Statement Studies", published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia PA 19103, or a comparable source if the industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510.360 Evaluation and Selection Process

- a) The Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered for a grant award includes, but is not limited to, the following:
 - 1) To what extent is the event being held within 30 miles of an area with Supporting Visitor Services?
 - 2) To what extent are the costs itemized on the budget reasonable and necessary to hold the event?
 - 3) To what extent will the event be marketed to visitors from areas outside 50 miles of the event?
 - 4) To what extent will the event attract visitors from outside a 50-mile radius?
 - 5) To what extent will the event generate media coverage outside the local

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area?

- 6) To what extent will the event increase visitation, length of stay and/or Tourism expenditures from outside 50 miles?
 - 7) To what extent are there established tracking and evaluation measures for the event?
 - 8) To what extent will State and local tax revenue will be generated (assuming 6.9 cents in State and local taxes generated for every \$1 in visitor expenditures) in comparison to the amount requested?
 - 9) To what extent will the event have a significant impact on the area's overall tourism efforts?
 - 10) To what extent will the event have a significant impact on the State's overall tourism efforts?
- b) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~60~~⁵⁰ out of 100 possible points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.

(Source: Amended at 35 Ill. Reg. 18608, effective October 28, 2011)

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- 1) Heading of the Part: Employer Training Investment Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2650.20	Amend
2650.30	Amend
2650.40	Amend
2650.50	Amend
2650.120	Amend
2650.130	Amend
2650.320	Amend
- 4) Statutory Authority: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95]
- 5) Effective Date of Rulemaking: October 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 4745; March 25, 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.
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: Provides no employee participating in the ETIP program may be an unauthorized alien as defined in 8 U.S.C. 1324a. Changes from mandatory on site grant monitoring visits, to "may conduct" on site grant monitoring visits. Provides the department with the ability to verify trainee employment dates and wages. Changes the mandatory requirement of participating companies to report the social security numbers of each participating employee to the department. Instead will allow a company to provide the department with a notarized certification, along with the names of participating employees, attesting that each employee is duly employed at an Illinois facility. Allows the department the ability to verify the accuracy of such submissions.
- 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 Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT

CHAPTER III: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 2650

EMPLOYER TRAINING INVESTMENT PROGRAM

SUBPART A: GENERAL REQUIREMENTS

Section

2650.10	Purpose
2650.20	Definitions
2650.30	Eligible Applicants and Training Activities
2650.40	Allowable Costs
2650.50	Grant Administration Requirements
2650.60	Nondiscrimination
2650.70	Selection for Funding (Recodified)
2650.80	Allowable Costs (Recodified)
2650.90	Grant Administration Requirements (Recodified)
2650.100	Nondiscrimination (Recodified)

SUBPART B: SINGLE COMPANY APPLICANTS

Section

2650.110	Application Procedures
2650.120	Application Documentation
2650.130	Application Evaluation
2650.140	Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY
EDUCATION INSTITUTION APPLICANTS

Section

2650.210	Application Procedures (Repealed)
2650.220	Application Documentation (Repealed)
2650.230	Application Evaluation (Repealed)
2650.240	Selection for Funding (Repealed)
2650.250	Reporting Requirements (Repealed)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP

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TRAINING PROJECT APPLICANTS

Section

2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding
2650.350	Administrative Requirements (Repealed)

AUTHORITY: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95].

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1995; amended at 21 Ill. Reg. 12124, effective August 26, 1997; amended at 25 Ill. Reg. 2987, effective February 9, 2001; amended at 29 Ill. Reg. 10047, effective June 28, 2005; emergency amendment at 30 Ill. Reg. 14593, effective August 24, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 105, effective December 20, 2006; amended at 35 Ill. Reg. 18623, effective October 28, 2011.

SUBPART A: GENERAL REQUIREMENTS

Section 2650.20 Definitions

Director – The Director of the Department of Commerce and Economic Opportunity.

Employee Training – Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer or other eligible grant recipient on behalf of employers, which are intended to provide employees with the skills required to perform their current job or as a condition of continued employment. The employee skill requirements are established by the employer or participating employers and may include basic, technical and managerial skills.

[Full-time Employee – An individual who is employed for consideration 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. \[35 ILCS 10/5-](#)

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5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration 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 to the Applicant. [35 ILCS 10/5-5] For example, an employee who works 25 hours per week is considered the industry standard for full-time in the package delivery industry and an employee who is employed for at least 35 hours per week during the historical seasonal production is considered the industry standard for full-time in the candy manufacturing industry.

Grantee – Any program applicant whose proposal is funded by the Department through a grant.

Labor Organization – Any collective bargaining unit or any labor entity formed by collective bargaining units such as State labor councils, district labor councils, local central labor councils and international unions as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Large Company – A company with facilities in Illinois that employs at least 250 full-time employees. If the grant amount is less than \$100,000, the Department shall serve the grantee as a Small to Mid-Sized Company, regardless of size, in circumstances where a grantee would be unduly burdened with the reporting requirements imposed on large companies based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

Large Manufacturers Supplier Network – Any company located or with facilities in the State of Illinois that supplies products or services to an original equipment manufacturer or large manufacturing assembly facility in Illinois.

Large Multi-Company Training Project – Any project submitted for the benefit of more than two companies that addresses the common employee training, retraining or skills upgrading needs identified by participating companies. The majority of companies participating in the project shall be large. High Volume Multi-Company Projects (\$500,000 or more) and Large Manufacturers Supplier Network Projects, regardless of the size of the participating company, shall also

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be included in this definition. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

Location Activities – Activities necessary to retain existing companies and to attract new companies to Illinois (e.g., training). All location training incentives, regardless of company size, will be treated as large companies for programmatic purposes.

New Employee – An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

Planned Permanent Expansion – Any of the following will apply:

Permanent increase in the workforce (no minimum number of new jobs required);

Addition of new product line or expansion of existing product line; or

New capital investment in machinery or equipment.

Retention Activities – Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining,

Retraining – The training of an employee with the intent that the employee will learn to perform a significantly different type of job than was previously held by that employee.

Small to Mid-Sized Company – A company with facilities in Illinois that employs fewer than 250 full-time employees. If the grant amount is greater than or equal to \$100,000, or if the grant is in connection with a development assistance package subject to applicable recapture provisions pursuant to Section 25 of the Corporate Accountability for Tax Expenditures Act [20 ILCS 715/25], the Department shall serve the grantee as a large company, regardless of size, in circumstances where a grantee would be better served as a large company based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

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Small to Mid-Sized Multi-Company Training Project – Any project submitted for the benefit of more than two companies that addresses common employee training, retraining or skills, upgrading needs identified by participating companies. The majority of companies participating in the project shall be small to mid-sized. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

Strategic Business Partnership – A formal or informal agreement between more than two businesses with facilities in Illinois where an objective of the partnership is to address employee training or other common workforce development issues among the participating businesses.

Trainee – A full-time existing or newly-hired employee of a company who is participating in a training, retraining or skills upgrading program. Part-time, seasonal, temporary and/or contractual employees are not precluded from being considered trainees for program reimbursement if the employer's primary business activity is in the biotechnology, biomedical or film and television production industries. [No participating employee may be an unauthorized alien as defined in 8 USC 1324a.](#)

Upgrade Training – The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

Section 2650.30 Eligible Applicants and Training Activities

- a) Any business concern locating, expanding, or having ~~a~~ facilities in Illinois and that is undertaking one or more of the following training activities:
 - 1) Training programs in response to new or changing technologies or processes being introduced in the workplace;
 - 2) Training necessary to implement total quality management or improvement systems in the workplace;

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- 3) Job-linked training to upgrade existing employees' skills that leads directly to long-term job security;
 - 4) Training employees in skills necessary to enable the company to establish or expand into new export markets;
 - 5) Training in conjunction with new or additional product lines;
 - 6) Training related to new machinery or equipment;
 - 7) Training new or existing employees of companies that are locating or expanding in Illinois;
 - 8) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training; and
 - 9) Training related to regulatory compliance issues mandated for the workplace.
- b) The Director also will accept applications submitted by Illinois-based business and industry associations, institutions of secondary and higher education, strategic business partnerships, large manufacturers for supplier network companies, and labor organizations on behalf of multi-company training projects when those where such projects address the common employee training needs identified by participating companies or the common training needs identified by the organization's membership. Eligible training activities for multi-company or membership training projects include, but are not limited to, one or more of the following:
- 1) Training programs in response to new or changing technology being introduced in the workplace.
 - 2) Job-linked training to upgrade existing employees' skills that leads directly to long-term job security.
 - 3) Training necessary to implement total quality management or improvement systems within the workplace.
 - 4) Training related to new machinery or equipment.

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- 5) Training of employees ~~of~~ companies that are expanding into new markets or expanding exports from Illinois.
- 6) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training.
- 7) Other training activities and/or projects related to the support, development or evaluation of job training programs, activities and delivery systems, including training needs assessment and design.
- 8) Self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services, entrepreneurial education and training initiatives for youth and/or adult learners in cooperation with the Illinois Institute for Entrepreneurial Education, training and education, conferences, workshops and best practice information for local program operators of entrepreneurial and self-employment training programs.

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

Section 2650.40 Allowable Costs

- a) Grants for employee training to single companies will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant Agreement. The Agreement includes the following sections, all of which are incorporated and made part of the Agreement: (I) ~~Grant~~[Grantee's Approved Budget](#), (II) ~~Scope of Work~~[Special Grant Conditions](#), (III) ~~Grant Fund Control Requirements~~[Grantee's Scope of Work](#), (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. Allowable costs for single company training projects include:
 - 1) Instructor costs, including wages, fringe benefits and travel expenses.
 - 2) Costs for tuition and educational fees.
 - 3) Training materials.

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- 4) Rent or lease of training equipment and/or facilities.
 - 5) Other usual and customary training costs.
 - 6) Trainee travel expenses.
 - 7) Trainee wages and fringe benefits.
 - 8) Audit costs.
- b) Grants for multi-company or membership training projects will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant Agreement. The Agreement includes the following sections, all of which are incorporated and made part of the Agreement: (I) [Grant Grantee's Approved Budget](#), (II) [Scope of Work Special Grant Conditions](#), (III) [Grant Fund Control Requirements Grantee's Scope of Work](#), (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. Allowable costs for multi-company or membership training projects include:
- 1) Administrative costs of tracking, documenting, reporting, auditing and processing training funds or project costs. Administrative costs must be reasonable and shall not exceed 15% of the total approved direct training expenditures, including indirect costs.
 - 2) Costs of curriculum development.
 - A) The Department will only reimburse for the costs of curriculum development when such curricula are judged by the Department as being of benefit to multiple Illinois employers and such curricula will be considered to be in the public domain.
 - B) The Grantee shall include the following statement in all written materials produced in whole or in part by funds awarded under this Grant Agreement: "This publication and material were supported in whole or in part by an Employer Training Investment Program grant awarded by the Illinois Department of Commerce and Economic Opportunity. Representations made by this publication

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and material do not necessarily reflect the opinions and conclusions of the Department."

- C) The Department reserves the right to request at least one copy of all training materials used by the Grantee or any subcontractor for training which is eligible for reimbursement under the grant. The Department will not distribute any proprietary information nor circulate any training materials without the expressed consent of the Grantee or subcontractor with the exception of those materials that are developed in whole or in part with State funds.
- 3) Training materials, including manuals, workbooks, videotapes and other materials that are used for training purposes only. Any item that can be depreciated will not be considered to be training materials.
 - 4) Instructor costs, including wages, fringe benefits, and travel expenses.
 - 5) Rent or lease of training equipment and/or facilities.
 - 6) Other usual and customary training costs.
 - 7) Trainee wages and fringe benefits.

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

Section 2650.50 Grant Administration Requirements

- a) Audits – The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse). If the Department determines that an audit of grant funds will be required for an individual company, the scope of the audit will be outlined in the grant contract.
- b) Monitoring – The ~~Department may conduct~~ Director will ensure that a minimum of one on-site grant monitoring ~~visits to~~ visit is conducted by the Department either during the course of the grant period or within six months following the end of the grant period. The Department will verify trainee employment dates and wages and to ensure that the Grantee's financial management system is structured to provide for accurate, current and complete disclosure of the financial results of

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the grant program in accordance with all provisions, terms and conditions contained in the grant contract. The Department also reserves the right to contact any company participating in a multi-company training project funded by this program to verify the information submitted by the Grantee on behalf of the participating company.

- c) Training Evaluation Report – The Grantee must submit to DCEO, within 60 days following the end of the grant period, a descriptive written evaluation of the results of the training experience by either the company, in the case of single-company grantees, or the companies participating in the training project, in the case of multi-company training projects. The narrative evaluation report should be based on the measurable outcomes or benefits contained in the grant application submitted and approved by DCEO. DCEO reserves the right to withhold any future year funding for noncompliance with this provision.
- d) Reporting Requirements – To receive payment for training costs which have been incurred by a Grantee in accordance with the Scope of Work and Budget contained in the grant contract with the Department, the Grantee shall furnish evidence to the Department of having completed training by following either a monthly certification schedule or other schedule negotiated by the Department and the Grantee. This certification shall be filed on forms provided to the Grantee by the Department. Payments to the Grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department either each month, or as negotiated, consisting of an analysis of major project activities; a listing of clients served, if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.
- e) Grant Closeout – The Grantee shall be responsible for completing the grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the closeout package, or within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds, including administrative costs, which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days after the date of termination.

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- f) For the purpose of Subparts B and D of this Part, the provisions specified in 47 Ill. Adm. Code 1.30, 1.40, 1.60, 1.70, 1.80, 1.90, 1.100, 1.105, 1.110, 1.120, 1.140, and 1.185 are applicable.

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

SUBPART B: SINGLE COMPANY APPLICANTS

Section 2650.120 Application Documentation

Applications will include documentation of the following:

- a) Application Cover Page – thatwhich contains name, address, and telephone number of applicant; name, address, e-mail address and telephone and fax numbers of training coordinator, if different from the applicant; amount of program funds being requested; starting and ending dates of program; total number of new and upgraded employees to be trained; current number of employees working in administration and production; company Federal Employment Identification Number (FEIN); North American Industry Classification System (NAICS); Illinois Unemployment Insurance Account Code; Senate District number; Representative District number; indication whether the company is located in an Illinois State Enterprise Zone; indication whether company is reopening a facility which had been previously closed; the name of labor unions representing employees at the facility, if applicable; and an indication of whether the company applied for or received training assistance under the program in prior fiscal years.
- b) Business Certification – a form thatwhich must be signed and dated by the Chief Executive Officer or duly authorized representative of the applicant company certifying that the applicant:
- 1) Understands that the receipt by the Department of an application for training assistance is not a guarantee or commitment by the Department for funding;
 - 2) Agrees to discuss with representatives of the local Workforce Investment Act (WIA) office the hiring of WIA-eligible individuals for new jobs which are created as a result of this project;

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- 3) Agrees to submit quarterly reports to the Department, outlining training related expenses, participant on a monthly basis, information, and other justifying documentation regarding training activity as required for reimbursement under the Employer Training Investment Program;
- 4) Agrees to submit to the Department, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the company. The evaluation report should be based on the measurable outcomes or benefits contained in this grant application;
- 5) Maintains that it is a company in good standing, authorized to do business in Illinois and has no delinquent State tax liabilities;
- 6) Authorizes the Department of Commerce and Economic Opportunity to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;
- 7) Agrees to immediately notify the Department regarding any major business or personnel changes at their facility (e.g., layoff situations, changes in training plans or schedules);
- 8) Acknowledges that if their application is funded, they will be required to comply with the Illinois Drug Free Workplace Act, the Americans with Disabilities Act and the Illinois Human Rights Act and any future laws enacted which may be applicable to the grant;
- 9) To the best of its knowledge as of the date of the application, is not in material violation of any local, State or federal labor laws at the site and that abnormal labor conditions such as a strike or lockout do not exist at this site;
- 10) Maintains that all information contained in the application, including the documentation, is accurate, complete and true to the best of their knowledge;
- 11) Agrees to submit to the Department by the end of the grant period the Social Security Number of all employees participating in the approved

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training program or, in lieu thereof, an applicant may provide a notarized certification signed and dated by a duly authorized representative, or that representative's authorized designee, certifying that all participating employees are employed at an Illinois facility and that the applicant has adequate written verification of the employees' employment at an Illinois facility. The Department may audit the accuracy of submissions. An applicant sponsoring multi-company training grant programs shall obtain information meeting the requirements of this subsection (b)(11) from each participating company and provide it to the Department upon request;

12) Agrees to notify all trainees that, if funded, the training is being partially funded by an Employer Training Investment Program grant administered by the Department of Commerce and Economic Opportunity; ~~and~~

13) Agrees that, upon request by the Department, it will conduct an audit of the grant funds in accordance with generally accepted auditing standards and any special audit conditions that the Department deems necessary to ensure the accountability of public funds; ~~and-~~

14) Agrees:

A) if the project is funded, to make every effort to reemploy individuals who were previously employed at the facility when:

i) the employer is reopening, or is proposing to reopen, a facility that was last closed during the preceding two years;

ii) at least one-third of the persons who were employed at the facility before its most recent closure remain unemployed; and

iii) the product or service produced by, or proposed to be produced by, the employer at the facility is substantially similar to the product or service produced at the facility before its most recent closure; and

B) to notify the Department when all these conditions are met.

c) Training Outline – ~~that~~which details, by job classification or training course,

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minimum skills desired for entry into training by job or training course and additional skills to be acquired in training by job or training course.

- d) Program Outline Timetable – [thatwhich](#) details the training schedule of employee entry by job classification or training course per month into the program.
- e) Training Outline Data/Trainees – [thatwhich](#) lists the job classification or training course and the number of trainees for each classification or training course. This form lists the number of new and upgraded trainees, the number of hours of training requested for each trainee or training course, and the average wage paid to the employees in that job classification or training course.
- f) Training Outline Data/Trainers – [thatwhich](#) identifies all instructors or entities conducting training. The number of instructors, the total number of instructional hours and the instructor costs, including tuition and fees, are required.
- g) Project Budget Summary – which details the total cost of training and the requested grant amounts of the Program and other available training programs in Illinois (e.g., Workforce Investment Act, Welfare-To-Work, Secretary of State Literacy Office Grant Program).
- h) Attachments as applicable:
 - 1) Attach a brief narrative explaining each line item on the budget summary. The narrative shall state how each "total costs" figure was obtained and should provide information regarding how all training hours and other training costs will be tracked and documented.
 - 2) Financial statements consisting of profit and loss statements and balance sheets for the last two years and tax returns for the last two years at a minimum. For newly-established companies, a three-year projected balance sheet and profit and loss statement and a one-year monthly cash flow statement are required. Companies submitting financial information more than six months old must submit a statement regarding why more current information is not available.
 - 3) Transmittal letter providing information on: recent trends and significant events in the company's workforce, sales, competition, production, markets, and facility locations; how applicant will coordinate and use

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other training programs for funding, as appropriate; describe training activities, including training content, training providers, timeline, training methods, assessment techniques and how the training is linked to any new capital investment; and how these activities will be linked to work unit and/or company performance.

- i) Disclosure of Financial Information – a form ~~that~~~~which~~ may be signed and dated by the Chief Executive Officer certifying that the commercial and financial information contained in the grant application is proprietary, privileged, confidential or is of a nature that its disclosure may cause competitive harm to the applicant, thereby rendering the application exempt from disclosure under Section 7 of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

Section 2650.130 Application Evaluation

The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated comparatively by Department staff. This review and evaluation process will be completed within 75 days ~~after~~~~of~~ receipt of all required information. Department staff will conduct a technical and financial evaluation of each application.

- a) Technical Evaluation Component – Each application will be reviewed to assure compliance with technical program requirements as detailed in Sections 2650.30 and 2650.120.
- b) Financial Evaluation Component – The company's audited financial statements, including the annual balance sheets and profit and loss statements for the past three years, or other acceptable financial information as determined by the Department, will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. ~~This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (2005), if such industry is evaluated by this source.~~ This standard credit analysis will determine the financial stability of the company.
- c) Application Evaluation – Those applications determined eligible for funding

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based on the evaluation process described in subsections (a) and (b), will be evaluated according to the following criteria:

- 1) Project readiness (e.g., time schedule for project initiation, etc.);
- 2) Average wage rate of trainees;
- 3) New capital investment (e.g., training directly relates to jobs, etc.) and capital investment per trainee;
- 4) Applicant has identified specific and measurable training objectives;
- 5) Financial feasibility of the project as determined by the financial evaluation described in subsection (b);
- 6) Compliance with terms and conditions under previous Employer Training Investment Program grant awards;
- 7) County unemployment rate;
- 8) Applicant is adversely affected by foreign competition or training would provide company an advantage in competing in a global market;
- 9) Quality and consistency of the proposed training program;
- 10) Illinois-based company;
- 11) Level of value-added for the specific industry;
- 12) Industries specified in annual application packages; and
- 13) Located in a State-designated enterprise zone.

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP
TRAINING PROJECT APPLICANTS**Section 2650.320 Application Documentation**

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Applications shall include documentation of the following:

- a) A history and summary of the qualifications of the organization submitting the application, including any related experience in coordinating, conducting or sponsoring training programs for businesses or its membership.
- b) A description of how the companies or members will be/were selected to participate in the project and an explanation of how the common employee training needs were determined. The applicant also should indicate if a training needs assessment has been conducted.
- c) A company profile for each of the participating companies, including how long they have been in business, a description of the products manufactured or services provided, the location of their facilities, the North American Industry Classification System, the current number of employees, the name of any labor organizations representing the employees (if applicable) and a company contact and telephone number.
- d) A description of any new capital investment made by the participating companies and if it relates to the proposed training program.
- e) The type of training being requested (e.g., classroom, on-the-job training).
- f) The objectives of the training.
- g) Where the training will be conducted.
- h) The names of the training providers.
- i) The expected measurable outcomes or benefits to the participating companies of the training program and a description of how these benefits will be measured.
- j) An Applicant Certification form which is signed and dated by the Chief Executive Officer or duly authorized representative of the applicant certifying that the applicant:
 - 1) Understands that receipt by the Department of Commerce and Economic Opportunity of an application for training assistance is not a guarantee or

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commitment by DCEO for funding;

- 2) Agrees to submit to DCEO, on either a monthly basis or other basis agreed upon by the Department and the Grantee, information regarding training activity as required for training payment under the Employer Training Investment Program;
- 3) Agrees to submit to DCEO, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the participating companies. The evaluation report should be based on the measurable outcomes or benefits contained in the grant application;
- 4) Authorizes DCEO to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;
- 5) Agrees to submit to DCEO by the end of the grant period ~~the Social Security Number of the participating employees and~~ the Unemployment Insurance Employer Account Number and Taxpayer Identification Number of all employers participating in an approved training program, and the Social Security Number of all employees participating in the approved training program or, in lieu thereof, an applicant may provide a notarized certification signed and dated by a duly authorized representative, or that representative's authorized designee, certifying that all participating employees are employed at an Illinois facility and that the applicant has adequate written verification of the employees' employment at an Illinois facility. The Department may audit the accuracy of submissions. An Applicant sponsoring multi-company training grant programs shall obtain information meeting the requirement of this subsection (j)(5) from each participating company and provide it to the Department upon request;
- 6) Agrees to notify DCEO promptly regarding any major changes in the project (e.g., layoff situations at participating companies, changes in training plans or schedules);
- 7) Maintains that, to the best of its knowledge as of the date of the

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application, no employers participating in the project are in material violation of local, State or federal labor laws at any sites involved in the application, and that abnormal labor conditions such as a strike or lockout do not exist at any of these sites;

- 8) Acknowledges that, if the application is funded, the applicant will be required to comply with the Illinois Drug Free Workplace Act [\[30 ILCS 580\]](#), the Illinois Human Rights Act [\[775 ILCS 5\]](#), the Americans ~~With~~with Disabilities Act [\(42 USC 12101\)](#) and any future laws enacted ~~that~~which may be applicable to the grant;
- 9) Maintains that all information contained in this application, including the documentation, is accurate, complete and true to the best of their knowledge;
- 10) That, if funded, all companies participating in the training and the trainees of those companies will be notified in writing that the training is partially funded by the Employer Training Investment Program grant administered by the Department of Commerce and Economic Opportunity; ~~and~~
- 11) Agrees that, upon request by the Department, it will conduct an audit of grant funds in accordance with generally accepted auditing standards and any special audit conditions that the Department deems necessary to ensure the accountability of public funds; ~~and~~
- 12) Agrees:
 - A) if the project is funded, to make every effort to reemploy individuals who were previously employed at the facility when:
 - i) the employer is reopening, or is proposing to reopen, a facility that was last closed during the preceding two years;
 - ii) at least one-third of the persons who were employed at the facility before its most recent closure remain unemployed; and
 - iii) the product or service produced by, or proposed to be produced by, the employer at the facility is substantially

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similar to the product or service produced at the facility before its most recent closure; and

B) to notify the Department when all these conditions are met.

- k) Training Outline – which provides a descriptive picture of each training module or job classification, the requirements for selection to enter training and additional skills to be acquired through training.
- l) Training Outline Data/Trainees – by training module, the number of employees in training, the proposed number of hours of training requested for each trainee and the average wage rates of the trainees.
- m) Training Outline Data/Trainers – which details the trainers or course names, the number of instructional hours and the cost of the training.
- n) A project budget summary listing administration, internal instructor wages and fringe benefits, tuition costs, trainee wages and fringe benefits, training materials and other costs. The budget summary shall contain the total training costs, the local/company share, other sources of training assistance and the amount requested from the Employer Training Investment Program.
- o) A budget narrative detailing how each line item in the budget summary was obtained and how the costs of each line item will be tracked and documented.

(Source: Amended at 35 Ill. Reg. 18623, effective October 28, 2011)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.10	Amendment
120.20	Amendment
120.40	Repeal
120.60	Amendment
120.61	Amendment
120.62	Repeal
120.63	Repeal
120.65	Repeal
120.308	Amendment
120.347	Amendment
120.379	Amendment
120.380	Amendment
120.381	Amendment
120.382	Amendment
120.384	Amendment
120.385	Amendment
120.387	Amendment
120.388	New Section
120.TABLE B	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: January 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 13, 2010; 34 Ill. Reg. 11664

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- 10) Has JCAR issued a Statement of Objection to these amendments? Yes. JCAR issued an Objection and Filing Prohibition on May 10, 2011, which was withdrawn on October 11, 2011 after DHFS agreed to modifications.
- 11) Differences Between Proposal and Final Version: Numerous changes have been made to this rulemaking since First Notice. The following is a summary of the most significant changes, all of which have been made in Section 120.388 unless otherwise specified:

The beginning date for applying the new asset transfer rules in Section 120.388 to asset transfers has been changed from February 8, 2006, to January 1, 2007.

For transfers prior to November 1, 2011, a hardship waiver of any resulting penalty can be obtained by attesting that the transfer was made in reliance upon the rules DHFS had in effect at the time of the transfer and that the penalty would cause undue hardship. New rules for the hardship waiver process in Section 120.388(r)(2) apply to penalties incurred for transfers made on or after November 1, 2011.

For disallowed transfers made prior to January 1, 2012, the return of any portion of the transfer will reduce the resulting penalty period. New rules requiring full return of asset transfers in order to cancel penalties apply to disallowed asset transfers made on or after January 1, 2012.

Language has been added to Section 120.379 outlining how an institutionalized spouse may become eligible for assistance when a community spouse refuses to disclose assets during the application process (spousal refusal).

Exemptions have been added or changed in Sections 120.380, 120.381 and 120.385 for the following types of resources:

- Funds spent on approved medical expenses, certain legal fees up to \$10,000, and prepaid funeral arrangements will not be counted as available assets during the 3 months prior to application for which retroactive eligibility may be granted.
- Farmland property and personal property used in income-producing operations of the farmland (e.g. equipment, vehicles, tools) is not subject to the exemption limit for income-producing property in Section 120.381(a)(3).
- Homestead property no longer occupied by the person's spouse or dependent relative and to which the person does not intend to return remains exempt if it produces annual net income equal to at least 6 percent of the person's equity value in the property. Business expenses recognized for federal income tax purposes are recognized for purposes of determining net income.

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- The exemption for homestead equity in Section 120.385 has been increased to \$750,000, adjustable annually for inflation.
- Non-homestead real property that is for sale remains exempt for up to 6 months. Extensions of 6 months at a time may be granted based upon various criteria, including whether any reasonable purchase offers have been made and rejected.
- Prepaid, guaranteed price funeral and burial contracts are exempt up to \$10,000, adjustable annually for inflation, for the cost of goods and services.

Funds spent on everyday living expenses, incidental gifts to family members, and donations to churches and charities made consistently over a period of time (not only in close proximity to applying for assistance) will not be considered asset transfers subject to penalty.

The requirements for deeding a homestead property to a caretaker child have been simplified to accept a sworn affidavit by the son or daughter that he or she provided care as evidence of such care, and to accept a medical diagnosis of Alzheimer's or other dementia-related illness as proof of the parent's need for institutional-level care.

Annuities that meet DRA criteria listed in Section 120.388 are considered actuarially sound and may be purchased without penalty if they have terms of less than (as well as equal to) the anticipated remaining life expectancy of the beneficiary.

Language has been added to Section 120.385 stating that an annuity that fails to name the State as the remainder beneficiary up to the amount of assistance provided will result in denial or termination of eligibility.

Language has been added stating that promissory notes, loans, or mortgages made or purchased by an applicant for assistance must assign to the State any balance remaining upon the death of the applicant up to the amount of assistance provided.

Promissory notes, loans and mortgages must be actuarially sound (repayment term of less than or equal to the remaining life expectancy of the lender), and must meet other criteria listed in Section 120.388 for their purchase to be an allowable transfer.

The definition of "sole benefit" in Section 120.388(m)(2)(B) has been made less restrictive in its application to transfers to spouses, to disabled adult children and to special needs trusts established to care for disabled adult children.

The definition of undue hardship in Section 120.388(r)(1) has been changed to remove language defining situations that do *not* constitute undue hardship.

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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 other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.70	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.73	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.75	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.382	Amendment	35 Ill. Reg. 11108; July 15, 2011

- 15) Summary and Purpose of Amendments: In conjunction with a rulemaking affecting Part 102 that was adopted on August 12, 2011, these amendments implement the provisions of the Deficit Reduction Act of 2005 (PL 109-171, 2006 S 1932) (DRA) and other provisions of federal law relating to the medical assistance programs, financial eligibility for long term care and transfers of assets. The rulemaking also clarifies existing rules and cleans up outdated and redundant rules in Part 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility ~~for~~ For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 FamilyCare Assist

120.34 FamilyCare Share and FamilyCare Premium Level 1

120.40 Exceptions To Use Of MANG Income Standard (Repealed)

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases ~~Other Than Long Term Care, Pregnant Women and Certain Children~~

120.61 Long Term Care ~~Cases in Intermediate Care, Skilled Nursing Care and DMHDD—MANG(AABD) and All Other Licensed Medical Facilities~~

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643 (Repealed)

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Repealed)

120.64 MANG(P) Cases

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120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements ([Repealed](#))

SUBPART D: MEDICARE PREMIUMS

Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified
Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)

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120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

| SUBPART H: MEDICAL ASSISTANCE – NO GRANT [\(MANG\) ELIGIBILITY FACTORS](#)

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment

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- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Health Insurance Premium Payment (HIPP) Program
120.325 Health Insurance Premium Payment (HIPP) Pilot Program
120.326 Foster Care Program
120.327 Social Security Numbers
120.328 Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329 Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Child Support and Spousal Maintenance Payments
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts
120.347 Treatment of Trusts [and Annuities](#)
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.363 Earned Income Disregard – MANG(C)
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In-Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Provisions for the Prevention of Spousal Impoverishment

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120.380	ResourcesAssets
120.381	Exempt ResourcesAssets
120.382	ResourceAsset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spenddown of ResourcesAssets (AABD-MANG)
120.385	Factors Affecting Eligibility for Long Term Care ServicesProperty Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
120.388	Property Transfers Occurring On or After January 1, 2007
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest

120.TABLE B Life Expectancy [\(Repealed\)](#)

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

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SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982;

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amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days;

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amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency

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amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December

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30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012.

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility ~~for~~ For Medical Assistance

- a) Eligibility for medical assistance exists when a ~~person~~client meets the non-financial requirements of the program and the ~~person's~~client's countable nonexempt income (Sections 120.330 and 120.360) is equal to or less than the applicable Medical Assistance – No Grant (MANG) standard and, for AABD MANG, countable nonexempt ~~resources~~assets are not in excess of the applicable ~~resource~~asset disregards (Section ~~120.382~~20.380). Persons receiving basic maintenance grants under Article III or IV of the Public Aid Code are eligible for medical assistance. Financial eligibility for medical assistance for other persons living in the community is determined according to Section 120.60 of this Part, unless otherwise specified. Financial eligibility for medical assistance for persons receiving long-term care services, as defined in Section 120.61(a) of this Part, is determined according to that Section, unless otherwise specified.
- b) For AABD MANG, ~~a person's~~the client's countable income and ~~resources~~assets include the ~~person's~~client's countable ~~nonexempt~~ income and ~~resources~~assets and the ~~countable~~nonexempt income and ~~resources~~assets of all persons included in the Medical Assistance standard. The ~~person's~~client's responsible ~~relatives~~relative(s) living with the child must be included in the standard. The ~~person~~client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- c) For TANF (Temporary Assistance for Needy Families) MANG, ~~a person's~~the client's countable income includes the ~~person's~~client's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The ~~person's~~client's responsible ~~relatives~~relative(s) living with the child must be included in the standard. The ~~person~~client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- d) For AABD MANG, if ~~a person's~~the client's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt

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resourcesassets are over the applicable resourceasset disregard, the personelient must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.

- e) For TANF MANG, if a person'sthe client's countable nonexempt income is greater than the applicable MANG standard, the personelient must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- f) A one month eligibility period is used for personselients receiving long-term care services (as defined in Section 120.61(a) of this Part)in an intermediate care facility (ICF) or skilled nursing facility (SNF) or in a Department of Human Services facility. Nonexempt income and nonexempt resourcesassets over the resourceasset disregard are applied toward the cost of care on a monthly basis, as provided in Section 120.61 of this Part.
- g) Newborns
 - 1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, if the mother had been receiving TANF or AABD related medical assistance or medical assistance due to her pregnancy on the date of birth of the child.
 - 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.20 MANG(AABD) Income Standard

a)The monthly countable income standard is 100 percent of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for the appropriate family size.

- b) ~~A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG(AABD) Income Standard.~~

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- e) ~~The MANG(AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG(AABD) Standard are considered available for payment for medical care not provided in the facility.~~
- d) MANG
- 1) ~~A recipient residing in a Department of Human Services (DHS) State psychiatric hospital or developmental center is allowed \$30 per month in lieu of any other MANG standard.~~
 - 2) ~~As soon as MANG(AABD) clients become residents of a DHS facility (see subsection (d)(1) of this Section), a skilled nursing facility, an intermediate care facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.~~
 - 3) ~~When eligibility is based on being temporarily discharged from a DHS facility (see subsection (d)(1) of this Section) for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay DHS for care and maintenance is to be allowed in addition to the \$30.~~
 - 4) ~~Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under the age of 21 years who do not reside with the community spouse. Family members include dependent children under the age of 21 years, dependent adult children, dependent parents or dependent siblings of either spouse who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:~~
 - A) ~~Community Spouse Maintenance Needs Allowance (as described at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;~~
 - B) ~~Family Maintenance Needs Allowance (as described in Ill. Adm.~~

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~~Code 120.61), if the deduction is for dependent family members residing with the community spouse; and~~

- ~~C) Temporary Assistance for Needy Families (TANF) cash grant standard if the deduction is for dependent children under the age of 21 years who do not reside with the community spouse.~~

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.40 Exceptions To Use Of MANG Income Standard MANG(AABD) (Repealed)

- ~~a) An individual receiving long term care in a licensed group care facility is allowed \$30 per month in lieu of the MANG standard.~~
- ~~b) Spouses sharing a room in a long term care facility, including a DMHDD facility or other medical care facility are considered residing together, if it is to their advantage when determining eligibility. For spouses considered residing together allow sixty dollars (\$60) per month for each individual in lieu of the MANG standard.~~
- ~~c) A client 65 years of age and over receiving care in a State mental hospital is considered to be receiving long term care.~~
- ~~d) Children under age 21 are considered to be receiving long term care if they are residing in one of the following settings:~~
- ~~1) Skilled nursing and intermediate care facilities approved for participation.~~
 - ~~2) Psychiatric hospitals approved for participation.~~

(Source: Repealed at 35 Ill. Reg. 18645, effective January 1, 2012)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 Community Cases ~~Other Than Long Term Care, Pregnant Women and Certain Children~~

The following subsections apply to persons or family units who reside in the community or community-based residential facilities or settings (such as a Community Living Facility, Special Home Placement, Home Individual Program or Community and Residential Alternatives (59 Ill.

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~~Adm. Code 120.10) all cases other than those receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, Department of Human Services (DHS) facilities, or DHS approved community based residential settings under 89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.~~

- a) The eligibility period shall begin with:
 - 1) the first day of the month of application;
 - 2) the first day of any month, prior to the month of application, in which the person/lient meets financial and non-financial eligibility requirements up to three months prior to the month of application, if the person/lient so desires; or
 - 3) the first day of a month, after the month of application, in which the person/lient meets non-financial eligibility requirements.
- b) Eligibility Without Spenddown for MANG
 - 1) For MANG AABD-~~MANG~~, if the person's countable/lient's nonexempt income available during the eligibility period is equal to or below the applicable MANG AABD income standard (~~Section~~Sections 120.20 ~~and 120.30~~) and nonexempt resources/assets are not in excess of the applicable resource/asset disregard (Section 120.382), the person/lient is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 2) For TANF MANG, if the person's countable/lient's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the person/lient is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 3) The person/lient is responsible for reporting any changes that occur during the eligibility period ~~that~~whieh might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If

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changes in income, [resourcesassets](#) or family composition occur that would make the [personelient](#) a spenddown case, a spenddown obligation will be determined and subsection (c) of this Section will apply.

4) A redetermination of eligibility will be made at least every 12 months.

c) Eligibility with Spenddown for MANG

1) For ~~AABD-MANG~~ [AABD community cases](#), if the [person's countableelient's nonexempt](#) income available during the applicable eligibility period is greater than the applicable MANG [AABD income](#) standard and/or nonexempt [resourcesassets](#) are over the applicable [resourceasset](#) disregard, the [personelient](#) must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the [sum of the](#) amount by which the [person's countableelient's nonexempt](#) income exceeds the MANG [AABD income](#) standard ~~and/orand~~ the amount of nonexempt [resourcesassets](#) in excess of the applicable [resourceasset](#) disregard ([see Section 120.384](#)).

2) For TANF MANG, if ~~a person's countablethe elient's nonexempt~~ income available during the applicable eligibility period is greater than the applicable MANG standard ([see Sections 120.20 and 120.30 of this Part](#)), the [personelient](#) must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the amount by which the [person's countableelient's nonexempt](#) income exceeds the MANG standard.

3) ~~A personThe elient~~ meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation. ~~PersonsAABD-MANG-elients~~ also have the option of meeting their [income or resource](#) spenddown by paying or having a third-party pay the amount of their spenddown obligation to the Department.

A) [Incurred expenses are expenses for medical or remedial services:](#)

i) [recognized under State law;](#)

ii) [rendered to the person, the person's family, or a financially responsible relative;](#)

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iii) for which the person is liable in the current month for which eligibility is being sought or was liable in any of the 3-month retroactive eligibility period described in subsection (a) of this Section; and

iv) for which no third party is liable in whole or in part unless the third party is a State program.

~~B)A)~~ Incurred medical~~Medical~~ expenses shall be applied to the spenddown obligation in the following order:

- i) Expenses for necessary medical or remedial services, as funded by DHS or the Department on Aging from sources other than federal funds. ~~TheSuch~~ expenses shall be based on the service provider's usual and customary charges to the public. ~~TheSuch~~ expenses shall not be based on any nominal amount the provider may assess the ~~person~~patient. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
- ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
- iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.

~~C)B)~~ If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:

- i) Health insurance deductibles (including Medicare and other co-insurance charges).
- ii) All copayment charges incurred or paid on spenddown met day.
- iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.

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- iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DonA).
- v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
- vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

~~D)E~~) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spenddown until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the personelient shall be considered as incurred on the date of service.

~~E)D~~) AABD MANG spenddown personselients may choose to pay or to have a third-party pay the amount of their spenddown obligation to the Department to meet spenddown. The following rules will govern when personselients or third parties choose to pay the spenddown:

- i) Payments to the Department will be applied to the spenddown obligation after all other medical expenses have been applied per subsections (c)(3)(A), ~~and~~ (B) and (C) of this Section.
- ii) Excess payments will be credited forward to meet the spenddown obligation of a subsequent month for which the personelient chooses to meet spenddown.
- iii) The spenddown obligation may be met using a combination of medical expenses and amounts paid.

4) After application for medical assistance for cases eligible with a

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spenddown obligation ~~that~~ who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.

- A) For TANF MANG, if countable income is greater than the income standard (Section 120.30), and for AABD MANG, if countable income is greater than the income standard or countable ~~resources~~ assets are greater than the ~~resource~~ asset disregard (Section 120.382(d)), a person will not be enrolled in spenddown unless:
- i) the person does not have a spenddown obligation for any month of the 12-month enrollment period;
 - ii) medical expenses equal the spenddown obligation for at least one month of the 12-month enrollment period; or
 - iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.
- B) Cases that meet any of these conditions will be notified, in writing, of the spenddown obligation. The ~~person~~ client will also be notified that his or her case will be reviewed beginning in the sixth month of the 12-month enrollment period. If the ~~person~~ client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the ~~person~~ client wishes continued medical assistance.
- C) When proof of incurred medical expenses equal to the spenddown obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spenddown obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The ~~person~~ client shall be responsible, directly to the provider, for payment for services provided prior to the time the ~~person~~ client meets the spenddown obligation.
- 5) Cases with a spenddown obligation that do not have a QMB, a MANG(P)

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member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the [personelient](#) will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new 12-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spenddown obligation will be created.

- A) If the [personelient](#) files a reapplication prior to four months after the end of the period of enrollment, the [personelient](#) will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.
 - B) Cases that remain eligible in the tenth month of the enrollment period or that have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.
- 6) The [personelient](#) is responsible for reporting any changes that occur during the enrollment period that might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance.
- 7) For ~~AABD~~-MANG AABD, if changes in income, [resourcesassets](#) or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The [personelient](#) will be notified, in writing, of the new spenddown obligation.
- A) If income decreases, or [resourcesassets](#) fall below the applicable [resourceasset](#) disregard and, as a result, the [personelient](#) has already met the new spenddown obligation, eligibility for medical assistance shall be backdated to the appropriate date.
 - B) If income or [resourcesassets](#) increase and, as a result, the

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[personelient](#) has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the [personelient](#) that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.

- 8) For TANF MANG, if changes in income or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The [personelient](#) will be notified, in writing, of the new spenddown obligation.
- A) If income decreases and, as a result, the [personelient](#) has already met the new spenddown obligation, eligibility for medical assistance shall be backdated to the appropriate date.
- B) If income increases and, as a result, the [personelient](#) has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the [personelient](#) that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.
- 9) Reconciliation of Amounts Paid-in to Meet Spenddown
- A) The Department will reconcile payments received to meet an income spenddown obligation for a given month against the amount of claims paid for services received in that month and refund any excess spenddown paid to the [personelient](#). Excess amounts paid for a calendar month will be determined and refunded to the [personelient](#) six calendar quarters later. Refund payments will be made once per quarter.
- B) The Department will reconcile payments received to meet [a resourcean-asset](#) spenddown obligation against the amount of all claims paid during the individual's period of enrollment for medical assistance. Excess amounts paid will be determined and refunded to the individual six calendar quarters after the individual's enrollment for medical assistance ends.

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- C) When payments are received to meet both ~~a resourcean-asset~~ and an income spenddown obligation, the Department will first reconcile the amount of claims paid to amounts paid toward the ~~resourceasset~~ spenddown. If the total amount of claims paid have not met or exceeded the amount paid to meet the ~~resourceasset~~ spenddown by the time the individual's enrollment ends, the excess ~~resourceasset~~ payments shall be handled per subsection (c)(3)(~~C~~)(~~B~~) of this Section. Once the amount of claims paid equals or exceeds the amount paid toward the ~~resourceasset~~ spenddown, the remaining amount of claims paid will be compared against the amount paid to meet the income spenddown per subsection (c)(3)(~~B~~)(~~A~~) of this Section.
- 10) The Department will refund payment amounts received for any months in which the ~~personelient~~ is no longer in spenddown status and the payment cannot be used to meet a spenddown obligation. These payment amounts shall not be subject to reconciliation under subsection (c)(9) of this Section. Refunds shall be processed within six months after the case status changed.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.61 ~~Long Term Care Cases in Intermediate Care, Skilled Nursing Care and DMHDD-MANG (AABD) and All Other Licensed Medical Facilities~~

This Section applies to persons residing in long term care facilities or State-certified, State-licensed, or State-contracted residential care programs who, as a condition of eligibility for medical assistance, are required to pay all of their income, less certain protected amounts, for the cost of their own care.

- a) The term "long term care facility" refers to:
- 1) an institution (or a distinct part of an institution) that meets the definition of a "nursing facility" as that term is defined in 42 USC 1396r;
 - 2) licensed Intermediate Care Facilities (ICF and ICF/DD), licensed Skilled Nursing Facilities (SNF and SNF/Ped) and licensed hospital-based long term care facilities (see 89 Ill. Adm. Code 148.50(c)); and
 - 3) Supportive Living Facilities (SLF) and Community Integrated Living

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~~Facilities (CILA). The policy set forth in subsections (b), (c), (d) and (e) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities. The policy set forth in subsection (f) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).~~

- b) The eligibility period shall begin with: ~~Treatment of Resourees~~
- 1) the first day of the month of application;
 - 2) up to three months prior to the month of application for any month in which the person meets both financial and non-financial eligibility requirements. Eligibility will be effective the first day of a retroactive month if the person meets eligibility requirements at any time during that month; or
 - 3) the first day of a month, after the month of application, in which the person meets non-financial and financial eligibility requirements.
- c) Eligibility Without Spenddown
- 1) ~~A one-month eligibility period will be used. If a person's nonexempt income available during the eligibility period is equal to or below the applicable income standard and nonexempt resources are not in excess of the applicable resource disregard (see Section 120.382 of this Part), the person is eligible for medical assistance from the first day of the eligibility period without a spenddown. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.~~
 - 2) A person eligible under this subsection (c) is responsible for reporting any changes that occur during the eligibility period that might affect eligibility

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~~for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, resources or family composition occur that would make the person a spenddown case, a spenddown obligation will be determined and subsection (d) of this Section will apply. When a client transfers between non-DMHDD facilities or transfers to a DMHDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD. 3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination of eligibility shall be made at least every 12twelve (12) months.~~

~~d)e) Eligibility with Spenddown Allow a deduction from the MANG client's income to meet the needs of dependent children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:~~

- ~~1) If countable income available during the eligibility period exceeds the applicable income standard and/or nonexempt resources exceed the applicable resource disregard, a person has a spenddown obligation that must be met before financial eligibility for medical assistance can be established. The spenddown obligation is the amount by which the person's countable income exceeds the applicable income standard or nonexempt resources exceed the applicable resource disregard. for~~

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~~dependent children, use AFDC-MAG standard and asset disregard (see Sections 120.30 and 120.382).~~

- 2) A person meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation. Medical expenses shall be applied to the spenddown obligation as provided in Section 120.60(c) of this Part.~~allow any payments made on medical bills for the children.~~
- 3) Projected expenses for services provided by a long term care facility that have not yet been incurred, but are reasonably expected to be, may also be used to meet a spenddown obligation. The amount of the projected expenses is based on the private pay rate of the long term care facility at which the person resides or is seeking admission.
- 4) A person who has both an income spenddown and a resource spenddown cannot apply the same incurred medical benefits to both. Incurred medical expenses are first applied to an income spenddown.

e) ~~d)~~ Post-eligibility Treatment of Income. If non-financial and financial eligibility is established, a person's total income, including income exempt and disregarded in determining eligibility, must be applied to the cost of the person's care, minus any applicable deductions provided under subsection (f) of this Section. Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

- 1) ~~The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community spouse maintenance needs standard (\$1,500) less any non-exempt monthly income of the community spouse. The amount established as the community spouse maintenance needs standard shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered~~

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~~by the court for support of the community spouse or the amount determined as the result of the fair hearing.~~

- 2) ~~The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991, and 150% as of July 1, 1992) and any non-exempt income of the family member.~~

f)e) Post-eligibility Income Deductions. From a person's total income that is payable for a person's care, certain deductions are allowed. Allowed deductions shall increase the amount paid by the Department for residential services on behalf of the person, up to the Department's payment rate for the facility. Deductions shall be allowed for the following amounts in the following order:

- 1) SSI benefits paid under 42 USC 1382(e)(1)(E) or (G) and, for residents of Supportive Living Facilities, the minimum current SSI payment standard for an individual (or a couple, if spouses reside together), less the personal needs allowance specified in subsection (f)(2)(C) of this Section, shall be deducted for room and board charges (see 89 Ill. Adm. Code 146.225(c) and (d));
- 2) a personal needs allowance:
 - A) for persons other than those specified in subsections (f)(2)(B) through (E), \$30 per month;
 - B) for spouses residing together, \$60 per couple per month (\$30 per spouse);
 - C) for persons or spouses residing in Supportive Living Facilities, \$90;
 - D) for persons residing in Community Integrated Living Arrangements (see 59 Ill. Adm. Code 115), \$50; or
 - E) for veterans who have neither a spouse nor dependent child, or surviving spouses of veterans who do not have a dependent child, and whose monthly veterans' benefits are reduced to \$90, a \$90

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income disregard is allowed in lieu of a personal allowance deduction. Persons allowed the \$90 per month income disregard are not also permitted the \$30 per month personal allowance;

- 3) a community spouse income allowance pursuant to Section 120.379(e) of this Part;
- 4) a family allowance pursuant to Section 120.379(e)(2) of this Part;
- 5) an amount to meet the needs of qualifying children (as defined in 26 USC 152) under age 21 who do not reside with either parent, who do not have enough income to meet their needs and whose resources do not exceed the resource limit. To determine needs and resource limits:
 - A) the MANG(C) and applicable resource disregard are used (see Sections 120.30 and 120.382 of this Part); and
 - B) any payments made on medical bills for the children can be deducted from the person's income;
- 6) amounts for incurred expenses for certain Medicare and health insurance cost sharing that are not subject to payment by a third party, limited to:
 - A) Medicare premiums, deductibles, or coinsurance charges not paid by Medicaid or another third party payor;
 - B) Other health insurance premiums, deductibles or coinsurance (cost sharing) charges provided the insurance meets the definition of a "health benefit plan" and is approved for providing that insurance in Illinois by the Illinois Department of Insurance.
 - i) "Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA (Multiple Employer Welfare Arrangement) or plan provided by another benefit arrangement.
 - ii) Health benefit plan does not mean accident only, credit, or disability insurance; long-term care insurance (except for

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the month of admission to a long term care facility); dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance;

- 7) Expenses Not Subject to Third Party Payment for Necessary Medical Care Recognized under State Law, but Not a Covered Service under the Medical Assistance Program. "Necessary medical care" has the meaning described in 215 ILCS 105/2 and must be proved as such by a prescription, referral or statement from the patient's doctor or dentist. The following are allowable deductions from a person's post-eligibility income for medically necessary services:
- A) expenses incurred within the six months prior to the month of an application, provided those expenses remain a current liability to the person and were not used to meet a spenddown. Medical expenses incurred during a period of ineligibility resulting from a penalty imposed under Section 120.387 or 120.388 of this Part are not an allowable deduction;
 - B) expenses incurred for necessary medical services from a medical provider (subject to reasonable dollar limits on specific services) so long as the provider was not terminated, barred or suspended from participation in the Medical Assistance Program (pursuant to 89 Ill. Adm. Code 140.16, 140.17 or 140.18) at the time the medical services were provided; and
 - C) expenses for long term care services, subject to the limitations of this subsection (f)(7) and provided that the services were not provided by a facility to a person admitted during a time the facility was subject to the sanction of non-payment for new admissions (see 305 ILCS 5/12-4.25(I)(3));

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- 8) Amounts to maintain a residence in the community for up to six months when:
- A) the person does not have a spouse and/or dependent children in the home;
 - B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months;
 - C) the amount of the deduction is based on:
 - i) the rent or property expense allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.248); and
 - ii) the utility expenses that would be allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.249).

~~Allow a \$90.00 per month income disregard for veterans, who have neither spouse nor dependent child, or surviving spouses, who do not have a dependent child, who reside in long term care facilities who receive reduced monthly veterans benefits in the amount of \$90.00. Persons allowed the \$90.00 per month income disregard are not also permitted the \$30.00 per month personal allowance (see Section 120.40).~~

- f) ~~Deduction from MANG program~~
- 1) ~~A deduction from the MANG program participant's income shall be permitted for up to six months to maintain a residence in the community when:~~
 - A) ~~the individual does not have a spouse and/or dependent children in the home; and~~
 - B) ~~a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.~~
 - 2) ~~To determine the amount of the deduction include:~~

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- A) ~~rent or property expense that would be allowed in the AABD MAG standard if the individual was at home; and~~
- B) ~~utility expenses that would be allowed in the AABD MAG standard if the individual was at home.~~

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

**Section 120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code
140.643 (Repealed)**

- a) ~~Community-based Residential Settings~~
 - 1) ~~The following rule applies to individuals receiving in-home care services through the Department of Mental Health and Developmental Disabilities (DMHDD) in accord with 89 Ill. Adm. Code 140.643. The in-home care services are provided in the following community based residential settings:~~
 - A) ~~Community Living Facilities (CLF)~~
 - B) ~~Special Home Placements (SHP)~~
 - C) ~~Supported Living Arrangement (SLA)~~
 - D) ~~Home Individual Program (HIP)~~
 - E) ~~Community Residential Alternatives (CRA)~~
 - 2) ~~A definition of the above quoted Home and Community based residential settings as well as a description of the Title XIX waiver services can be found at 59 Ill. Adm. Code 120.~~
- b) ~~A one-month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.~~
- c) ~~A one-person MANG Community Income Standard will be used (see Section 120.20).~~

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- d) ~~The client shall be allowed an asset disregard in the amount for one client in accord with Section 120.382. Assets are considered in accord with 89 Ill. Adm. Code 113.140, 113.141, 113.142 and 113.154.~~
- e) ~~If the client has SSI income, the SSI income will be applied by DMHDD toward the cost of room and board. However, no payment will be made by the Department for the cost of room and board. The client shall be responsible directly to DMHDD for payment of room and board costs.~~
- f) ~~If the client's non-exempt income is greater than the MANG standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive Medical Assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income exceeds the MANG standard and the amount of non-exempt assets in excess of the applicable asset disregard.~~
- g) ~~The client may meet the spend-down by incurring Title XIX waiver (in-home care) services. Waiver services are considered incurred in total for the month on the first day of the month or the first day of stay for a month that the client resides in the approved residential setting if for less than an entire month. If the cost of waiver services equals or exceeds the spend-down amount, the spend-down obligation is met. DMHDD will provide the local office a statement of expected monthly charges for waiver services to ensure that the spend-down obligation is met.~~
- h) ~~If the client's non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.~~
- i) ~~If the client's non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered services less the client's liability (excluding Title XIX waiver services) received from the date the spend-down obligation is met date until the end of the eligibility period. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.~~
- j) ~~A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved Home and~~

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~~Community based residential setting.~~

- ~~k) A case review is required for eligible cases placed in an approved residential setting.~~
- ~~l) A full redetermination of eligibility shall be made every twelve months.~~

(Source: Repealed at 35 Ill. Reg. 18645, effective January 1, 2012)

**Section 120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)**

- ~~a) In Home Care Services~~
 - ~~1) This Section applies to individuals receiving remedial care services through the Department of Mental Health and Developmental Disabilities (DMHDD) in Home and Community Based Residential Settings approved by DMHDD. Remedial care services are those services (except for room and board) provided by DMHDD that are directed toward meeting the needs of disabled clients who are not receiving services through the Department's In Home Care Program (see Section 120.62). The remedial care services are provided in the following Home and Community Based Residential Settings:~~
 - ~~A) Community Living Facilities (CLF)~~
 - ~~B) Special Home Placements (SHP)~~
 - ~~C) Supported Living Arrangement (SLA)~~
 - ~~D) Home Individual Program (HIP)~~
 - ~~E) Community Residential Alternatives (CRA)~~
 - ~~2) A definition of the Home and Community Based Residential Settings can be found at 59 Ill. Adm. Code 120.~~
- ~~b) A one month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.~~

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- e) ~~A one person MANG Community Income Standard will be used (see Section 120.20).~~
- d) ~~The client shall be allowed an asset disregard in the amount for one client in accord with Section 120.382. Assets are considered in accord with 89 Ill. Adm. Code 113.140, 113.141, 113.142 and 113.154.~~
- e) ~~If the client has SSI income, the SSI income will be applied by DMHDD toward the cost of room and board. The client shall be responsible directly to DMHDD for payment of room and board costs. No payment will be made by the Department for the cost of room and board.~~
- f) ~~If the client's non-exempt income is greater than the MANG Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of amount by which the client's non-exempt income exceeds the MANG Standard and the amount on non-exempt assets in excess of the applicable asset disregard.~~
- g) ~~The client may meet the spend-down by incurring costs for remedial care services. Remedial care costs are the cost of all services reported by DMHDD that exceed the MANG Community Income Standard and the Income Disregard amount. Remedial care services are considered incurred in total for the month on the first day of the month or the first day of stay for a month that the client resides in the approved residential setting if for less than an entire month. If the cost of remedial care services equal or exceeds the spend-down amount, the spend-down obligation is met. DMHDD will provide the local office a statement of expected monthly charges for remedial care services to ensure that the spend-down obligation is met.~~
- h) ~~If the client's non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.~~
- i) ~~If the client's non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. Covered services, less the client's liability, received from the spend-down met date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services~~

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~~provided prior to the time client meets the spend-down obligation.~~

- ~~j) A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved Home and Community Based Residential Setting.~~
- ~~k) A case review is required for eligible cases placed in an approved Home and Community Based Residential Setting.~~
- ~~l) A full redetermination of eligibility shall be made every twelve months.~~

(Source: Repealed at 35 Ill. Reg. 18645, effective January 1, 2012)

**Section 120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community-Integrated Living Arrangements (Repealed)**

- ~~a) Community Integrated Living Arrangement (CILA) Services
 - ~~1) This Section applies to individuals receiving CILA services through an agency licensed by DMHDD. CILA services are provided in approved settings where eight or fewer individuals with mental retardation (MR) or mental illness (MI) reside under the supervision of the agency licensed by DMHDD. Individuals actively participate in choosing services designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports and in choosing a home from among those living arrangements available to the general public and/or housing owned or leased by an agency licensed by DMHDD.~~
 - ~~2) The standards and licensure requirements for community integrated living arrangements are found at 59 Ill. Adm. Code 115.~~~~
- ~~b) A one-month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.~~
- ~~c) The appropriate MANG Community Income Standard will be used (see Section 120.20).~~
- ~~d) The individual shall be allowed an asset disregard in accordance with Section 120.382. Assets are considered in accordance with 89 Ill. Adm. Code 113.140, 113.141 and 113.142.~~

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- e) ~~No payment will be made by the Department for the cost of room and board. The individual shall be responsible directly to the agency licensed by DMHDD for payment of any room and board costs.~~
- f) ~~If non-exempt income is greater than the MANG Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down is the sum of the amount by which the client's non-exempt income exceeds the MANG standard and the amount of non-exempt assets in excess of the applicable asset disregard.~~
- g) ~~The client may meet the spend-down by incurring costs for CILA services. CILA services are considered incurred in total for the month on the first day of the month or the first day services are received if for less than an entire month. If the cost of CILA services equals or exceeds the spend-down amount, the spend-down is met. DMHDD will provide the local office with a statement of expected monthly charges for CILA services to ensure that the spend-down obligation is met.~~
- h) ~~If non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.~~
- i) ~~If non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. Covered services, less the client's liability, received from the spend-down met date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time the client meets spend-down.~~
- j) ~~A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved setting in which CILA services are received.~~
- k) ~~A full redetermination of eligibility shall be made every twelve months.~~

(Source: Repealed at 35 Ill. Reg. 18645, effective January 1, 2012)

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SUBPART H: MEDICAL ASSISTANCE – NO GRANT [\(MANG\) ELIGIBILITY FACTORS](#)**Section 120.308 Client Cooperation**

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend; [and](#)
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of [thosesuch](#) benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential [income and resources and to take appropriate action to receive such](#) resources, [including those described under Section 120.388\(d\)\(2\) of this Part](#).
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.
- e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow [10ten-\(10\)](#) days for the return of the requested information. The first day of the [10ten-\(10\)](#) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the [10ten-\(10\)](#) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.
- f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow [10 calendarten-\(10\)](#) days for the return of the requested information or for verification that the third party information has been requested. The first day of the [10ten-\(10\)](#) day period is the calendar day following the date the information

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request form is sent or given to the applicant. The last day of the ~~10ten (10)~~ day period shall be a work day and ~~willis to~~ be indicated on the information request form. ~~It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information.~~ If the applicant does not provide the information or ~~the~~ verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information ~~thatwhich~~ must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party, but is treated as if he or she were the applicant.
 - 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide ~~thatsueh~~ verification.
 - 3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information, such as a copy of the request that was sent to the third party, an extension of ~~forty five (45)~~ days from the date of application shall be granted. The first day of the ~~forty five (45)~~ day period is the calendar day following the date of application. The 45th day must be a work day.
 - 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request, the Department will assist in securing evidence to support the client's eligibility for assistance.
- g) Any information or verifications requested under this Section must be returned to the Department's or its agent's office in the manner indicated on the information request form. Information mailed or otherwise delivered to an address not indicated on the form will not toll the timeframes for providing information under this Section.
- h) Failure to cooperate in the determination of eligibility under this Section, including failure to provide requested information or verifications, is a basis for the denial of an application for benefits. A person has the right to appeal such a denial under 89 Ill. Adm. Code 102.80. The Department shall not deny an application if third party information cannot be timely obtained when the delay is

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beyond the control of the person and a timely request was made to the third party for the information. The Department shall not deny an application for failure to timely provide information in the applicant's possession if the person has made a good faith attempt to retrieve the information and is unable, due to incapacity, illness, family emergency or other just cause, to do so.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.347 Treatment of Trusts and Annuities

- a) This Section applies to trusts established on or after August 11, 1993.
- b) A trust is any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal instrument or device that is similar to a trust, including an annuity.
- c) A person shall be considered to have established a trust if resourcesassets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:
 - 1) the person;
 - 2) the person's spouse; or
 - 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.
- d) This Section does not apply to the following trusts:
 - 1) an irrevocable trust containing the resourcesassets of a ~~disabled~~ person who is determined disabled (as ~~provided~~described in Section 120.314) and under age 65 that is established by a parent, grandparent, legal guardian or court for the sole benefit (as defined in Section 120.388(m)(2)) of the ~~disabled~~ person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) shall be paid to the Department upon the death of the person. This exclusion continues after the person reaches

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age 65 as long as the person continues to be disabled but any additions made by the person to the trust after age 65 will be treated as a transfer of assets under ~~Sections~~[Section 120.387 and 120.388](#). If the trust contains proceeds from a personal injury settlement, any Department charge (as described at 89 Ill. Adm. Code 102.260) must be satisfied in order for the trust to be excluded under this subsection; or

- 2) an irrevocable trust containing ~~the resources~~[assets](#) of a ~~disabled~~ person [who is determined disabled](#) (as ~~provided~~[described](#) in Section 120.314) that is established and managed by a non-profit association that pools funds but maintains a separate account for each beneficiary that is established by the disabled person, a parent, grandparent, legal guardian or court for the [sole](#) benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) that is not retained by the trust [for reasonable administrative costs related to wrapping up the affairs of the subaccount](#) shall be paid to the Department upon the death of the person. [This exclusion continues after the person reaches age 65 as long as the person continues to meet the definition of disabled \(to the extent permitted under federal law\). Any funding of a subaccount in a pooled trust by a person over age 64 will be treated as a transfer for fair market value under Section 120.388 so long as the person meets the definition of disabled.](#) If the trust contains proceeds from a personal injury settlement, any Department charge (as described at 89 Ill. Adm. Code 102.260) must be satisfied in order for the trust to be excluded under this subsection (d).

- e) Subsections (f) and (g) of this Section apply to the portion of the trust attributable to the person and without regard to:
 - 1) the purpose for establishment of the trust;
 - 2) whether the trustee has or exercises any discretion under the trust; or
 - 3) whether there are any restrictions on distributions or use of distributions from the trust.
- f) For revocable trusts, the Department shall:
 - 1) treat the principal as an available [resource](#)~~asset~~;

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- 2) treat as income payments from the trust that are made to or for the benefit of the person; and
 - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of [and depending on the date of the payment, Section 120.387 or 120.388](#)).
- g) For irrevocable trusts, the Department shall:
- 1) treat as an available [resourceasset](#) the amount of the trust from which payment to or for the benefit of the person could be made;
 - 2) treat as income payments from the trust that are made to or for the benefit of the person;
 - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387 [or 120.388, as applicable](#)); and
 - 4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387 [or 120.388, as applicable](#)). The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.
- [h\) Trust Income. For married couples, income from trusts shall be attributed to each spouse as provided in the trust, unless:](#)
- 1) [payment of income is made solely to one spouse, in which case the income shall be attributed to that spouse;](#)
 - 2) [payment of income is made to both spouses, in which case one-half of the income shall be attributed to each spouse; or](#)
 - 3) [payment of income is made to either spouse, or both, and to another person or persons, in which case the income shall be attributed to each spouse in proportion to the spouse's interest, or, if payment is made to both](#)

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spouses and no such interest is specified, one-half of the joint interest shall be attributed to each spouse.

- i) Annuities are treated similar to trusts.
 - 1) Revocable and assignable annuities are considered available resources.
 - 2) Any portion of an annuity from which payment to or for the benefit of the person or the person's spouse could be made is an available resource. An annuity that may be surrendered to its issuing entity for a refund or payment of a specified amount or provides a lump-sum settlement option is an available resource valued at the amount of any such refund, surrender or settlement.
 - 3) Income received from an annuity by an institutionalized person is considered non-exempt income. Income received by the community spouse of an institutionalized person is treated as available to the community spouse for the purpose of determining the community spouse income allowance under Section 120.379(e).
 - 4) An annuity that fails to name the State of Illinois as a remainder beneficiary as required under Section 120.385(b) shall result in denial or termination of eligibility for long term care services.
- j) The principal of a trust fund established under the Self Sufficiency Trust Fund Program (see 20 ILCS 1705/21.1) is an exempt resource.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.379 Provisions for the Prevention of Spousal Impoverishment

- a) The provisions for the prevention of spousal impoverishment apply only to an institutionalized person (as defined in Section 120.388(c)) whose spouse resides in the community. For purposes of this Section, those persons shall be referred to as the institutionalized spouse and the community spouse, a resident of a long term care facility whose spouse resides in the community and to a person who but for the provision of home and community based services under Section 4.02 of the Illinois Act on the Aging would require the level of care provided in a long term care facility and whose spouse resides in the community.

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- b) Income. In determining the financial eligibility of an institutionalized spouse, only non-exempt income attributed to the institutionalized spouse shall be considered available. The following rebuttable presumptions shall apply in determining the income attributed to each spouse.~~An assessment is completed to determine the total combined amount of nonexempt assets of the individual and his or her community spouse:~~
- 1) if payment of income is made solely in the name of one spouse, the income will be considered available only to that spouse;~~when residence begins in a long term care facility or when home and community-based services begin; and~~
 - 2) if payment of income is made in the names of both spouses, one-half of the income shall be considered available to each spouse;~~when requested by either spouse or a representative acting on behalf of either spouse, even if an application for assistance has not been filed.~~
 - 3) if payment of income is made in the names of either spouse, or both, and to another person or persons, the income shall be considered available to each spouse in proportion to the spouse's interest (or, if payment is made to both spouses and no other interest is specified, one-half of the joint interest shall be considered available to each spouse);
 - 4) if payment of income is made from a trust, the income shall be considered available to each spouse as provided under Section 120.347(h); and
 - 5) if there is no trust or instrument establishing ownership, one-half of the income shall be considered available to the institutionalized spouse and one-half to the community spouse.
- c) Resources. In determining the financial eligibility of an institutionalized spouse, the following shall apply.~~A re-assessment is not required if:~~
- 1) At the beginning of a continuous period of institutionalization, the total value of resources owned by either or both spouses shall be computed, a resident of a long term care facility is discharged for a period of less than 30 days and then reenters the facility;
 - 2) Assessment. Upon the request of an institutionalized spouse, community spouse, or a representative of either, at the beginning of a continuous

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period of institutionalization, the Department shall conduct an assessment of the couple's resources for the purpose of determining the combined amount of nonexempt resources in which either spouse has an ownership interest. The person requesting the assessment shall be responsible for providing documentation and verification necessary for the Department to complete the assessment. ~~a resident of a long term care facility enters a hospital and then returns to the facility from the hospital;~~

- 3) For purposes of this subsection (c), a continuous period of institutionalization is defined as at least 30 days of continuous institutional care. An initial assessment remains effective during that period if: ~~an individual discontinues receiving home and community-based services for a period of less than 30 days; or~~

A) a resident of a long term care facility is discharged for a period of less than 30 days and then reenters the facility;

B) a resident of a long term care facility enters a hospital and then returns to the facility from the hospital;

C) a person discontinues receiving home and community-based services for a period of less than 30 days; or

D) a person discontinues receiving home and community-based services due to hospitalization and then is discharged and begins to receive home and community-based services.

- 4) At the time of an institutionalized spouse's application for medical assistance, all nonexempt resources held by either the institutionalized person, the community spouse, or both shall be considered available to the institutionalized spouse. From this amount may be deducted and transferred to the community spouse the Community Spouse Resource Allowance (CSRA), as provided under subsection (d) of this Section. The remaining amount shall be the total amount of resources considered available to the institutionalized spouse. ~~an individual discontinues receiving home and community-based services due to hospitalization and then is discharged and begins to receive home and community-based services.~~

- d) Transfer of Resources to the Community Spouse. From the amount of nonexempt

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resources considered available to the institutionalized spouse, as described in subsection (c)(4) of this Section, a ~~The transfer of resources~~ property is allowed, ~~as determined in subsection (b) of this Section,~~ by the institutionalized spouse ~~client~~ to the community spouse or to another individual for the sole benefit (as defined in Section 120.388(m)(2)(B)) of the community spouse in an amount that does not exceed the CSRA ~~Community Spouse Asset Allowance (CSAA)~~. The CSRA is the difference between the amount of resources otherwise available to the community spouse and the greatest of CSAA, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the individual may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets an individual may transfer to his or her community spouse is \$60,000 minus any nonexempt assets of the community spouse. The amount established as the CSAA shall be provided for calendar years after 1989 by the Department of Health and Human Services. The CSAA may exceed the standard annual figure established by the U.S. Department of Health and Human Services only in one of the following circumstances:

- 1) the amount established annually by the US Department of Health and Human Services (DHHS) (as of January 1, 2011, \$109,560); in a legal proceeding, a court approves the transfer of income-producing assets to the community spouse in an amount greater than the standard CSAA; or
- 2) the amount established through a fair hearing under subsection (f)(3) of this Section; or as the result of an appeal hearing (described in 89 Ill. Adm. Code 104.1), the Department determines that the transfer of income-producing assets to the community spouse in an amount greater than the standard CSAA is necessary to raise the community spouse's income to, but not more than, the Community Spouse Maintenance Needs Allowance (described in subsection (f) of this Section).
- 3) the amount transferred under a court order against an institutionalized spouse for the support of the community spouse.
 - A) The Department will measure the amount of an allowable increase in the CSAA by the cost to purchase an actuarially sound single premium life annuity producing monthly payments that, when added to the community spouse's income, will be sufficient to raise the community spouse's income to, but not more than, the Community Spouse Maintenance Needs Allowance. If assets are

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~~insufficient to purchase such an annuity, the Department will measure the amount of an allowable increase in the CSAA by the cost to purchase an actuarially sound single premium life annuity producing monthly payments using available assets.~~

- ~~B) It is the appellant's responsibility to provide the Department with an estimate from a reputable company of the cost to purchase the annuity.~~
- ~~C) The Department may compare the estimate with available information on the cost of other single premium life annuities.~~
- ~~D) In calculating the amount of the community spouse's income after approval of an increased CSAA, the Department shall deem the amount of the annuity payments as being available to the community spouse, although it will not require the actual purchase of an annuity.~~

~~e) The appeal hearing, described in subsection (d)(2) of this Section, shall be held within 30 days after the date the appeal is filed.~~

~~e)f) Deductions are allowed from an institutionalized spouse's post-eligibility the MANG client's non-SSI income (pursuant to Section 120.61(d) and (e)) for a community spouse income allowance and a family allowance for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who is living with the community spouse and who does not have enough income to meet his or her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse. The deductions are amount of the deduction is determined as follows:~~

~~1) The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community spouse maintenance needs standard (\$1,500) less any nonexempt monthly income of the community spouse.~~

~~A) The amount of monthly income that may be deducted from the institutionalized spouse's post-eligibility income for the benefit of the community spouse is equal to the minimum monthly maintenance needs allowance (MMMNA) less the amount of~~

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monthly income otherwise available to the community spouse (as determined under subsection (b) of this Section. The amount established as the MMMNA (as of January 1, 2011, \$2,739 per month)~~community spouse maintenance needs standard~~ shall be provided for calendar years after 2011~~1989~~ by DHHS~~the Department of Health and Human Services~~.

B) The deduction is allowed only to the extent the income of the person~~individual~~ is in fact contributed to the community spouse. However, the deduction for the community spouse income allowance~~Community Spouse Maintenance Needs Allowance~~ shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing provided for under subsection (f) of this Section.

C) For purposes of this Section, all income of the institutionalized spouse that can be made available to the community spouse shall be made available before resources may be transferred in excess of the CSRA specified under subsection (d)(1) of this Section that will generate income to make up the difference between the MMMNA and the amount of income available to the community spouse.

2) Family Allowance. The amount of monthly income that may be deducted from the institutionalized spouse's post-eligibility income for the benefit of ~~The deduction for the Family Maintenance Needs Allowance for each dependent~~ family member is equal to one-third of the difference between the family maintenance needs standard (150%~~122%~~ of the annual Federal Poverty Level for two persons ~~as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992~~) and any nonexempt income of the family member. Family members only include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who reside with the community spouse.

3) A deduction is also allowed from the institutionalized spouse's post-eligibility income for dependent children under age 21 who do not reside with the community spouse pursuant to Section 120.61(e)(5).

4) The term "dependent" has the meaning ascribed to a "qualified" person under 26 USC 152.

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- f) Fair Hearings. Either the institutionalized spouse or the community spouse may request a hearing (as described in 89 Ill. Adm. Code 104.1) under this Section for the following reasons:
- 1) either spouse is dissatisfied with a determination of:
 - A) the community spouse income allowance under subsection (e)(1) of this Section;
 - B) the amount of the monthly income treated as otherwise available to the community spouse (as applied under subsection (e)(1) of this Section);
 - C) the attribution of resources under subsection (c)(4) of this Section;
or
 - D) the determination of the CSRA under subsection (d) of this Section.
 - 2) Either spouse may request an increase in the MMMNA under subsection (e)(1). If either spouse establishes that, due to exceptional circumstances resulting in significant financial duress, the community spouse needs income above the level provided by the MMMNA, an amount adequate to provide that additional income shall be substituted. For purposes of this subsection (f)(2), significant financial distress means expenses that the community spouse incurs in excess of the income standard, including:
 - A) recurring or extraordinary medical expenses of the community spouse that are not covered by any third party resource, including insurance or the Medical Assistance Program;
 - B) amounts necessary to preserve, maintain or make major repairs to homestead property; or
 - C) amounts necessary to preserve an income producing resource, subject to the limitations on that property under Section 120.381(a)(3) and as long as the expense is reasonable in relation to the income produced by the resource.

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- 3) Either spouse may request that an alternative CSRA be substituted for the standard CSRA calculated under subsection (d) of this Section if it can be established that the standard CSRA (in relation to the amount of income it generates) is inadequate to raise the community spouse's income to the MMMNA.
- A) Before a substitute CSRA may be allocated under this subsection (f)(3), the amount of income attributed to the institutionalized spouse that may be transferred to the community spouse under subsection (e) of this Section shall first be considered available to raise the community spouse's income to the MMMNA.
- B) If the sum of income otherwise available to the community spouse and income that may be transferred from the institutionalized spouse is insufficient to raise the community spouse's income to the MMMNA, then a substitute CSRA may be allowed. The amount the substitute CSRA may exceed the CSRA provided for under subsection (d) of this Section is limited to the amount of resources necessary to generate income to raise the community spouse's total income to the MMMNA.
- C) In determining the amount of income that a substitute CSRA under this subsection (f)(3) may generate, the Department will use, for purposes of comparison, the cost to purchase an actuarially sound single premium life annuity producing monthly payments that, when added to the community spouse's total income, will be sufficient to raise the community spouse's income to, but not more than, the MMMNA. If resources are insufficient to purchase an annuity that will raise the community spouse's income to the MMMNA, the Department will measure the amount of an allowable increase in the CSRA by the cost to purchase an actuarially sound single premium life annuity producing monthly payments using available resources.
- D) It is the requesting person's responsibility to provide the Department with an estimate from a reputable company of the cost to purchase the annuity described in subsection (f)(3)(C).
- E) The Department may compare the estimate with available information on the cost of other single premium life annuities.

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- F) In calculating the amount of the community spouse's income after approval of a substitute CSRA, the Department shall deem the amount of the monthly annuity payments as being available to the community spouse, although it will not require the actual purchase of an annuity.
- g) The appeal hearing described in subsection (d)(2) of this Section shall be held within 30 days after the date the appeal is filed.
- h) A transfer of resources under subsection (d) of this Section from the institutionalized spouse to the community spouse shall be made as soon as practicable after the date of initial determination of eligibility and before the first regularly scheduled redetermination of eligibility, taking into account such time as may be necessary to obtain a court order under subsection (d)(3) of this Section. If a transfer of resources to a community spouse has not been made by the first scheduled redetermination and no petition for an order of spousal support is pending judicial review, the resources shall be considered available to the institutionalized spouse.
- i) Assignment of Support Rights. The institutionalized spouse shall not be ineligible by reason of resources determined under subsection (c)(4) to be available for the cost of care when:
- 1) the institutionalized spouse has assigned to the State any rights to support from the community spouse (see Section 120.319);
 - 2) the institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment, but the State has the right to bring a support proceeding against a community spouse without that assignment; or
 - 3) the State determines that denial of eligibility would work an undue hardship (see Section 120.388(r)(1)).
- j) The Department may pursue any available legal process to enforce its right of assignment to support against the community spouse or any other responsible person pursuant to Section 120.319. These processes may include, but shall not be limited to, the administrative support procedures provided under 89 Ill. Adm. Code 103.

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(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.380 ResourcesAssets

- a) Unless otherwise specified and for purposes of this Part, the term "resource" (as defined in 42 USC 1382b, except subsection (a)(1) of that section, which excludes the home as a resource) means cash or any other personal or real property that a person owns and has the right, authority or power to liquidate. The value of nonexempt assets shall be considered in determining eligibility for AABD MANG. Assets do not affect eligibility for TANF MANG.
- b) A resource is considered available to pay for a person's own care when at the disposal of that person; when the person has a legal interest in a liquidated sum and has the legal ability to make the sum available for support, maintenance or medical care; or when the person has the lawful power to make the resource available or to cause the resource to be made available. Jointly held assets for AABD MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.
- c) The value of nonexempt resources shall be considered in determining eligibility for any means-tested public benefit program administered by the Department, the Department of Human Services or the Department on Aging if eligibility is determined, in part, on the basis of resources as provided under this Section. Potential payments from a Medicaid qualifying trust for AABD MANG and MANG(C) shall be treated in the same manner as described in Section 120.346.
- d) Determination of Resources. Trusts established on or after August 11, 1993, shall be treated in the manner described in Section 120.347.
 - 1) In determining initial financial eligibility for medical assistance, the Department considers nonexempt verified resources available to a person as of the date of decision on the application for medical assistance. The date of verification (see Section 120.308(f)) may be prior to the date of decision. Resources applied to a spenddown obligation in a retroactive month (see Section 120.61(b)) shall not be treated as available in the determination of initial financial eligibility. Money considered as income for a month is not considered a resource for that same month. If income for a month is added to a bank account that month, the Department will

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subtract the amount of income from the bank balance to determine the resource level. Any income remaining in the following months is considered a resource.

- 2) In determining financial eligibility for retroactive months, the Department will consider the amount of income and resources available to a person as of the first day of each of the backdated months for which eligibility is sought. Resources spent prior to the end of the month of application to purchase a Pre-paid Funeral/Burial Contract in compliance with Section 120.381(b), (c) or (d), to pay for incurred medical expenses or to pay legal fees up to \$10,000 (which shall be adjusted annually for any increase in the Consumer Price Index), incurred in the month of application or in any of the three months prior to the month of application, that are related to the eligibility application for long term care assistance shall not be considered available.
 - 3) In determining a person's spenddown obligation (see Section 120.384), the Department considers the amount of nonexempt resources available as of the date of decision, in the case of initial eligibility, and the first day of the month, in the case of retroactive eligibility, that are in excess of the applicable resource disregard (see Section 120.382).
- e) Subject to subsection (c) of this Section and 89 Ill. Adm. Code 113.140, the entire equity value of jointly held resources shall be considered available in determining a person's eligibility for assistance, unless:
- 1) The resource is a joint income tax refund, in which case one-half of the refund is considered owned by each person; or
 - 2) The person documents that he or she does not have access to the resource. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings that show the person is legally unable to access the resource; or
 - 3) The resource is held jointly with an individual eligible under any means-tested public health benefit program (other than the Supplemental Nutrition Assistance Program) administered by the Department, the Department of Human Services, or the Department on Aging; or

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- 4) The person can document the amount of his or her legal interest in the resource and that such amount is less than the entire value of the resource, then the documented amount shall be considered. Appropriate documentation may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders that show the person's legal interest is less than the entire value of the resource; or
- 5) The person documents that the resource or a portion of the resource is not owned by the person and the person's accessibility to the resource is changed (see subsections (e)(2) and (4) of this Section for documentation examples).
- f) In determining the eligibility of a person for long term care services whose spouse resides in the community, all nonexempt resources owned by the institutionalized spouse, the community spouse, or both shall be considered available to the institutionalized spouse in determining his or her eligibility for medical assistance. From the total amount of such resources may be deducted a Community Spouse Resource Allowance as provided under Section 120.379.
- g) Trusts established prior to August 11, 1993 shall be treated in the manner described in Section 120.346.
- h) Trusts established on or after August 11, 1993 shall be treated in the manner described in Section 120.347.
- i) The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, resourcesassets) is liquidated. In determining the value of a life estate and remainder interest based on the value of the property at the time the life estate is established or of the amount received when the property is liquidated, the Department shall apply the values described in Section 120.Table A. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in Section 120.Table A.
- j) A person's entrance fee in a continuing care retirement community or life care community (as those entities are described in 42 USC 1396r(c)(5)(B)) shall be considered an available resource to the extent that:

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- 1) the person has the ability to use the entrance fee, or the contract provides that the entrance fee may be used to pay for care should other resources or income of the person be insufficient to pay for the care;
 - 2) the person is eligible for a refund of any remaining entrance fee when the person dies or terminates the continuing care retirement community or life care community contract and leaves the community; and
 - 3) the entrance fee does not confer an ownership interest in the continuing care retirement community or life care community.
- k) Non-homestead real property, including homestead property that is no longer exempt (see Section 120.381(a)(1)), is considered an available resource unless:
- 1) the property is exempted as income-producing to the extent permitted under Section 120.381(a)(3), except Section 120.381(a)(3) shall not apply to farmland property and personal property used in the income-producing operations related to the farmland (e.g., equipment and supplies, motor vehicles, tools, etc.);
 - 2) ownership of the property consists of a fractional interest of such a small value that a substantial loss to the person would occur if the property were sold;
 - 3) the property has been listed for sale, in which case the property will not be counted as available for at least six months as long as the person continues to make a good faith effort to sell the property. This effort can be verified by evidence, including advertisements or documentation of the listing of the property with licensed real estate agents or brokers that includes a report of any offer from prospective buyers. The Department will review cases in which the property has not been sold after six months and will consider the following factors in determining if extensions of the initial six months are warranted:
 - A) the asking price is less than the fair market value of the property;
 - B) the property is marketed through a qualified realtor who is acting in good faith;

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- C) there is not a substantial market for the type of property being sold; and
- D) the person has not rejected any reasonable offer to buy the property; or
- 4) the homestead property that is no longer exempt (see Section 120.381(a)(1)) is producing annual net income for the person in an amount that is not less than six percent of the person's equity value in the property. In determining net income, the Department shall recognize business expenses allowed for federal income tax purposes.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.381 Exempt ~~Resources~~Assets

~~AABD MANG assets exempt from consideration for AABD MANG shall be as follows:~~

- a) The following ~~resources~~assets are exempt from consideration in determining eligibility for ~~medical assistance and the amount of the assistance payment~~:
- 1) Homestead ~~Property~~property
- A) Homestead property is any property in which a person (and spouse, if any) has an ownership interest and that serves as the person's principal place of residence. This property includes the shelter in which a person resides, the adjoining land on which the shelter is located and related outbuildings.
- B) If a person (and spouse, if any) moves out of his or her home without the intent to return, the home is no longer exempt because it is no longer the person's principal place of residence. If a person leaves his or her home to live in a long term care facility, the property is considered exempt, irrespective of the person's intent to return, as long as a spouse or dependent relative of the eligible person continues to live there. The person's equity in the former home is treated as an available resource effective with the first day of the month following the month it is no longer his or her principal place of residence.

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- 2) Personal effects and household goods are exempt to the extent they are excluded under 20 CFR 416.1216. ~~Property~~
- A) ~~Personal effects and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.~~
- B) ~~Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described in Section 120.386).~~
- 3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the ~~person's individual's~~ equity in the income producing property provided the property produces a net annual income of at least six percent of the excluded equity value of the property. The equity value in excess of \$6,000 is ~~not excluded~~ applied toward the asset disregard. If the activity produces income that is less than six percent of the exempt equity due to reasons beyond the ~~person's individual's~~ control (for example, the ~~person's individual's~~ illness or crop failure) and there is a reasonable expectation that the property will again individual's activity will increase to produce income equal to six percent of the equity value (for example, a medical prognosis that the ~~person individual~~ is expected to respond to treatment or that drought resistant corn will be planted), the equity value in the property up to \$6,000 is exempt. If the ~~person individual~~ owns more than one piece of property and each produces income, each is looked at to determine if the six percent rule is met and then the amounts of the ~~person's individual's~~ equity in all of those properties are totaled to see if the total equity is \$6,000 or less. The total equity value of all properties that is exempt under this subsection is limited to \$6,000.
- 4) Automobile.
- A) Exclude one automobile, regardless of value, used by the client, spouse or other dependent if:
- i) it is necessary for employment;
- ii) it is necessary for the medical treatment of a specific or

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regular medical problem;

- iii) it is modified for operation by, or transportation of, a handicapped person;
- iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or
- v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse ~~Resource~~Asset Allowance (as described in Section ~~120.379(d)~~120.386).

B) If not excluded in subsection (a)(4)(A) of this Section, ~~exclude~~one automobile ~~is excluded~~ to the extent ~~its equity value~~the fair market value does not exceed \$4500. ~~Any~~Apply the excess ~~equity value is applied~~fair market value toward the ~~applicable resource~~asset disregard (see ~~Section 120.382~~89 Ill. Adm. Code ~~113.142~~). ~~The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).~~

C) For all other automobiles, apply the equity value (~~fair market value minus any encumbrance~~) toward the ~~resource~~asset disregard (see 89 Ill. Adm. Code 113.142).

5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If the total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

6) For purposes of this Section, the term "equity value" refers to:

A) in the case of real property, the value described in Section 120.385(c); and

B) in the case of personal property, the price that an item can reasonably be expected to sell for on the open market in the particular geographic area involved, minus any encumbrances (as described in Section 120.385(c)(1)(C)).

b) ~~Burial spaces and funds are exempt as follows:~~1) Burial spaces that are intended

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for the use of the ~~person~~individual, his or her spouse, or any other member of his or her immediate family are exempt. Immediate family is defined as a person's~~an individual's~~ minor and adult children, including adopted children and stepchildren, ~~a person's~~an individual's brothers, sisters, parents ~~and~~; adoptive parents, and the spouses of these individuals.

- 2) ~~Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement that is available for burial expenses.~~
 - 3) ~~Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5) (1992)).~~
 - 4) ~~Funds specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This limit will be increased annually by three percent.~~
- c) Funds that are set aside for the burial expenses of a person and his or her spouse in a bank account owned by the person that is clearly identified as a burial fund is exempt up to \$1500. This amount is reduced by the face value of any excluded life insurance on the person and the amount of any funds held in an irrevocable trust or other irrevocable arrangement that is available for burial expenses per person.
- d) Prepaid Funeral/Burial Contracts. Prepaid funeral/burial contracts are exempt to the following extent:
- 1) Funds in a revocable prepaid funeral/burial contract are exempt up to \$1500.
 - 2) Effective January 1, 2012, funds in an irrevocable prepaid funeral/burial contract are exempt up to \$10,000, which shall include the costs of both goods and services. This amount shall be adjusted annually for any increase in the Consumer Price Index.

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- 3) A prepaid, guaranteed price funeral/burial contract up to \$10,000, which shall include the costs of both goods and services and which shall be adjusted annually for any increase in the Consumer Price Index, funded by an irrevocable assignment of a person's life insurance policy to a trust, is exempt. The trust is responsible for ensuring that the provider of funeral services under contract receives the proceeds of the policy when it provides the funeral goods and services specified under the contract. The irrevocable assignment of ownership of the insurance policy must be acknowledged by the insurance company.
- e)e) ResourcesAssets necessary for fulfillment of an approved plan for achieving self-support under 42 CFR 416.1220.
- d) Trust funds are exempt as follows:
- 1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
- 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].
- f)e) ResourcesAssets excluded by express provision of 20 CFR 416.1236 (20091997).
- g)f) *Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits [305 ILCS 5/5-2].*
- h)g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under Public Law 101-201.
- i)h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.
- j)i) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.
- k)j) The amount of earned income tax credit that the client receives as advance

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payment or as a refund of federal income tax.

- ~~l)~~k) For disabled persons who have lost eligibility under Section 120.510 and who are only requesting services other than those described in ~~Section 89 III. Adm. Code~~ 120.61(a) (except that subsection's reference to services provided through a Community Integrated Living Facility (CILA)), the following additional exemptions shall apply:
- 1) Retirement accounts that a person with a disability cannot access without penalty before the age of 59½ and medical savings accounts established pursuant to 26 USC 220; and
 - 2) Up to \$25,000 if the person owned assets of equal value when his or her eligibility under Section 120.510 ended.
- m) The amount of damages recovered by a resident of a nursing home for any act that injures the resident pursuant to 210 ILCS 45/3-605.
- ~~n)~~h) Certain payments received under the American Recovery and Reinvestment Act of 2009.
- 1) Payments to World War II veterans who served in the Philippines and spouses of those veterans under Div. A, Title X, Sec. 1002 of P.L. 111-5.
 - 2) Payments or reimbursements for Premium Assistance for COBRA Continuous Coverage under Div. B, Title III, Sec. 3001 of P.L. 111-5.
- ~~o)~~m) Certain payments received under the American Recovery and Reinvestment Act of 2009 are exempt as an asset the month of receipt and two months thereafter.
- 1) Making Work Pay Credit under Div. B, Title I, Sec. 1001 of P.L. 111-5.
 - 2) Tax Credit for Certain Government Retirees under Div. B, Title II, Sec. 2202 of P.L. 111-5.
- p)~~n)~~ Economic Recovery Payments under the American Recovery and Reinvestment Act of 2009 under Div B, Title II, Sec. 2201 of P.L. 111-5 are exempt as an asset the month of receipt and nine months thereafter.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

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Section 120.382 Resource~~Asset~~ Disregard

In addition to the exempt resources~~assets~~ listed in Section 120.381, the cash value of resources~~assets~~ shall be disregarded for AABD MANG as follows:

- a) \$2,000 for a person~~client~~ and \$3,000 for a person~~client~~ and one dependent residing together. A dependent means a "qualifying" person as that term is described in 26 USC 152.
- b) \$50 for each additional dependent residing in the same household.
- c) Resources equal in amount to the benefits paid on behalf of a person under a qualified long term care insurance policy as provided under 42 USC 1396p(b)(1)(C) and (b)(5). Policies written in Illinois are approved by the Director of the Illinois Department of Insurance under the Qualified Long Term Care Insurance Partnership (QLTCIP) program (50 Ill. Adm. Code 2012). The dollar value of the amount paid for QLTCIP benefits is disregarded; the extent to which the disregard is applied to a resource will depend and may vary with the underlying equity value (see Section 120.381(a)(6)) the person holds in the resource. The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
- d) All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
- d)e) Eligibility for medical assistance or the benefits described in Sections 120.72 and 120.73~~AABD MANG~~ does not exist when nonexempt resources~~assets~~ exceed allowable disregards~~the above disregard~~.
- ef) For Qualified Medicare Beneficiaries~~Beneficiary~~ (QMB)
 - 1) \$4,000 for a single person and \$6,000 for a person with one or more dependents.

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- 2) Eligibility for QMB status does not exist when resources exceed the disregard amounts described in this subsection (e)~~countable assets exceed the above disregard.~~

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.384 Spenddown of Resources~~Assets (AABD-MANG)~~

In determining a person's resource spenddown obligation, the Department compares nonexempt resources available to the person to the appropriate resource disregard. The amount of resources in excess of the disregard determines the amount of the spenddown.

- a) If a person presents verification that excess resources are no longer available, the Department will make the appropriate changes the month following the month the person disposed of the resources.~~Determination of Assets~~
 - b) Persons enrolled in spenddown are not eligible for payment of covered medical services until spenddown is met. A resource spenddown is met by presenting allowable medical bills or receipts to the Department that equal the amount of the person's nonexempt excess resources. See Sections 120.60(c) and 120.61(c) for specific requirements related to spenddown, including the option to pay in spenddown to the Department by enrolling in the Pay-in Spenddown Program.
 - c) Once an excess resource has been used to meet spenddown, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess nonexempt resources remaining as currently available.
- 1) ~~For individuals residing in the community, the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a month is not considered as an asset for that same month. If income for a month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following months is considered as an asset.~~
 - 2) ~~The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes backdated~~

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~~months, for the backdated months the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for backdated months of eligibility. However, the amount of the excess assets verified during the application process is used to determine spenddown status in each backdated month of eligibility.~~

- ~~3) Once the excess asset has been used to meet spenddown, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.~~

b) ~~Community Cases (AABD-MANG)~~

~~For AABD MANG, to determine the spenddown obligation for clients in the community, the Department will compare monthly countable income to the appropriate MANG standard and add any non-exempt assets in excess of the appropriate asset disregard to non-exempt monthly income in excess of the appropriate MANG Standard.~~

~~1) Regular AABD MANG—Community Residents~~

~~When an individual residing in the community, has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.~~

~~2) Spenddown AABD MANG~~

~~A) When an individual resides in the community and has countable monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spenddown case. The spenddown amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.~~

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- ~~B) If the individual presents verification that the excess amount is no longer available, the Department will make the appropriate changes the month following the month the assets were transferred.~~
 - ~~C) Individuals enrolled in spenddown are not eligible for payment of covered medical services until spenddown is met. Spenddown is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Individuals may also pay in the amount of the income or asset spenddown to the Department by enrolling in the Pay-in Spenddown Program (see Section 120.60). Excess assets do not have to be reduced prior to the authorization of medical assistance.~~
- e) ~~Group Care Cases~~
- ~~To determine the spenddown obligation for AABD-MANG clients in group care, the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate or the Department rate, whichever is greater. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.~~
- ~~1) Regular Group Care~~
- ~~When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate or the Department rate, whichever is greater, the case is referred to as a Regular Group Care case. If monthly countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.~~
- ~~2) Group Care Spenddown~~
- ~~A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at the private pay rate or the Department rate, whichever is greater, the case is referred to as a Group Care Spenddown case. The spenddown amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.~~

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- B) ~~The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spenddown because of excess non-exempt assets, the spenddown cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.~~
- C) ~~If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spenddown has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spenddown.~~
- D) ~~Individuals enrolled in spenddown are not eligible for payment of covered medical services until spenddown is met. Spenddown is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the authorization of medical assistance.~~

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.385 Factors Affecting Eligibility for Long Term Care Services ~~Property Transfer for Applications Filed Prior to October 1, 1989 (Repealed)~~

- a) For purposes of this Section, the terms "institutionalized persons" and "long term care services" shall have the meanings described in Section 120.388 of this Part. The terms "institutionalized spouse" and "community spouse" shall have the meanings described in Section 120.379(a) of this Part.
- b) Disclosure of Annuity and Naming the State as Remainder Beneficiary.
- 1) Effective January 1, 2012, an application (or redetermination related to an application) for long term care services shall include a disclosure by an institutionalized person or his or her community spouse of any interest either or both may have in any annuity or similar financial instrument purchased, regardless of whether the annuity is irrevocable or is treated as

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an asset. The application or recertification form shall also include a statement that the State of Illinois becomes a remainder beneficiary under such an annuity or similar financial instrument to the extent that the State has provided medical assistance to the institutionalized person.

- 2) Failure of an institutionalized person, his or her community spouse, or his or her representative to disclose information or to name the State as a remainder beneficiary as provided for in subsection (b)(1) of this Section, or to disclose sufficient information regarding an annuity in order to establish eligibility for long term care services, shall result in denial or termination of the eligibility. Failure of an institutionalized person, his or her community spouse or his or her representative to disclose the information provided for in subsection (b)(1) of this Section, or to disclose sufficient information regarding an annuity in order to establish eligibility for medical assistance, may also result in denial or termination of eligibility for failure to cooperate under Section 120.308.

c) Home Equity Interest.

- 1) Effective January 1, 2012, a person shall not be eligible for long term care services if the person's equity interest in his or her homestead exceeds \$750,000. This amount shall be increased, beginning with 2013, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items: United States city average), rounded to the nearest \$1000. A person's equity interest in his or her homestead shall be determined as follows:

A) The current market value (CMV) of the property is the going price for which it can reasonably be expected to sell on the open market in the particular geographic area involved. The CMV of the property may be established by:

- i) an appraisal report, no more than six months old at the time of the application for long term care services, completed by an appraiser who is licensed or otherwise meets the requirements under the Real Estate Appraiser Licensing Act [225 ILCS 458]; or

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for requesting such a waiver shall be the same as described in Section 120.388(r) of this Part. In determining whether a waiver should be granted, the Department shall also take into account:

- A) the amount of time the person has resided in and owned the home;
 - B) whether a substantial increase in property values in the home's geographic area occurred after the person purchased the home;
 - C) whether the home comprises a substantial portion of the person's assets (as defined in Section 120.388(d)); and
 - D) whether the person intends to return to the home after a period of institutionalization or, if the person does not intend to return, whether the home can be sold after being listed for sale or, if it cannot be sold, can produce income commensurate with similar income producing properties in the geographic area.
- 4) For purposes of this Section the words, "homestead" and "home" have the same meaning as the term "homestead" in Section 120.381(a)(1)(A) of this Part.
- d) Disclosure of Purchase of Promissory Notes, Loans and Mortgages and Assigning Interest to the State.
- 1) Effective January 1, 2012, an application (or redetermination related to an application) for long term care services shall include a disclosure by an institutionalized person or his or her community spouse of any purchase of a promissory note, loan or mortgage either or both may have made. The application or recertification form shall also include a statement that the instrument shall provide for the assignment to the State of Illinois, as of the date of death, of up to the total amount of medical assistance paid on behalf of the institutionalized person.
 - 2) Failure of an institutionalized person, his or her community spouse, or his or her representative to disclose information or to assign interest to the State as provided for in subsection (d)(1) of this Section, or to disclose sufficient information regarding a promissory note, loan or mortgage in order to establish eligibility for long term care services, shall result in denial or termination of the eligibility. Failure of an institutionalized

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person, his or her community spouse, or his or her representative to disclose the information provided for in subsection (d)(1) of this Section, or to disclose sufficient information regarding a promissory note, loan or mortgage in order to establish eligibility for medical assistance, may also result in denial or termination of eligibility for failure to cooperate under Section 120.308.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007

- a) The provisions for the transfer of property (for example, assets) listed in subsection (e) below only apply to institutionalized persons when the transfer occurs on or after August 11, 1993 and before January 1, 2007 or to persons who applied for or whose application for long term care assistance was filed or approved prior to January 1, 2012. An institutionalized person is defined as a resident of a long term care facility, including a resident who was living in the community at the time of the transfer, and to individuals who but for the provision provisions of home and community-based services under Section 4.02 of the Illinois Act on the Aging would require the level of care in a long term care facility. An institutionalized person also includes an individual receiving home and community-based services under Section 4.02 of the Illinois Act on the Aging who was not receiving these services at the time of the transfer.
- b) The provisions for the transfer of property (e.g. for example, assets) listed in subsection (e) below apply to the transfer of property by the institutionalized person's spouse in the same manner as if the institutionalized person transferred the property.
- c) Transfers of property disregarded as a result of payments made by a Long Term Care Partnership Insurance Policy (as described in 50 Ill. Adm. Code 2018) are not subject to the provisions of this Section.
- d) A transfer of assets occurs when an institutionalized person or an institutionalized person's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described at Section 120.380 and 89 Ill. Adm. Code 113.140). For assets held in joint

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tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the person's ownership or control of the asset. A transfer occurs when an action or actions are taken ~~that~~^{which} would cause an asset or assets not to be received (~~e.g. for example~~, waiving the right to receive an inheritance).

- e) A transfer is allowable if:
- 1) depending on the property transferred, the transfer occurred more than either 60 or 36 months before the date of application, or more than either 60 or 36 months before entry into a long term care facility or more than either 60 or 36 months before receipt of services provided by the Illinois Department on Aging under the In-Home Care Program (as described in [89 Ill. Adm. Code Section 140.643](#));
 - A) the 60 month period applies to payments from a revocable trust that are not treated as income (as described in Section 120.347) and to portions of an irrevocable trust from which no payments could be made (as described in Section 120.347);
 - B) the 36 month period applies to payments from an irrevocable trust that are not treated as income (as described in Section 120.347) and to any other property transfers not identified in this subsection;
 - 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (~~e.g. for example~~, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
 - 3) homestead property was transferred to:
 - A) a spouse;
 - B) the person's child who is under age 21;
 - C) the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314);

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- D) the person's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one year immediately prior to the date the person became institutionalized; or
- E) the person's child who provided care for the person and who was residing in the homestead property for two years immediately prior to the date the person became institutionalized;
- 4) the transfer by the institutionalized person was to the community spouse or to another person for the sole benefit of the community spouse ~~and the amount transferred does not exceed the Community Spouse Asset Allowance (as described in Section 120.379)~~;
- 5) the transfer from the community spouse was to another person for the sole benefit of the community spouse;
- 6) the transfer was to the person's child or to a trust established solely for the benefit of the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314) or to another person for the sole benefit of the person's child;
- 7) the transfer was to a trust established solely for the benefit of a person under age 65 who is disabled (as described in Section 120.314);
- 8) the person intended to transfer the assets for fair market value;
- 9) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
- A) the individual is mentally unable to explain how the assets were transferred;
- B) the denial of assistance would force the resident to move from the long term care facility; or
- C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his or her family;

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- 10) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
 - 11) the transfer by the client was to the community spouse and was the result of a court order;
 - 12) the assets transferred for less than fair market value have been returned to the person; or
 - 13) the transfer was to an annuity, the expected return on the annuity is commensurate with the estimated life expectancy of the person, and the annuity pays benefits in approximately equal periodic payments. In determining the estimated life expectancy of the person, the Department shall use the [current actuarial tables published by the Office of the Chief Actuary of the Social Security Administration](http://www.ssa.gov/OACT/STATS/table4c6.html) ~~described in Section 120. Table B.~~
<http://www.ssa.gov/OACT/STATS/table4c6.html>. ~~life expectancy table described in Section 120. Table B.~~
- f) If a transfer or transfers do not meet the provisions of subsection (e), the client is subject to a period of ineligibility for long term care services and for services provided by the Illinois Department on Aging under the In-Home Care Program (as described in Section 140.643). The penalty period is determined in accordance with subsection (g) of this Section. If otherwise eligible, clients remain entitled to other covered medical services.
 - g) A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (e) of this Section. Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care at the private rate.
 - h) The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.

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- i) For transfers by the community spouse that result in a penalty period as described in subsection (g) of this Section and the community spouse becomes an institutionalized person and is otherwise eligible for assistance, the Department shall divide any remaining penalty period equally between the spouses.

(Source: Amended at 35 Ill. Reg. 18645, effective January 1, 2012)

Section 120.388 Property Transfers Occurring On or After January 1, 2007

The provisions in this Section are intended to comport with federal requirements related to transfers of assets, in particular, requirements under 42 USC 1396p and guidance from the US Department of Health and Human Services related to those statutory requirements. Interpretation and application of this Section shall be made in light of those requirements.

- a) General. A transfer of assets for less than fair market value made on or after January 1, 2007 by an institutionalized person or the spouse of that person within 60 months before the later of applying for medical assistance or transferring an asset shall result in a period of ineligibility for long term care services for that person.
- b) Long term care services are defined as:
- 1) services provided in a long term care facility as that institution is defined in Section 120.61(a); and
 - 2) services provided under a home and community based waiver authorized under 42 USC 1396n(c) or (d) and specified in 42 CFR 441 Subpart G or H.
- c) Institutionalized individuals or persons are defined as:
- 1) persons residing in long term care facilities, including those who were residing in the community at the time a transfer of assets was made; or
 - 2) persons who, but for the provision of home and community based waiver services (42 USC 1396a(a)(10)(A)(ii)(VI)), would require the level of care in a long term care facility, including those persons receiving home and community based waiver services who were not receiving the services at the time a transfer of assets was made.

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d) Assets.

- 1) For purposes of this Section, the term "assets" or "property" includes all income (as defined in 42 USC 1382a) and resources (as defined in 42 USC 1382b, except subsection (a)(1) of that section, which excludes the home as a resource) of an institutionalized person and that person's spouse, including, but not limited to: cash; savings certificates; stocks; bonds; interests in real property, including mineral rights; rights to inherited real or personal property or income; and accounts and debts receivable.
- 2) Assets also include any income or resources that the person or the person's spouse is entitled to but does not receive because of action or inaction by:
 - A) the person or the person's spouse;
 - B) a person, including a court or administrative body, with legal authority to act in place of or on behalf of the person or the person's spouse;
 - C) any person, including any court or administrative body, acting at the direction or upon the request of the person or the person's spouse; or
 - D) any person who acted (or failed to act) to avoid receiving assets to which the person was entitled.
- 3) Examples of actions that would cause assets not to be received include:
 - A) Irrevocably waiving pension income;
 - B) Waiving the right to receive an inheritance;
 - C) Not accepting or accessing injury settlements;
 - D) Arranging for a defendant in a civil action to divert a settlement amount into a trust or similar device for the benefit of the person, who is a plaintiff in the case;
 - E) Refusing to take legal action to obtain a court-ordered payment that is partially or wholly unpaid, such as alimony; or

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- F) Receiving an inheritance under a will when renouncing the will and taking a statutory share (see 755 ILCS 5/2-8) is more advantageous. Alternately, renouncing a will and taking a statutory share when taking the inheritance is more advantageous.
- 4) Failure to take action to receive an asset is not considered a transfer for less than fair market value when evidence is submitted showing the cost of obtaining an asset exceeds the value of the asset.
- e) Transfer. A transfer of assets occurs when an institutionalized person or an institutionalized person's spouse buys, sells or gives away real or personal property or changes (e.g., a change from joint tenancy to tenancy in common) the way property is held.
- 1) Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described in Section 120.380(i) and 89 Ill. Adm. Code 113.140(e)).
- 2) Transactions involving annuities, including the purchase of an annuity or any action by a person that changes the course of payments to be made by the annuity or the treatment of income or principal of the annuity, are considered transfers under this Section. Such actions include, but are not limited to, additions of principal, elective withdrawals, requests to change the distribution of the annuity, elections to annuitize the contract and any action intended to make an annuity irrevocable or nonassignable.
- 3) For property held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the person's ownership or control of the property.
- 4) A transfer of income in the month it is received is considered a transfer of assets if the income would have been considered an asset in the following month as provided under Section 120.380(d)(1). A transfer of the proceeds of a loan in the month received is considered a transfer of assets.
- f) Fair market value (FMV) is an estimate of the value of an asset if sold at the prevailing price at the time it was actually transferred. Prevailing price is what property would sell for on the open market between a willing buyer and a willing

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seller, with neither being required to act and both having reasonable knowledge of the relevant facts.

- 1) In determining if FMV has been received for an asset, the Department shall use all reasonable means available and consider all relevant facts and circumstances relating to the asset and the transaction, including, but not limited to: the cost or price paid for the asset, whether the transaction was at arm's length, comparable sales, replacement cost, and expert opinion. In determining the FMV of farmland in Illinois, the Department may take into account market values determined under methodologies developed by the University of Illinois College of Agricultural, Consumer and Environmental Sciences.
- 2) For an asset to be considered transferred for FMV, the compensation received for the asset must be in a tangible form with intrinsic value that is roughly equivalent to or greater than the value of the transferred asset.
- 3) Transfers of assets for "love and affection" are not considered transfers for FMV. A transfer to a friend, family member or relative for care provided for free in the past is a transfer of assets for less than FMV. The Department presumes that services, care or accommodations rendered to a person by a friend or family member are gratuitous and without expectation of compensation. This presumption may be rebutted by credible documentary evidence that preexists the delivery of the care, services or accommodations showing the type and terms of compensation and contemporaneous receipts, logs or other credible documentation showing actual delivery of the care or services claimed. Compensation paid in excess of prevailing rates for similar care, services or accommodations in the community shall be treated as a transfer for less than FMV.
- 4) "Compensation received" is the amount of money or value of any property or services received in return for the institutionalized person's assets. The compensation received may be in the form of:
 - A) Cash;
 - B) Other assets such as promissory notes, stocks, bonds, and both real estate contracts and life estates that are evaluated over an extended time period;

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- C) Discharge of a debt;
 - D) Prepayment of a bona fide and irrevocable contract, such as a mortgage, shelter lease, loan or prepayment of taxes;
 - E) Services; and
 - F) Any other act, object, service or other benefit that has tangible or intrinsic economic value to the person.
- 5) The term "uncompensated value" means the difference between the FMV of a transferred asset (less any outstanding loans, mortgages, or other encumbrances on the asset) and the actual compensation received. Only the uncompensated value of a transferred asset is subject to the penalty provisions described in this Section.
- g) Look Back Period. The provisions of this Section apply to any asset transfers occurring on or after January 1, 2007, and before the date on which the person is an institutionalized person (as defined in subsection (c) of this Section) and has applied for medical assistance.
- h) Penalty. If a person transfers assets for less than fair market value, the person is subject to a period of ineligibility for long term care services. The penalty period is determined in accordance with subsection (j) of this Section. If otherwise eligible, persons subject to a penalty remain eligible for all covered medical services except long term care services.
- i) Penalty Period.
- 1) A penalty period under this Section:
 - A) begins with the later of:
 - i) the first day of a month during which a transfer for less than FMV is made; or
 - ii) the date on which the person is eligible for medical assistance and would otherwise be receiving long term care services (based on an approved application for those

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services) were it not for the imposition of the penalty period. A person is not considered eligible and services are not considered capable of being received under this subsection (i) until any spenddown is met; and

- B) does not occur during any other period of ineligibility under this Section.
- 2) A notice of penalty period shall include a statement that the person may appeal the penalty period pursuant to 89 Ill. Adm. Code 102.80.
- j) **Penalty Calculation.** A penalty period is determined based on the uncompensated value of transfers. The penalty period is calculated by dividing the total uncompensated value of assets transferred by the average monthly cost of long-term care services at the private rate in the community in which the person is institutionalized at the time of application. The result is the penalty period in number of months, days and portion of a day (e.g., $\$65,000/\$4000 = 16.25 = 16$ months and 7.5 days). The Department will not round down or otherwise disregard any period of ineligibility calculated under this subsection.
- k) **Multiple Transfers.** Multiple, non-allowable transfers made during the look-back period shall be cumulated and treated as a single transfer. A single period of ineligibility shall be calculated based on the total uncompensated value of the transfers. Once a penalty period is imposed, it continues to run without regard to whether the person continues receiving long term care services.
- l) **When transfers by a community spouse result in a penalty period for the institutionalized spouse and the community spouse subsequently becomes institutionalized and is otherwise eligible for medical assistance, the Department shall divide any remaining penalty period equally between the spouses. If one spouse predeceases the other before the penalty period has ended, the remaining penalty period will be added to the surviving spouse's penalty.**
- m) **A person shall not be subject to a penalty period under this Section to the extent that:**
- 1) **homestead property was transferred to:**
- A) **the person's spouse;**

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- B) the person's child who is under age 21;
 - C) the person's child who is determined blind (as described in Section 120.313) or determined disabled (as described in Section 120.314);
 - D) the person's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one year immediately prior to the date the person became institutionalized; or
 - E) the person's son or daughter who provided care for the person and who resided in the homestead property for the two years immediately prior to the date the person became institutionalized provided credible tangible evidence is presented that:
 - i) shows the person was in need of care that would have otherwise required an institutional level of care. The evidence may consist of a physician's statement or an evaluation conducted by a medical professional showing the need for an institutional level of care. A diagnosis of Alzheimer's or other dementia related illness shall be prima facie evidence of a need for an institutional level of care; and
 - ii) shows the son or daughter resided with the person for two years immediately prior to the person's institutionalization. The evidence may consist of tax returns, driver's license, cancelled checks or other documentation demonstrating residence in the home for at least two years prior to the parent's institutionalization; and
 - iii) shows the son or daughter provided care to the person that prevented institutionalization. The evidence may consist of sworn affidavit or statement signed by the son or daughter.
- 2) the transfer:
- A) by the institutionalized person was to:

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- i) the person's spouse or to another person for the sole benefit of the person's spouse;
- ii) the person's child or to a trust (including a trust described in Section 120.347(d)) established solely for the benefit of the person's child or to another person for the sole benefit of the institutionalized person's child. To qualify under this subsection (m)(2)(A)(ii), the child must be determined blind (as described in Section 120.313) or determined disabled (as described in Section 120.314);
- iii) a trust (including trusts described in Section 120.347(d)(1) and (2)) established solely for the benefit of a person who is determined disabled (as described in Section 120.314).

B) "sole benefit of" a person means:

- i) the transfer is arranged in such a way that no person or entity except the specified beneficiary can benefit from the property transferred;
- ii) the transfer instrument or document provides for the spending of the funds involved for the benefit of the person on a basis that is actuarially sound, based on the life expectancy of the person involved (as determined under current actuarial tables published by the Office of the Chief Actuary of the Social Security Administration <http://www.ssa.gov/OACT/STAT/table4c6.html>). Equal and periodic payments are not required. This subsection (m)(2)(B)(ii) does not apply to trusts described in Section 120.347(d) because those trusts provide for a "payback" to the State upon the death of the beneficiary;
- iii) the transfer was accomplished via a written instrument of transfer (e.g., a trust document) that legally binds the parties to a specified course of action and clearly sets out the conditions under which the transfer was made, as well as who can benefit from the transfer. A transfer without such a document may not be said to have been made for the sole benefit of the person since there is no way to establish,

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without the document, that only the specified person will benefit from the transfer.

- 3) the person intended to transfer the property for fair market value (FMV). When a transfer is made for less than FMV, a person is presumed to have done so intentionally. This presumption may be rebutted by objective tangible evidence of the following (a subjective statement of intent or claim of ignorance of the asset transfer provision is not sufficient):
- A) initial and continuing reasonable, good faith efforts to sell the property on the open market were made and that the compensation received was the best value offered;
 - B) a legally binding contract was executed that provided for adequate compensation in a specified form (e.g., goods, services, cash) in exchange for the transferred asset;
 - C) the person acted in good faith that he or she was receiving FMV or the best price for the item or property, and the item or property was transferred to a person other than a related party (e.g., a person related by blood, marriage or friendship);
 - D) the person had other adequate means or plans for support, including medical care, at the time of the transfer.
- 4) the transfer was made exclusively for a reason other than to qualify or remain eligible for medical assistance. A transfer for less than FMV is presumed to have been made to qualify for assistance. This presumption may be rebutted by credible tangible evidence that the person or spouse had no reason to believe that Medicaid payment of long term care services might be needed. The sudden loss of income or assets, the sudden onset of a disabling condition, such as a stroke or Alzheimer's disease, or a personal injury may provide convincing evidence that there was no reason to anticipate a need for long term care assistance. A subjective statement of intent or claim of ignorance of the asset transfer provision is not sufficient. Other examples of credible evidence showing a reason for transferring assets for reasons other than to qualify or remain eligible for medical assistance include, but are not limited to:

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- A) police reports, other related law or regulatory enforcement reports, documentation from the Department on Aging, or like credible evidence that assets were misappropriated as a result of elder or other abuse and cannot be recovered;
- B) evidence that the transfer was made by a person lacking the mental capacity to make the transfer and who was not represented by a guardian, family member or other legal representative at the time of the transfer.
- C) evidence that the transfers were for everyday living expenses, incidental gifts to family members, or contributions to charities or religious organizations made on a consistent basis over a period of time (not only in close proximity to applying for assistance). These expenses shall be reviewed taking into account the individual circumstances of a particular transfer and applying an objective standard based on whether a reasonable person would have made the transfer unmotivated by an intent to qualify for assistance; and
- D) other evidence pertinent to the person's circumstances at the time of the transfer relating to:
- i) the person's physical and mental condition;
 - ii) the person's financial situation;
 - iii) the need for medical assistance;
 - iv) any changes in living arrangements;
 - v) the length of time between the transfer and application for medical assistance; or
 - vi) whether unexpected events occurred between the transfer and application.
- 5) the person transfers property disregarded as a result of payments made by a qualified long term care insurance policy approved by the Director of the

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Illinois Department of Insurance under the Qualified Long Term Care Insurance Partnership (QLTCIP) program (50 Ill. Adm. Code 2012).

- 6) the assets transferred for less than FMV have been returned to the person.
- A) For transfers occurring prior to January 1, 2012, if only parts of transferred assets are returned, a penalty period shall be reduced but not eliminated. For example, if only half the value of the asset is returned, the penalty period shall be reduced by one half.
- B) For transfers occurring on or after January 1, 2012, all of the assets transferred for less than FMV must have been returned to the person. Full or partial returns occurring prior to imposition of a penalty reduce the uncompensated portion of the transfer by the amount returned. Once a penalty is imposed it may only be eliminated if all assets transferred for less than FMV are returned. When all transferred assets are returned, the assets are treated as returned on the date the penalty was imposed; the penalty is erased and the returned assets are treated as available as of the date the penalty was imposed. For the time period between imposition of the penalty and return of the assets, the Department will treat the assets as available to meet the spenddown obligation for that time period only (see Section 120.384). At the point in time that assets are in fact returned, they are treated as available assets that may be reduced by a spenddown obligation or otherwise. Returned assets that are transferred for less than FMV may be subject to penalty.
- 7) the Department determines that the denial of eligibility would cause an undue hardship as provided in subsection (r) of this Section.
- n) The purchase of an annuity by or on behalf of an institutionalized person or the spouse of that person shall be treated as a transfer of assets for less than FMV unless:
- 1) the annuity names the State of Illinois as the remainder beneficiary in the first position for up to the total amount of medical assistance paid on behalf of the institutionalized person; or
- 2) the annuity names the State of Illinois in the second position after the community spouse or minor child or child with a disability and is named

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in the first position if the spouse or a representative of the child disposes of any remainder for less than FMV.

- o) The purchase of an annuity by or on behalf of an institutionalized person shall be treated as a transfer of assets for less than FMV unless:
- 1) the annuity is considered either:
 - A) an individual retirement annuity described in section 408(b) of the Internal Revenue Code (26 USC 408(b)); or
 - B) a deemed individual retirement account (IRA) under a qualified employer plan described in section 408(q) of the Internal Revenue Code (26 USC 408(q)); or
 - 2) the annuity is directly purchased with proceeds from one of the following:
 - A) a traditional IRA described in section 408(a) of the Internal Revenue Code (26 USC 408(a));
 - B) certain accounts or trusts treated as traditional IRAs under section 408(p) of the Internal Revenue Code (26 USC 408(p));
 - C) a simplified employee pension described in section 408(k) of the Internal Revenue Code (26 USC 408(k)); or
 - D) a Roth IRA described in section 408A of the Internal Revenue Code (26 USC 408A); or
 - 3) the annuity meets all the following requirements:
 - A) was purchased from a commercial financial institution or insurance company authorized under federal or State law to issue annuities;
 - B) is actuarially sound and based on the estimated life expectancy of the person (as determined under current actuarial tables published by the Office of the Chief Actuary of the Social Security Administration at <http://www.ssa.gov/OACT/STATS/table4c6.html>). Period certain annuities that pay out over a term

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less than the person's expected life shall be treated as actuarially sound;

C) is irrevocable and nonassignable; and

D) pays benefits in approximately equal periodic payments no less than quarterly, with no deferred or balloon payments.

p) Life Estates. The purchase of a life estate interest in another person's home shall be treated as a transfer for less than FMV unless the purchaser resided in the home for at least 12 consecutive months after the date of the transfer. If the purchaser resided in the home for less than 12 consecutive months, the entire purchase amount will be considered a transfer for less than FMV.

q) Promissory Notes, Loans and Mortgages. The purchase of a promissory note, loan or mortgage by a person shall be treated as a transfer of assets for less than FMV unless the following conditions are met (a promissory note, loan, or mortgage that does not satisfy these conditions shall be valued based on the outstanding balance due the person under the instrument as of the later of the date of application for medical assistance or the date of the transfer):

1) a written instrument recording the transaction is executed, signed and dated on the effective date of the transaction;

2) the instrument provides for a repayment term that is actuarially sound (as determined under current actuarial tables published by the Office of the Chief Actuary of the Social Security Administration at <http://www.ssa.gov/OACT/STATS/table4c6.html>). Instruments that provide for a repayment term that is less than the person's life expectancy shall be treated as actuarially sound;

3) the instrument provides for payments to be made in equal installments (no less than monthly) during the term of the loan with no deferral and no balloon payments;

4) the instrument prohibits the cancellation of the balance upon the death of a lender;

5) a tangible, verifiable record of consistent, timely payments in the amounts provided under subsection (q)(3) demonstrates a good faith attempt to

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repay the instrument. Unpaid installments delinquent three months or more will result in the Department treating the amount remaining unpaid on the instrument as a non-allowable transfer; and

- 6) the instrument provides for the assignment to the State of Illinois, as of the date of death, of up to the total amount of medical assistance paid on behalf of the institutionalized person; the State shall be placed in the first position of assignment or in the second position after the community spouse or minor child or child with a disability, and is named in the first position if the spouse or a representative of the child disposes of any remainder for less than FMV.

r) Hardship Waiver.

- 1) The Department shall waive a penalty period or a portion of a penalty period if it determines that application of a penalty creates an undue hardship. An undue hardship exists when application of a penalty would deprive an institutionalized person:
- A) of medical care, endangering the person's health or life; or
 - B) of food, clothing, shelter, or other necessities of life.
- 2) The person requesting a hardship waiver shall have the burden of proof that actual, not just possible, hardship exists. The Department may require the person to provide written evidence to substantiate the circumstances of the transfer, attempts to recover the uncompensated value of the transfer, reasons for the transfer and the impact of a period of ineligibility for long term care services. The following criteria shall be considered in determining whether a hardship waiver may be granted:
- A) whether credible evidence is presented that the person, in good faith and to the best of his or her ability, has taken all equitable and legal means available to recover an asset or assets that have been transferred for less than fair market value. In cases involving alleged theft, fraud, elder abuse or other misappropriation of assets, evidence of referrals to the police or other law or regulatory enforcement agencies is required;

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- B) the medical condition, mental capacity, financial ability and other factors that may have affected the person at the time of the decision to transfer the assets for less than FMV;
 - C) the denial of assistance would force the person to move; and
 - D) subject to the availability of beds, the person would be prohibited from joining a spouse in a facility or from entering a facility that is in close proximity to his or her family.
- 3) Transfers Prior to November 1, 2011. Notwithstanding the provisions of subsection (r)(2), and notwithstanding the January 1, 2012 implementation date of the look back period, for transfers occurring prior to November 1, 2011, a hardship waiver shall be granted if the applicant signs an attestation form stating that the penalized transfer was made in reliance on the administrative rules in effect at the time of the transfer and that, without a waiver, the person faces deprivation of the elements described in subsections (r)(1)(A) and (B).
- 4) A facility in which an institutionalized person is residing may request a hardship waiver on behalf of that person under this subsection (r) provided written consent has been obtained from the person if the person is legally competent to give that consent or from the person's personal representative, who may include the person who signed the application for medical assistance on behalf of the resident (see 89 Ill. Adm. Code 110.10(c)).
- s) Records Production. The Department or its agent may request any and all records necessary to determine the existence and extent of any transfers of property under this Section. Persons are required to cooperate in providing requested information and verifications in accordance with Section 120.308. The Department will provide any needed assistance requested by a person and will use reasonable measures requesting records, taking into account the age, significance, relevancy and difficulty of obtaining the records, the medical condition and mental capacity of the person, and other factors that may affect the person's ability to retrieve records.
- t) Notice.

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- 1) The Department shall issue a notice to any person who is subject to a penalty period not less than 10 days prior to imposition of the penalty. The notice shall inform the person of the period of ineligibility for long term care services and include a statement that the person may appeal the decision to impose a penalty period pursuant to 89 Ill. Adm. Code 102.80.
- 2) A notice of imposition of a penalty period shall inform the person that a hardship waiver under subsection (r) may be requested and that the person or facility in which the person resides may submit in writing (pursuant to subsection (r)(2)) evidence that a hardship exists. The evidence may be submitted to the Department, which shall review the information and, based on the criteria under subsection (r), determine whether a hardship waiver should be granted. Upon completion of its review, the Department shall issue a notice of decision on a request for a hardship waiver that shall include a statement that the person may appeal the decision pursuant to 89 Ill. Adm. Code 102.80.

(Source: Added at 35 Ill. Reg. 18645, effective January 1, 2012)

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Section 120.TABLE B Life Expectancy (Repealed)

MALE		FEMALE	
Age	Life Expectancy	Age	Life Expectancy
0	71.80	0	78.79
1	71.53	1	78.42
2	70.58	2	77.48
3	69.62	3	76.51
4	68.65	4	75.54
5	67.67	5	74.56
6	66.69	6	73.57
7	65.71	7	72.59
8	64.73	8	71.60
9	63.74	9	70.61
10	62.75	10	69.62
11	61.76	11	68.63
12	60.78	12	67.64
13	59.79	13	66.65
14	58.82	14	65.67
15	57.85	15	64.68
16	56.91	16	63.71
17	55.97	17	62.74
18	55.05	18	61.77
19	54.13	18	60.80
20	53.21	20	59.83
21	52.29	21	58.86
22	51.38	22	57.89
23	50.46	23	56.92
24	49.55	24	55.95
25	48.63	25	54.98
26	47.72	26	54.02
27	46.80	27	53.05
28	45.88	28	52.08
29	44.97	29	51.12
30	44.06	30	50.15
31	43.15	31	49.19
32	42.24	32	48.23
33	41.33	33	47.27

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34	40.23	34	46.31
35	39.52	35	45.35
36	38.62	36	44.40
37	37.73	37	43.45
38	36.83	38	42.50
39	35.94	39	41.55
40	35.05	40	40.60
41	34.15	41	39.66
42	33.26	42	38.72
43	32.37	43	37.78
44	31.49	44	36.85
45	30.61	45	35.92
46	29.74	46	35.00
47	28.88	47	34.08
48	28.02	48	33.17
49	27.17	49	32.27
50	26.32	50	31.37
51	25.48	51	30.48
52	24.65	52	29.60
53	23.82	53	28.72
54	23.01	54	27.85
55	22.21	55	27.00
56	21.43	56	26.15
57	20.66	57	25.31
58	19.90	58	24.48
59	19.15	59	23.67
60	18.42	60	22.86
61	17.70	61	22.06
62	16.99	62	21.27
63	16.30	63	20.49
64	15.62	64	19.72
65	14.96	65	18.96
66	14.32	66	18.21
67	13.70	67	17.48
68	13.09	68	16.76
69	12.50	69	16.04
70	11.92	70	15.35
71	11.35	71	14.65
72	10.80	72	13.99
73	10.27	73	13.33

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74	9.27	74	12.68
75	9.24	75	12.05
76	8.76	76	11.43
77	8.29	77	10.43
78	7.83	78	10.24
79	7.40	79	9.67
80	6.98	80	9.11
81	6.59	81	8.58
82	6.21	82	8.06
83	5.85	83	7.56
84	5.51	84	7.08
85	5.19	85	6.63
86	4.89	86	6.20
87	4.61	87	5.79
88	4.34	88	5.41
89	4.09	89	5.05
90	3.86	90	4.71
91	3.64	91	4.40
92	3.43	92	4.11
93	3.24	93	3.84
94	3.06	94	3.59
95	2.90	95	3.36
96	2.74	96	3.16
97	2.60	97	2.97
98	2.47	98	2.80
99	2.34	99	2.64
100	2.22	100	2.48
101	2.11	101	2.34
102	1.99	102	2.20
103	1.89	103	2.06
104	1.78	104	1.93
105	1.68	105	1.81
106	1.59	106	1.69
107	1.50	107	1.58
108	1.41	108	1.48
109	1.33	109	1.38
110	1.25	110	1.28
111	1.17	111	1.19
112	1.10	112	1.10
113	1.02	113	1.02

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114	0.96	114	0.96
115	0.89	115	0.89
116	0.83	116	0.83
117	0.77	117	0.77
118	0.71	118	0.71
119	0.66	119	0.66

(Source: Repealed at 35 Ill. Reg. 18645, effective January 1, 2012)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
112.150	Amendment
112.151	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. L. 111-312
- 5) Effective Date of Amendments: October 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: April 22, 2011; 35 Ill. Reg. 6736
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for TANF. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for

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TANF. Companion amendments are also being adopted in 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.

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

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

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.150 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of a jointly-held liquid asset or the client's proportional share of a jointly-held non-liquid asset shall be considered in determining eligibility for an assistance payment, unless:

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- 1) the asset is a joint income tax refund;
 - 2) the client can document the amount of his or her legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;
 - 3) the asset is held jointly with a client or clients of any Department assistance program other than food stamps;
 - 4) the client documents that he or she does not have access to the asset. Appropriate documentation may include but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;
 - 5) the client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (4) of this Section for examples of documentation);
 - 6) the co-owner refuses to make the asset available; or
 - 7) the co-owner has engaged in violent activity against a family member in the past.
- c) [A federal income tax refund received after December 31, 2009 and before January 1, 2013 is considered an exempt asset. All income~~tax~~ tax refunds received on or after January 1, 2013](#) shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) An applicant or recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 14.
- e) Pension plans are exempt from consideration as an asset, including accounts

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owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan.

(Source: Amended at 35 Ill. Reg. 18739, effective October 28, 2011)

Section 112.151 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
- 1) A home that is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile per assistance unit.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2011 et seq.).
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
 - 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) and the special food service program for children under the National School Lunch Act (42 USC 1751 et seq.).
 - 7) The principal and interest of a trust fund which the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
 - 8) Burial spaces and additions or improvements to a burial space.
 - 9) Prepaid Funeral Agreements worth \$1500 or less per person.
 - 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

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- 11) A nonrecurring lump-sum SSI payment and a nonrecurring lump-sum SSA payment based on the individual's disability and made to that individual in a TANF assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.
 - 12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.
 - 13) The value of micro-equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.
 - 14) Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act or in a program approved by the Department.
 - 15) [A federal income tax refund received after December 31, 2009 and before January 1, 2013.](#)
- b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.
- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
 - 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USC 3045 et seq.), as amended.
 - 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq.).

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- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USC 1437f) of the U.S. Housing Act of 1937.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case will be reviewed in the DHS central office to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.
- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 1989b through 1989b-8).

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- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.
- 17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.
- 18) Payments received under the federal Radiation Exposure Compensation Act (42 USC 2210 nt).
- 19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.

(Source: Amended at 35 Ill. Reg. 18739, effective October 28, 2011)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.107 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. L. 111-312
- 5) Effective Date of Amendment: October 28, 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) Notice of Proposal Published in the Illinois Register: April 22, 2011; 35 Ill. Reg. 6738
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for AABD. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for AABD.

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Companion amendments are also being adopted in 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011.

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.107 Lump-Sum Payments and Income Tax Refunds

- a) A lump-sum payment is a one time payment such as retroactive VA, SSA or UI benefits, lottery winnings, insurance settlements, etc. If the amount of the lump-sum payment and other countable monthly income is sufficient to meet the client's needs prospectively for a period of at least one month, eligibility for assistance does not exist. However, if continued eligibility exists, the lump-sum payment is budgeted against the payment month following the month in which the lump-sum payment was received. Any amount remaining in the client's possession after the month of receipt is considered an asset subject to the appropriate asset disregard. AGENCY NOTE: A child's SSI lump-sum payment that is paid directly, on behalf of a child, into a dedicated account is not countable as income when received or as an asset in the month(s) following the month of receipt.
- b) When a lump-sum payment is from SSI, and is not paid into a dedicated account, if continued eligibility for financial assistance does not exist, continue to provide medical assistance only. An SSI lump-sum payment paid into a dedicated account does not affect financial assistance eligibility.
- c) [A federal income tax refund received after December 31, 2009 and before January 1, 2013 is considered an exempt asset. All income~~neome~~ tax refunds received on or after January 1, 2013 shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.](#)
- d) If a client is the beneficiary of a life insurance policy any portion of those proceeds not in excess of \$1500 used to pay for the funeral/burial expenses of the insured shall be exempt as income.

(Source: Amended at 35 Ill. Reg. 18756, effective October 28, 2011)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
114.250	Amendment
114.251	Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and P. L. 111-312
- 5) Effective Date of Amendments: October 28, 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: April 22, 2011; 35 Ill. Reg. 6740
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all 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 rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for GA. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for GA.

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Companion amendments are also being adopted in 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 113.

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

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

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants

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NOTICE OF ADOPTED AMENDMENTS

114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits (Repealed)
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

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Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)

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- 114.516 Fees for Service for Transitional Child Care (Repealed)
114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days;

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peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill.

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Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a

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maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; peremptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5004, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12785, effective September 8, 2009; amended at 33 Ill. Reg. 13857, effective September 17, 2009; amended at 33 Ill. Reg. 16863, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6955, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 35 Ill. Reg. 1023, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6962, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17108, effective October 5, 2011; amended at 35 Ill. Reg. 18766, effective October 28, 2011.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.250 Assets

- a) The value of non-exempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of jointly held assets shall be considered in determining eligibility for an assistance payment, unless:

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- 1) The asset is a joint income tax refund; or
 - 2) The client documents that he/she does not have access to the asset. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings; or
 - 3) The client can document the amount of his legal interest in the asset, and that such amount is less than the entire value of the asset, then the documented amount shall be considered. Appropriate documentation may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
 - 4) The asset is held jointly with a client of any Illinois Department of Human Services assistance program, other than Food Stamps; or
 - 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (b)(3) for documentation examples).
- c) Income tax refunds
- 1) [A federal income tax refund received after December 31, 2009 and before January 1, 2013 is considered an exempt asset. All income tax refunds received on or after January 1, 2013 shall be considered available assets and are to be considered against the appropriate nonexempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee.](#)
 - 2) A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) Trust Fund for the Benefit of a Dependent Child
- 1) When trust fund exists in the name of a child or for the benefit of a child included in the assistance unit and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard, the caretaker shall be allowed 45 days to petition the court

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for release of the funds. When someone other than the caretaker is the trustee of the trust fund, the caretaker is responsible for taking action within 45 days of the Department's becoming aware of the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the 45 days.

- 2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard, petitioning the court for release of the funds is not required.
- 3) At the end of 45 days, if the caretaker:
 - A) does not provide verification that the court has been petitioned, the amount of the trust fund shall be considered a nonexempt asset and shall be applied to the asset disregard of the assistance unit. When the trust fund and other nonexempt assets exceed the asset disregard, the child may be deleted or if the child is the only child in the assistance unit, the case may be changed to an adult only case. The eligibility of all other members of the assistance unit shall not be affected unless the child with the trust fund is the only child in the assistance unit, or
 - B) provides verification that the court has been petitioned and the court denied the request for release of the funds, the amount of the trust fund shall be considered an exempt asset, or
 - C) provides verification the court will release the funds for the child, the released amounts shall be considered as follows:
 - i) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, payments shall be budgeted as nonexempt unearned income. The caretaker may request the child be removed from the assistance unit if the earmarked income meets the child's needs. The earmarked income shall be considered available to meet the needs of the child only and the other assistance unit members remain eligible.

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- ii) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, a one-time only release of the money shall be considered an asset subject to the asset disregard. If the payment plus other nonexempt assets exceed the asset disregard, the caretaker may choose to delete the child from the assistance unit. The other assistance unit members shall remain eligible.
- iii) When the petition and court-order direct the money be used for a specific purpose other than the income maintenance needs of the child, the money shall be considered exempt and does not affect eligibility, or
- D) provides verification the court was petitioned but a decision was not made, assistance shall be continued for the child and a control established for 30 days.
- e) Pension plans are exempt from consideration as an asset, including accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan.

(Source: Amended at 35 Ill. Reg. 18766, effective October 28, 2011)

Section 114.251 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance:
 - 1) Homestead property.
 - 2) Household furnishings.
 - 3) Clothing and personal effects.
 - 4) One motor vehicle.
 - 5) The principal and interest of a court-ordered trust fund established for a child which, upon petition, the court refuses to release and one-time only

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payments released for a specific purpose other than the income maintenance needs of the child.

- 6) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control over the donations or benefits or the disbursement of the donations or benefits and the donations or benefits are not available to the client or the responsible relative.
- 7) [A federal income tax refund received after December 31, 2009 and before January 1, 2013.](#)

b) The following payments are also exempt:

- 1) The value of any savings in which the money is accumulated from the earnings of a child.
- 2) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 [USCU.S.C.](#) 1989b through 1989b-8).
- 3) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 [USCU.S.C.](#) 1989c through 1989c-8).
- 4) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under [PAP.A.](#) 86-921.
- 5) Disaster relief payments provided by federal, State or local governments or a disaster assistance organization.

(Source: Amended at 35 Ill. Reg. 18766, effective October 28, 2011)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.8	Repeal
121.125	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Amendments: October 28, 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: June 24, 2011; 35 Ill. Reg. 9228
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	35 Ill. Reg. 8273; June 3, 2011
121.117	Amendment	35 Ill. Reg. 8754; June 10, 2011

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- 15) Summary and Purpose of Rulemaking: The Department has decided to end the Express Stamps Application Project (Express Stamps). Express Stamps is a federal SNAP demonstration project initiated in designated food pantries in Will, Lake, DuPage, Kane and Cook Counties. This rulemaking repeals Section 121.8 and deletes references to Express Stamps in Section 121.125.
- 16) Information and questions regarding these adopted rulemaking shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project (Repealed)
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

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a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011.

SUBPART A: APPLICATION PROCEDURES

Section 121.8 Express Stamps Application Project (Repealed)

- a) ~~The Express Stamps Application Project is a USDA Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program (SNAP) approved demonstration project in designated food pantries in Will, Lake, DuPage and Kane Counties. Pantry volunteers shall encourage visitors who are not currently receiving SNAP benefits to apply for Express Stamps. If interested, the visitor shall be directed to a computer terminal where he or she can use the electronic application process. The program will display an introduction to the on-line application that explains who can apply to participate in the project. The applicant then provides information needed to determine eligibility for SNAP benefits, including name, address, household members, income, assets, and expenses. An abbreviated web-based SNAP application will be electronically transmitted to the Department if the person is eligible to apply pursuant to subsection (b).~~
- b) ~~A household may not participate in the Express Stamps Application Project if:~~
 - 1) ~~the household has received SNAP benefits or Express Stamp benefits in the past 12 months;~~

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- 2) ~~the applicant does not have verification of identity;~~
 - 3) ~~the household does not reside in one of the pilot site counties;~~
 - 4) ~~a household member's income is unknown;~~
 - 5) ~~an adult household member's Social Security Number is unknown;~~
 - 6) ~~a member is a non-citizen but not a legal immigrant;~~
 - 7) ~~a member of the household voluntarily quit work, reduced his or her hours of work, or is on strike;~~
 - 8) ~~an adult member of the household is a student of higher education;~~
 - 9) ~~a member of the household is a fleeing felon, resident of a drug or alcohol treatment center or disqualified for an Intentional Program Violation; or~~
 - 10) ~~a member has to meet the SNAP work requirement (see Section 121.18, Work Requirement).~~
- e) ~~If the household is not eligible to participate in the Express Stamps Application Project for one of the reasons listed in subsection (b), an application will not be accepted at the food pantry. The applicant will be told he or she is not eligible to participate in the project and he or she will be given a SNAP application and referred to his or her local DHS office to apply for the regular SNAP program.~~
 - d) ~~Separate household status will be granted to individuals 60 or older who live with others and who are unable to purchase and prepare meals because of a disability, without determining if the income of the other household members exceeds 65 percent of the poverty line.~~
 - e) ~~The citizenship requirements defined in Section 121.20 will be satisfied by the applicant's attestation that each household member is a citizen or legal immigrant.~~
 - f) ~~The household's gross monthly income as reported by the applicant will be used to determine eligibility for SNAP benefits.~~
 - g) ~~The applicant will sign the application utilizing an electronic signature method.~~

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- h) ~~No face-to-face interview with DHS will be required.~~
- i) ~~The date of application is the next business day if the application is received after 5:00 p.m. or on a holiday or weekend.~~
- j) ~~If eligible for SNAP benefits, one month of benefits will be issued if the application is filed on or before the 15th of the fiscal month and two months of benefits if the application is filed after the 15th of the fiscal month. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".) A successful applicant shall be issued an EBT card by pantry personnel. The DHS local office will mail a personal identification number (PIN) to the applicant so he or she can access benefits. The provisions of Sections 121.93, 121.94 and 121.98 apply. FNS audits EBT records on a regular basis.~~
- k) ~~A notice of disposition (see 89 Ill. Adm. Code 10.270, Notice to Client) of the application accepted for the Express Stamps Application Project will be sent to all applicants. If approved for Express Stamps, the notice will contain information that, to continue to receive SNAP benefits, an application must be filed at the local DHS office within 17 calendar days from the date of the notice (see Section 121.120).~~
- l) ~~Food pantry personnel involved in the EBT program shall be trained prior to participating in the demonstration. The training shall include, but not be limited to, an overview of the project and the electronic application form, computer security measures, the role of food pantry personnel in the process, the EBT card and how it works, civil rights, client responsibilities, confidentiality requirements and project evaluation requirements. Volunteers are required to complete a computer security form that allows the Department to monitor computer activities and prosecute if fraud is committed. The provisions in Sections 121.150 through 121.154 apply.~~
- m) ~~The Department will maintain close contact with participating food pantries for the duration of the project and will conduct an evaluation of the project as required by FNS.~~

(Source: Repealed at 35 Ill. Reg. 18780, effective October 28, 2011)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section 121.125 Simplified Reporting Redeterminations

- a) Non-assistance SNAP only households, SNAP households with a member who has earned income, and all FamilyCare SNAP households (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If a household chooses to complete its redetermination using the automated phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.
- b) The following households are not included:
- 1) households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income;
 - 2) households approved for one or two months due to a likelihood of frequent or major changes in unearned income or circumstances;
 - 3) households entitled to expedited service with postponed verifications (see Section 121.7); [and](#)
 - 4) ~~households receiving Express Stamps (see Section 121.8);~~
[and](#) households with a member subject to the SNAP work requirement (this only applies in areas where the person has to meet work requirement; see Section 121.18).
- c) Benefits are calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the information provided on the redetermination form.
- d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).

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- e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.
- f) For other redetermination rules, see Section 121.120.

(Source: Amended at 35 Ill. Reg. 18780, effective October 28, 2011)

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- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
562.30	Amendment
562.40	Amendment
562.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]
- 5) Effective Date of Amendments: October 27, 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 agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in the Illinois Register: 34 Ill. Reg. 19362; December 17, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will revise the Financial Analysis Section for figuring the Customer Financial Participation. Proof of income will need to be provided for each family member 19 years and older. In addition, language regarding information listed in the FAFSA has been added for customers receiving post

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secondary training services because Part 567 requires the completion of the FAFSA. Language regarding the hearing impaired pre-vocational program at Northern Illinois University is being removed because the program is no longer in existence. Language regarding the Graduate School training fee is being removed because it will be addressed in the upcoming revision of 89 Ill. Adm. Code 590. Language concerning the customer financial participation requirement is being added that states the customer's financial contribution must be paid prior to any financial contribution by DHS-DRS.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 562
CUSTOMER FINANCIAL PARTICIPATION

Section

562.10	General Applicability
562.20	Definitions (Repealed)
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
562.TABLE A	Determination Table for Client Participation (Repealed)
562.APPENDIX A	Standard Budget Allowances (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1999; amended at 23 Ill. Reg. 13082, effective October 6, 1999; amended at 27 Ill. Reg. 12588, effective July 21, 2003; amended at 31 Ill. Reg. 3178, effective February 9, 2007; amended at 32 Ill. Reg. 10075, effective June 26, 2008; amended at 35 Ill. Reg. 18795, effective October 27, 2011.

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Section 562.30 Financial Analysis Completion

- a) The following factors will be considered in completing the Financial Analysis:
- 1) No Financial Analysis shall be completed for a customer who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.
 - 2) Unless the services provided to the customer are exempt from financial participation as listed in subsection (b), all customers seeking services through DHS-DRS and, when appropriate, the customer's family must complete the Financial Analysis and participate in the cost of services as indicated by the Financial Analysis. The level of the customer's ~~or family's~~ participation in non-exempt services shall be determined by the Financial Analysis.
 - 3) In completing the customer's Financial Analysis, the customer's income shall be calculated based on proof of income provided and retained for each family member 19 years and older. For customers receiving post-secondary training services, the family income must include those individuals listed on the FAFSA application.~~The customer's family's income shall be used when the customer is married or the customer is a dependent. Proof of income must be provided and retained for each individual.~~
- b) Customer financial participation shall be required for all services except the following:
- 1) evaluation ~~services; of rehabilitation potential, including the evaluation component of the Helen Keller National Center, Sand Point NY. This includes room and board and transportation;~~
 - 2) services or instruction provided directly by DHS-DRS staff or in a DHS-DRS managed facility/~~institution;~~
 - 3) assessment, ~~and~~ placement and supported employment through any approved community rehabilitation program (see 89 Ill. Adm. Code 530);

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- 4) the evaluation component of Helen Keller National Center, including room, board and transportation; vocational, and academic fees related to participation in the hearing impaired pre-vocational program at Northern Illinois University. Rules pertaining to financial participation in the Increased Costs section shall apply to customers participating in this program (89 Ill. Adm. Code 590.660 and 590.670);
- 5) services provided through the Bureau of Blind Service's transition program (Transvision) or the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code 590: Subpart L);
- 6) on-the-job training (OJT);
- 7) job coaching services; and
- 8) Auxiliary services (defined in 89 Ill. Adm. Code 521) interpreter, reader, attendant, and note taker services.

(Source: Amended at 35 Ill. Reg. 18795, effective October 27, 2011)

Section 562.40 Financial Participation

- a) The Financial Analysis must be completed prior to the initiation of the IPE (89 Ill. Adm. Code 572) unless the IPE developed for the customer includes only those services exempt from financial participation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be ~~re-administered~~readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation that will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family income, subtracting the Standard Budget Allowance-SBA (89 Ill. Adm. Code 521) for a family the size of the customer's family, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be divided by two to determine the amount of required customer financial participation, if any. The customer's financial contribution must be paid prior to or simultaneously with any financial contribution by DHS-DRS unless exceptions are granted by the appropriate Bureau Chief.~~For customers participating in Graduate School~~

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~~Training, the customer's graduate training fee will be in addition to this amount (89 Ill. Adm. Code 590.240).~~

- d) The customer ~~and~~/or customer's family will also be asked, as part of the completion of the Financial Analysis, for voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer ~~and~~/or the customer's family to cooperate in the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DHS-DRS to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer ~~and~~/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DHS-DRS and may result in DHS-DRS taking legal action to recoup monies previously expended by DHS-DRS in providing services to the customer.

(Source: Amended at 35 Ill. Reg. 18795, effective October 27, 2011)

Section 562.60 Consideration of Settlements from Litigation or Other Sources

- a) DHS-DRS may, at its discretion, seek reimbursement for previously provided services from a customer when a judgement is issued or a settlement is agreed upon that is a direct result of the litigation or other action related to the customer's disability and for which the services provided by DHS-DRS were judged or agreed compensable.
- b) The rehabilitation counselor ~~or~~/ instructor must inform the DHS Office of the General Counsel of any known workers' compensation proceedings or other litigation in which services provided by DHS-DRS are a measure of damages.

(Source: Amended at 35 Ill. Reg. 18795, effective October 27, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) Section Number: 217.388 Adopted Action: Amended
- 4) Statutory Authority: Implementing Section 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27, and 28]
- 5) Effective Date of Amendment: October 25, 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 are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 19, 2010; 34 Ill. Reg. 17513
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, see the Board's October 20, 2011, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).

The Illinois Environmental Protection Agency originally submitted this rulemaking proposal to update Part 243 of the Board's air regulation to reflect revised National

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Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency. The record in this proceeding revealed a error in a single cross reference in Section 217.388(a)(2)(B), and the Board sought to correct the error in this open rulemaking docket.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R09-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 217
NITROGEN OXIDES EMISSIONS

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217.121	New Emission Sources (Repealed)

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217.158	Emissions Averaging Plans

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217.164	Emissions Limitations
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SUBPART F: PROCESS HEATERS

Section

217.180	Applicability
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217.185	Combination of Fuels
217.186	Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section

217.200	Applicability
217.202	Exemptions
217.204	Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

217.220	Applicability
217.222	Exemptions
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SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

217.240	Applicability
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217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

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217.340 Applicability
217.342 Exemptions
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217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section
217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section
217.386 Applicability
217.388 Control and Maintenance Requirements
217.390 Emissions Averaging Plans
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217.394 Testing and Monitoring
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section
217.400 Applicability
217.402 Control Requirements
217.404 Testing
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217.410 Recordkeeping

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SPECIFIED NO_x GENERATING UNITS

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217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
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217.760	NO _x Trading Budget
217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
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217.780	Opt-In Units: Change in Regulatory Status
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217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
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217.850	Emissions Monitoring
217.855	Reporting
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217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units

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- 217.APPENDIX F Allowances for Electrical Generating Units
217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call
217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011; amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011.

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.388 Control and Maintenance Requirements

- a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4) of this Section and comply with one of the following: the applicable emissions concentration as set forth in subsection (a)(1) of this Section, the requirements for an emissions averaging plan as specified in subsection (a)(2) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3) of this Section.
- 1) Limits the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:
- A) 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited rich-burn engines;

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- B) 210 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;
 - C) 365 ppmv (corrected to 15 percent O₂ on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;
 - D) 660 ppmv (corrected to 15 percent O₂ on a dry basis) for diesel engines;
 - E) 42 ppmv (corrected to 15 percent O₂ on a dry basis) for gaseous fuel-fired turbines; and
 - F) 96 ppmv (corrected to 15 percent O₂ on a dry basis) for liquid fuel-fired turbines.
- 2) Complies with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B) of this Section:
- A) For any affected unit identified by Section 217.386: The requirements of the applicable emissions averaging plan as set forth in Section 217.390; or
 - B) For units identified in Section 217.386(a)~~(2)(1)(B)~~: The requirements of an emissions averaging plan adopted pursuant to any other Subpart of this Part. For such affected engines and turbines the applicable requirements of this Subpart apply, including, but not limited to, calculation of NO_x allowable and actual emissions rates, compliance dates, monitoring, testing, reporting, and recordkeeping.
- 3) Operates, for units not listed in Appendix G, the affected unit as a low usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B) of this Section. Low usage units that are not part of an emissions averaging plan are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (a)(4) of this Section, test as required by Section 217.394(f), and retain records pursuant

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to Section 217.396(b) and (d). Either the limitation in subsection (a)(3)(A) or (a)(3)(B) may be utilized at a source, but not both:

- A) The potential to emit (PTE) is no more than 100 TPY NO_x aggregated from all engines and turbines located at the source that are not otherwise exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, and the NO_x PTE limit is contained in a federally enforceable permit; or
 - B) The aggregate bhp-hrs/MW-hrs from all affected units located at the source that are not exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section. The operation limits of subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section must be contained in a federally enforceable permit, except for units that drive a natural gas compressor located at a natural gas compressor station or storage facility. The operation limits are:
 - i) 8 mm bhp-hrs or less on an annual basis for engines; and
 - ii) 20,000 MW-hrs or less on an annual basis for turbines.
- 4) Inspects and performs periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:
- A) For a unit not located at natural gas transmission compressor station or storage facility, either:
 - i) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or
 - ii) If the original equipment manual is not available or substantial modifications have been made that require an alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or

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operator must establish a plan for inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

- B) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.
- b) Owners and operators of affected units may change the method of compliance with this Subpart, as follows:
- 1) When changing the method of compliance from subsection (a)(3) of this Section to subsection (a)(1) or (a)(2) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of Section 217.394(a) through (e), as applicable. For this purpose, references to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3) shall mean the date by which compliance with subsection (a)(1) or (a)(2) of this Section is to begin.
 - 2) An owner or operator of an affected unit that is changing the method of compliance from subsection (a)(1) or (a)(2) of this Section to subsection (a)(3) of this Section must:
 - A) Continue to operate the affected unit's control device, if that unit relied upon a NO_x emissions control device for compliance with the requirements of subsection (a)(1) or (a)(2) of this Section; and
 - B) Prior to changing the method of compliance to subsection (c) of this Section, complete any outstanding initial performance testing, subsequent performances testing or monitoring as required by Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the deadline for such testing or monitoring has not yet occurred (e.g., the five-year testing or monitoring sequence has not yet elapsed), the owner or operator must complete the test or monitoring prior to changing the method of compliance to subsection (a)(3) of this Section. After changing the method of compliance to subsection (a)(3) of this Section, no additional testing or monitoring will be

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required for the affected unit while it is complying with subsection (a)(3) of this Section, except as provided for in Section 217.394(f).

(Source: Amended at 35 Ill. Reg. 18801, effective October 25, 2011)

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Number: 218.208 Adopted Action:
Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) Effective Date of Amendment: October 25, 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 1, 2011; 35 Ill. Reg. 10189
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: In comments filed May 16, 2011, in the underlying docket R11-23, the Illinois Environmental Protection Agency proposed to amend Sections 218.208 and 219.208 by adding a "small container exemption" for pleasure craft surface coating operations. The Board opened this Subdocket (A) in order

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to address these two sections, neither of which had been included in the Board's first-notice opinion and order in R11-23.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-23(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCESPART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

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218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
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218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
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218.141	Separation Operations
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218.143	Vapor Blowdown
218.144	Safety Relief Valves

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Section	
218.181	Solvent Cleaning Degreasing Operations
218.182	Cold Cleaning
218.183	Open Top Vapor Degreasing
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218.185	Compliance Schedule (Repealed)
218.186	Test Methods
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SUBPART F: COATING OPERATIONS

Section	
218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
218.209	Exemption from General Rule on Use of Organic Material
218.210	Compliance Schedule
218.211	Recordkeeping and Reporting
218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating

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- 218.214 Changing Compliance Methods
- 218.215 Wood Furniture Coating Averaging Approach
- 218.216 Wood Furniture Coating Add-On Control Use
- 218.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards
- 218.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 218.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

Section

- 218.301 Use of Organic Material
- 218.302 Alternative Standard
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- 218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

- 218.401 Flexographic and Rotogravure Printing
- 218.402 Applicability
- 218.403 Compliance Schedule
- 218.404 Recordkeeping and Reporting
- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
- 218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
- 218.409 Testing for Lithographic Printing
- 218.410 Monitoring Requirements for Lithographic Printing
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- 218.412 Letterpress Printing Lines: Applicability
- 218.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
- 218.415 Testing for Letterpress Printing Lines
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SUBPART Q: SYNTHETIC ORGANIC CHEMICAL
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218.427 Alternative Program for Leaks
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218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
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SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section

218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
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218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
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218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

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218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
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218.465 Compliance Dates (Repealed)
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SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

218.480 Applicability
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218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483 Material Storage and Transfer
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218.486 Other Emission Units
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218.488 Monitoring for Air Pollution Control Equipment
218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

218.500 Applicability for Batch Operations
218.501 Control Requirements for Batch Operations
218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503 Performance and Testing Requirements for Batch Operations
218.504 Monitoring Requirements for Batch Operations
218.505 Reporting and Recordkeeping for Batch Operations
218.506 Compliance Date
218.520 Emission Limitations for Air Oxidation Processes

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218.521	Definitions (Repealed)
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SUBPART W: AGRICULTURE

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218.541	Pesticide Exception

SUBPART X: CONSTRUCTION

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218.561	Architectural Coatings
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SUBPART Y: GASOLINE DISTRIBUTION

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218.581	Bulk Gasoline Plants
218.582	Bulk Gasoline Terminals
218.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584	Gasoline Delivery Vessels
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SUBPART Z: DRY CLEANERS

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218.601	Perchloroethylene Dry Cleaners (Repealed)
218.602	Applicability (Repealed)
218.603	Leaks (Repealed)
218.604	Compliance Dates (Repealed)
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218.607	Standards for Petroleum Solvent Dry Cleaners
218.608	Operating Practices for Petroleum Solvent Dry Cleaners
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218.610	Testing and Monitoring
218.611	Applicability for Petroleum Solvent Dry Cleaners
218.612	Compliance Dates (Repealed)
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218.623	Permit Conditions (Repealed)
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218.626	Storage Tanks
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Section	
218.660	Applicability
218.666	Control Requirements
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218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
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Section

218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
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Section

218.760	Applicability
218.762	Control Requirements
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218.768	Testing and Monitoring
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218.780	Emission Limitations
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218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
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218.890	Applicability
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218.900	Applicability
218.901	Emission Limitations and Control Requirements
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218.920	Applicability
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SUBPART QQ: MISCELLANEOUS FORMULATION

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218.940	Applicability
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218.960	Applicability
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218.966	Control Requirements
218.967	Compliance Schedule
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SUBPART TT: OTHER EMISSION UNITS

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218.980	Applicability
218.983	Permit Conditions (Repealed)
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SUBPART UU: RECORDKEEPING AND REPORTING

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218.990	Exempt Emission Units
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218.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C	Reference Methods and Procedures
218.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation

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218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCOMI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 469, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13473, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18813, effective October 25, 2011.

SUBPART F: COATING OPERATIONS

Section 218.208 Exemptions from Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 218.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 218.204(b) of this Subpart if the

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combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 1, 2012, volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 218.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

- b) Applicability for wood furniture coating
- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, or BB of this Part, which as a group both:
 - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used; and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.
 - 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25

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tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and that:

- A) Are not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H, Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 218.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 218.204(l) of this Subpart.
- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 218.204(b), (d), (f), (g), ~~and (i), and (q)(5)~~ of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 1 (1 quart) per

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eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.

- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 218.204(j), (n), and (o) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- e) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 218.204(b), (d), (f), (g), (i), (j), (n), ~~and (o), and (q)(5)~~ of this Subpart because of the provisions of subsection 218.208(c) or (d) of this section shall:
- 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
 - 2) Perform calculations on a daily basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
 - 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling 12 month period;
 - 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (e)(1) and (e)(2) of this Section on or before January 31 of the following year;
 - 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection (e) and make such records available to the Agency upon request;
 - 6) Notify the Agency in writing if the use of touch-up and repair coatings at

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the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling 12 month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and

- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 218.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 35 Ill. Reg. 18813, effective October 25, 2011)

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Number: 219.208 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) Effective Date of Amendment: October 25, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 1, 2011; 35 Ill. Reg. 10207
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: In comments filed May 16, 2011, in the underlying docket R11-23, the Illinois Environmental Protection Agency proposed to amend Sections 218.208 and 219.208 by adding a "small container exemption" for pleasure craft surface coating operations. The Board opened this Subdocket (A) in order

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to address these two sections, neither of which had been included in the Board's first-notice opinion and order in R11-23.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-23(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvent
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates

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- 219.126 Compliance Plan (Repealed)
- 219.127 Testing VOL Operations
- 219.128 Monitoring VOL Operations
- 219.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

- 219.141 Separation Operations
- 219.142 Pumps and Compressors
- 219.143 Vapor Blowdown
- 219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

- 219.181 Solvent Cleaning Degreasing Operations
- 219.182 Cold Cleaning
- 219.183 Open Top Vapor Degreasing
- 219.184 Conveyorized Degreasing
- 219.185 Compliance Schedule (Repealed)
- 219.186 Test Methods
- 219.187 Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

Section

- 219.204 Emission Limitations
- 219.205 Daily-Weighted Average Limitations
- 219.206 Solids Basis Calculation
- 219.207 Alternative Emission Limitations
- 219.208 Exemptions From Emission Limitations
- 219.209 Exemption From General Rule on Use of Organic Material
- 219.210 Compliance Schedule
- 219.211 Recordkeeping and Reporting
- 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
- 219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
- 219.214 Changing Compliance Methods

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- 219.215 Wood Furniture Coating Averaging Approach
- 219.216 Wood Furniture Coating Add-On Control Use
- 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards
- 219.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 219.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

- Section
- 219.301 Use of Organic Material
- 219.302 Alternative Standard
- 219.303 Fuel Combustion Emission Units
- 219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

- Section
- 219.401 Flexographic and Rotogravure Printing
- 219.402 Applicability
- 219.403 Compliance Schedule
- 219.404 Recordkeeping and Reporting
- 219.405 Lithographic Printing: Applicability
- 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
- 219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
- 219.409 Testing for Lithographic Printing
- 219.410 Monitoring Requirements for Lithographic Printing
- 219.411 Recordkeeping and Reporting for Lithographic Printing
- 219.412 Letterpress Printing Lines: Applicability
- 219.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
- 219.415 Testing for Letterpress Printing Lines
- 219.416 Monitoring Requirements for Letterpress Printing Lines
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POLYMER MANUFACTURING PLANT

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219.421	General Requirements
219.422	Inspection Program Plan for Leaks
219.423	Inspection Program for Leaks
219.424	Repairing Leaks
219.425	Recordkeeping for Leaks
219.426	Report for Leaks
219.427	Alternative Program for Leaks
219.428	Open-Ended Valves
219.429	Standards for Control Devices
219.430	Compliance Date (Repealed)
219.431	Applicability
219.432	Control Requirements
219.433	Performance and Testing Requirements
219.434	Monitoring Requirements
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RELATED INDUSTRIES; ASPHALT MATERIALS

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219.441	Petroleum Refinery Waste Gas Disposal
219.442	Vacuum Producing Systems
219.443	Wastewater (Oil/Water) Separator
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219.445	Leaks: General Requirements
219.446	Monitoring Program Plan for Leaks
219.447	Monitoring Program for Leaks
219.448	Recordkeeping for Leaks
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219.450	Alternative Program for Leaks
219.451	Sealing Device Requirements
219.452	Compliance Schedule for Leaks
219.453	Compliance Dates (Repealed)

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SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

219.461	Manufacture of Pneumatic Rubber Tires
219.462	Green Tire Spraying Operations
219.463	Alternative Emission Reduction Systems
219.464	Emission Testing
219.465	Compliance Dates (Repealed)
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SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480	Applicability
219.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483	Material Storage and Transfer
219.484	In-Process Tanks
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219.486	Other Emission Units
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219.489	Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

219.500	Applicability for Batch Operations
219.501	Control Requirements for Batch Operations
219.502	Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
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219.505	Reporting and Recordkeeping for Batch Operations
219.506	Compliance Date
219.520	Emission Limitations for Air Oxidation Processes
219.521	Definitions (Repealed)
219.522	Savings Clause

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219.523	Compliance
219.524	Determination of Applicability
219.525	Emission Limitations for Air Oxidation Processes (Renumbered)
219.526	Testing and Monitoring
219.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

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219.541	Pesticide Exception

SUBPART X: CONSTRUCTION

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219.561	Architectural Coatings
219.562	Paving Operations
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SUBPART Y: GASOLINE DISTRIBUTION

Section	
219.581	Bulk Gasoline Plants
219.582	Bulk Gasoline Terminals
219.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
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219.585	Gasoline Volatility Standards
219.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

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219.601	Perchloroethylene Dry Cleaners (Repealed)
219.602	Exemptions (Repealed)
219.603	Leaks (Repealed)
219.604	Compliance Dates (Repealed)
219.605	Compliance Plan (Repealed)
219.606	Exception to Compliance Plan (Repealed)
219.607	Standards for Petroleum Solvent Dry Cleaners
219.608	Operating Practices for Petroleum Solvent Dry Cleaners

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219.609	Program for Inspection and Repair of Leaks
219.610	Testing and Monitoring
219.611	Exemption for Petroleum Solvent Dry Cleaners
219.612	Compliance Dates (Repealed)
219.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
219.620	Applicability
219.621	Exemption for Waterbase Material and Heatset-Offset Ink
219.623	Permit Conditions
219.624	Open-Top Mills, Tanks, Vats or Vessels
219.625	Grinding Mills
219.626	Storage Tanks
219.628	Leaks
219.630	Clean Up
219.636	Compliance Schedule
219.637	Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section	
219.640	Applicability
219.642	Emissions Limitation at Polystyrene Plants
219.644	Emissions Testing

SUBPART FF: BAKERY OVENS

Section	
219.720	Applicability (Repealed)
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219.726	Testing (Repealed)
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219.729	Compliance Date (Repealed)
219.730	Certification (Repealed)

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Section	
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219.762	Control Requirements
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SUBPART HH: MOTOR VEHICLE REFINISHING

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219.782	Alternative Control Requirements
219.784	Equipment Specifications
219.786	Surface Preparation Materials
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219.788	Testing
219.789	Monitoring and Recordkeeping for Control Devices
219.790	General Recordkeeping and Reporting (Repealed)
219.791	Compliance Date
219.792	Registration
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219.877	Emissions Limitation at Polystyrene Plants (Renumbered)
219.879	Compliance Date (Repealed)
219.881	Compliance Plan (Repealed)
219.883	Special Requirements for Compliance Plan (Repealed)
219.886	Emissions Testing (Renumbered)

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219.890	Applicability
219.891	Emission Limitations and Control Requirements
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219.894	Recordkeeping and Reporting Requirements

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- 219.966 Control Requirements
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SUBPART TT: OTHER EMISSION UNITS

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219.980	Applicability
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SUBPART UU: RECORDKEEPING AND REPORTING

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219.990	Exempt Emission Units
219.991	Subject Emission Units

219.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
219.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
219.APPENDIX C	Reference Methods and Procedures
219.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation
219.APPENDIX E	List of Affected Marine Terminals
219.APPENDIX G	TRE Index Measurements for SOCOMI Reactors and Distillation Units
219.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

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February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13676, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18830, effective October 25, 2011.

SUBPART F: COATING OPERATIONS

Section 219.208 Exemptions From Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 219.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 219.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 2012, volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 219.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 219.204 of this Part the coating lines are always subject to the limitations in Section 219.204 of this Subpart.
- b) Applicability for wood furniture coating

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- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H (excluding Section 219.405 of this Part), Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:
 - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.

- 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and that:
 - A) Are not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 219.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 219.204(l) of this Subpart.

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- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 219.204(b), (d), (f), (g), ~~and (i)~~, and (q)(5) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section.
- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 219.204(j), (m), and (n) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- e) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 219.204(b), (d), (f), (g), (i), (j), (m), ~~and (n)~~, and (q)(5) of this Subpart because of the provisions of subsection (c) or (d) of this Section shall:
 - 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per

POLLUTION CONTROL BOARD

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eight-hour period and per month;

- 2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
- 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling 12 month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (e)(1) and (e)(2) of this Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection (e) and make such records available to the Agency upon request;
- 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling 12 month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and
- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 219.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 35 Ill. Reg. 18830, effective October 25, 2011)

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- 1) Heading of the Part: Standards and Limitations for Organic Material Emissions for Area Sources
- 2) Code Citation: 35 Ill. Adm. Code 223
- 3) Section Number: 223.205 Adopted Action: Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]
- 5) Effective Date of Amendment: October 25, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 19, 2010; 34 Ill. Reg. 17525
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Is there any amendment pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, see the Board's October 20, 2011, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).

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The Illinois Environmental Protection Agency (Agency) originally submitted this rulemaking proposal to update Part 243 of the Board's air regulation to reflect revised National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency. The record in this proceeding revealed a error in a single cross reference in Section 217.388(a)(2)(B), and the Board sought to correct the error in this open rulemaking docket.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R09-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 223
STANDARDS AND LIMITATIONS FOR ORGANIC
MATERIAL EMISSIONS FOR AREA SOURCES

SUBPART A: GENERAL PROVISIONS

Section	
223.100	Severability
223.105	Abbreviations and Acronyms
223.120	Incorporations by Reference

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section	
223.200	Purpose
223.201	Applicability
223.203	Definitions for Subpart B
223.205	Standards
223.206	Diluted Products
223.207	Products Registered under FIFRA
223.208	Requirements for Aerosol Adhesives
223.209	Requirements for Floor Wax Strippers
223.210	Products Containing Ozone-Depleting Compounds
223.220	Requirements for Charcoal Lighter Material
223.230	Exemptions
223.240	Innovative Product Exemption
223.245	Alternative Compliance Plans
223.250	Product Dating
223.255	Additional Product Dating Requirements
223.260	Most Restrictive Limit
223.265	Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers, Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and Contact Adhesives
223.270	Reporting Requirements

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- 223.275 Special Recordkeeping Requirements for Consumer Products that Contain
Perchloroethylene or Methylene Chloride
- 223.280 Calculating Illinois Sales
- 223.285 Test Methods

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Section

- 223.300 Purpose
- 223.305 Applicability
- 223.307 Definitions for Subpart C
- 223.310 Standards
- 223.320 Container Labeling Requirements
- 223.330 Reporting Requirements
- 223.340 Compliance Provisions and Test Methods
- 223.350 Alternative Test Methods
- 223.360 Methacrylate Traffic Coating Markings
- 223.370 Test Methods

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted in R08-17 at 33 Ill. Reg. 8224, effective June 8, 2009; amended in R09-19 at 35 Ill. Reg. 18846, effective October 25, 2011.

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section 223.205 Standards

- a) Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after July 1, 2009 that contains VOMs in excess of the limits specified in this subsection:

Affected Product**% VOM by Weight**

- 1) Adhesives – Spray

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A)	Mist Spray	65
B)	Web Spray	55
C)	Special Purpose Spray Adhesives	
i)	Mounting, Automotive Engine Compartment, and Flexible Vinyl	70
ii)	Polystyrene Foam and Automotive Headliner	65
iii)	Polyolefin and Laminate Repair/Edgebanding	60
2)	Adhesives – Construction, Panel, and Floor Covering Contaet	15
3)	Adhesives – General Purpose	10
4)	Adhesives – Structural Waterproof	15
5)	Air Fresheners	
A)	Single Phase Aerosol	30
B)	Double Phase Aerosol	25
C)	Liquids/Pump Sprays	18
D)	Solids/Gel	3
6)	Antiperspirants	
A)	Aerosol	40 HVOM 10 HVOM
B)	Non-Aerosol	0 MVOM 0 MVOM

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7)	Automotive Brake Cleaners	45
8)	Automotive Rubbing or Polishing Compound	17
9)	Automotive Wax, Polish, Sealant, or Glaze	
	A) Hard Paste Waxes	45
	B) Instant Detailers	3
	C) All Other Forms	15
10)	Automotive Windshield Washer Fluids	35
11)	Bathroom and Tile Cleaners	
	A) Aerosol	7
	B) All Other Forms	5
12)	Bug and Tar Remover	40
13)	Carburetor or Fuel-Injection Air Intake Cleaners	45
14)	Carpet and Upholstery Cleaners	
	A) Aerosol	7
	B) Non-Aerosol (Dilutables)	0.1
	C) Non-Aerosol (Ready-to-Use)	3.0
15)	Charcoal Lighter Material	see Section 223.220
16)	Cooking Spray – Aerosol	18
17)	Deodorants	

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A)	Aerosol	0 HVOM 10 HVOM
B)	Non-Aerosol	0 MVOM 0 MVOM
18)	Dusting Aids	
A)	Aerosol	25
B)	All Other Forms	7
19)	Engine Degreasers	
A)	Aerosol	35
B)	Non-Aerosol	5
20)	Fabric Protectants	60
21)	Floor Polishes/Waxes	
A)	Products for Flexible Flooring Materials	7
B)	Products for Nonresilient Flooring	10
C)	Wood Floor Wax	90
22)	Floor Wax Strippers	see Section 223.209
23)	Furniture Maintenance Products	
A)	Aerosol	17
B)	All Other Forms Except Solid or Paste	7
24)	General Purpose Cleaners	

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A)	Aerosol	10
B)	Non-Aerosol	4
25)	General Purpose Degreasers	
A)	Aerosol	50
B)	Non-Aerosol	4
26)	Glass Cleaners	
A)	Aerosol	12
B)	Non-Aerosol	4
27)	Hair Mousses	6
28)	Hairshines	55
29)	Hairsprays	55
30)	Hair Styling Gels	6
31)	Heavy Duty Hand Cleaner or Soap	8
32)	Insecticides	
A)	Crawling Bug (Aerosol)	15
B)	Crawling Bug (All Other Forms)	20
C)	Flea and Tick	25
D)	Flying Bug (Aerosol)	25

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E)	Flying Bug (All Other Forms)	35
F)	Foggers	45
G)	Lawn and Garden (Aerosol)	20
H)	Lawn and Garden (All Other Forms)	3
I)	Wasp and Hornet	40
33)	Laundry Prewash	
	A) Aerosols/Solids	22
	B) All Other Forms	5
34)	Laundry Starch Products	5
35)	Metal Polishes/Cleansers	30
36)	Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50
37)	Nail Polish Removers	75
38)	Non-Selective Terrestrial Herbicide – Non-Aerosol	3
39)	Oven Cleaners	
	A) Aerosols/Pump Sprays	8
	B) Liquids	5
40)	Paint Removers or Strippers	50
41)	Penetrants	50
42)	Rubber and Vinyl Protectants	

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A)	Aerosol	10
B)	Non-Aerosol	3
43)	Sealants and Caulking Compounds	4
44)	Shaving Creams	5
45)	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60
46)	Spot Removers	
A)	Aerosol	23
B)	Non-Aerosol	8
47)	Tire Sealants and Inflators	20
48)	Undercoatings – Aerosols	40
b)	No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after July 1, 2009, any antiperspirant or deodorant that contains any compound listed below:	
	Benzene	
	Ethylene Dibromide	
	Ethylene Dichloride	
	Hexavalent Chromium	
	Asbestos	
	Cadmium (metallic cadmium and cadmium compounds)	

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Carbon Tetrachloride

Trichloroethylene

Chloroform

Vinyl Chloride

Inorganic Arsenic

Nickel (metallic nickel and inorganic nickel compounds)

Perchloroethylene

Formaldehyde

1,3-Butadiene

Inorganic Lead

Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms

(Source: Amended at 35 Ill. Reg. 18846, effective October 25, 2011)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
243.101	Amend
243.104	Amend
243.107	Amend
243.108	Amend
243.120	Amend
243.122	Amend
243.125	Amend
243.126	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) Effective Date of Amendments: October 25, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes

Lead, 40 CFR 50, Appendix G (2008).

Reference method for the determination of particulate matter as PM_{2.5} in the atmosphere, 40 CFR 50, Appendix L, 73 Fed. Reg. 61144 (Oct. 17, 2006).

Interpretation of the NAAQS for PM_{2.5}, 40 CFR 50, Appendix N, 73 Fed. Reg. 1497 (Jan. 9, 2008).

Interpretation of the NAAQS for O₃, 40 CFR 50, Appendix P, 73 Fed. Reg. 16436 (Mar. 27, 2008).

The NAAQS for Lead: Final Rule, 40 CFR 50, 51, 53, and 58, 73 Fed. Reg. 66964 (Nov. 12, 2008).

Interpretation of the NAAQS for Lead, 40 CFR 50, Appendix R, 73 Fed. Reg. 66964 (Nov. 12, 2008).

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- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November. 19, 2010; 34 Ill. Reg. 17537
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
- In Section 243.107, the Board added references to "lead" in language addressing air quality measurements.
 - In Section 243.108, the Board struck the incorporation by reference of 40 CFR 50, appendix Q.
 - In Section 243.120, the Board added language regarding methods measuring compliance with and attainment of particulate matter standards.
 - In Section 243.122, the Board corrected a misspelling in the sulfur oxides standard.
 - In Section 243.125, the Board added language regarding measuring compliance with and attainment of ozone standards.
 - In Section 243.126, the Board added language clarifying the lead standard, measurement methods, and determining compliance.
 - The Board made several nonsubstantive changes suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, see the Board's October 20, 2011, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).

The Illinois Environmental Protection Agency originated this rulemaking to revise Illinois' air quality standards for ozone, particulate matter, and lead to reflect the adoption of new federal air quality standards by the United States Environmental Protection Agency.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R09-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Preamble
243.103	Applicability
243.104	Nondegradation
243.106	Monitoring
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM₁₀ and PM_{2.5} PM-10
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Dioxide
243.125	8-Hour Ozone
243.126	Lead

243.APPENDIX A	Rule into Section Table
243.APPENDIX B	Section into Rule Table
243.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R80-11, 46 PCB 125, at 6 Ill. Reg.

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5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011.

SUBPART A: GENERAL PROVISIONS

Section 243.101 Definitions

- a) Except as ~~hereinafter~~ stated in this Part and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5](Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) (Act).
- b) All terms ~~that~~which appear in this Part have the definitions specified by 35 Ill. Adm. Code~~Parts~~ 201 or 211 ~~of this Chapter~~.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

Section 243.104 Nondegradation

Existing ambient air quality ~~that~~which is better than the established ambient air quality standards at the date of their adoption will be maintained in its present high quality. Such ambient air quality shall not be lowered unless and until it is proved to the Illinois Environmental Protection Agency (Agency) that ~~the~~such change is justifiable as a result of necessary economic and social development and will not interfere with or become injurious to human health or welfare.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

Section 243.107 Reference Conditions

All measurements of air quality, ~~except PM_{2.5} and lead~~, are corrected to a reference temperature of 25°C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars). PM_{2.5} and lead measurements shall be based upon the actual ambient air volume measured at the actual temperature and pressure at the monitoring site during the measurement period.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

Section 243.108 Incorporations by Reference

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The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

- a) Pararosaniline method, 40 CFR 50, [appendixAppendix A](#) (1982).
- b) Non-dispersive infrared spectrometry technique, 40 CFR 50, [appendixAppendix C](#) (1982), 36 Fed. Reg. 22391, November 25, 1971.
- c) Colorimetric method, 36 Fed. Reg. 22396, November 25, 1971.
- d) Ozone-ethylene reaction method, 40 CFR 50, [appendixAppendix D](#) (1982), 36 Fed. Reg. 22392, November 25, 1971.
- e) Lead, 40 CFR 50, [appendix G \(2008\)Appendix G \(1982\), 43 Fed. Reg. 46258, October 5, 1978, as amended at 44 Fed. Reg. 37915, June 29, 1979; 46 Fed. Reg. 44163, September 3, 1981.](#)
- f) Reference method for the determination of particulate matter as [PM₁₀PM-10](#) in the atmosphere, 40 CFR 50, [appendixAppendix J](#) (1990).
- g) Interpretation of the [National Ambient Air Quality Standards \(NAAQS\)national ambient air quality standards](#) for particulate matter, 40 CFR 50, [appendixAppendix K, 73 Fed. Reg. 61144 \(October 17, 2006\)\(1990\).](#)
- h) [Reference method for the determination of particulate matter as PM_{2.5} in the atmosphere, 40 CFR 50, appendix L, 73 Fed. Reg. 61144 \(October 17, 2006\).](#)
- i) [Interpretation of the NAAQS for PM_{2.5}, 40 CFR 50, appendix N, 73 Fed. Reg. 1497 \(January 9, 2008\).](#)
- j) [Interpretation of the NAAQS for O₃, 40 CFR 50, appendix P, 73 Fed. Reg. 16436 \(March 27, 2008\).](#)
- k) [The NAAQS for Lead; Final Rule, 40 CFR 50, 51, 53, and 58, 73 Fed. Reg. 66964 \(November 12, 2008\).](#)
- l) [Interpretation of the NAAQS for Lead, 40 CFR 50, appendix R, 73 Fed. Reg. 66964 \(November 12, 2008\).](#)

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(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM₁₀ and PM_{2.5}~~PM-10~~

- a) Standards. The primary and secondary ambient air quality standards for ~~PM₁₀~~~~PM-10~~ are a maximum 24-hour average concentration of 150 $\mu\text{g}/\text{m}^3$. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one, as measured and determined in accordance with subsection (b).:
- 1) ~~An annual arithmetic mean concentration of 50 micrograms per cubic meter; and~~
 - 2) ~~A maximum 24-hour concentration of 150 micrograms per cubic meter, not to be exceeded more than once per year.~~
- b) Measurement Method. For determining conformance with the ~~PM₁₀~~~~PM-10~~ ambient air quality standards, ~~PM₁₀~~~~PM-10~~ shall be measured by the method described in 40 CFR 50, ~~appendix~~~~Appendix~~ J or an equivalent method designated pursuant to 40 CFR 53 (incorporated by reference in Section 243.108). The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one, as determined in accordance with ~~The computations necessary for analyzing particulate matter data to determine attainment of the PM-10 standards are described in~~ 40 CFR 50, ~~appendix~~~~Appendix~~ K (incorporated by reference in Section 243.108).
- c) Standards. The primary and secondary ambient air quality standards for PM_{2.5} are:
- 1) An annual arithmetic mean concentration of 15.0 $\mu\text{g}/\text{m}^3$ and as measured and determined in conformance with subsection (d).
 - 2) A maximum 24-hour concentration of 35 $\mu\text{g}/\text{m}^3$, at the 98th percentile value, and as measured and determined in conformance with subsection (d).

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- d) Measurement Method for PM_{2.5}. For determining conformance with the PM_{2.5} ambient air quality standards, PM_{2.5} shall be measured by the method described in 40 CFR 50, appendix L or an equivalent method designated pursuant to 40 CFR 53 (incorporated by reference in Section 243.108). Compliance with the standards is determined using the methods and procedures described in 40 CFR 50, appendix N (incorporated by reference in Section 243.108).
- 1) The annual primary and secondary PM_{2.5} standards are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, appendix N, is less than or equal to 15.0 µg/m³.
 - 2) The 24-hour primary and secondary PM_{2.5} standards are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR 50, appendix N, is less than or equal to 35 µg/m³.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

Section 243.122 Sulfur Oxides (Sulfur Dioxide)

- a) Primary Standards. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide are:
- 1) An annual arithmetic mean concentration of 80 ~~µg/m³micrograms per cubic meter~~ (0.03 ppm); and,
 - 2) A maximum 24-hour concentration, not to be exceeded more than once per year, of 365 ~~µg/m³micrograms per cubic meter~~ (0.14 ppm).
- b) Secondary Standard. The secondary ambient air quality standard for sulfur oxides measured as sulfur dioxide is a maximum 3-hour concentration not to be exceeded more than once per year of 1,300 ~~µg/m³micrograms per cubic meter~~ (0.5 ppm).
- c) Measurement Method. For determining conformance with sulfur oxide air quality standards, sulfur oxides shall be measured as sulfur dioxide by the pararosaniline method described in 40 CFR 50, ~~appendix App. A (incorporated by reference in Section 243.108), (1982)~~, or by an equivalent method of proof approved by the Agency.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

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Section 243.125 8-Hour Ozone

- a) Standard. The primary and secondary ambient air quality ~~standards~~ standard for ozone ~~are 0.075 is 0.12~~ ppm (parts per million) ~~daily (235 micrograms per cubic meter)~~ maximum 8-hour average~~1-hour~~ concentration, measured and determined in accordance with subsection (b)~~not to be exceeded on more than one day per year~~.
- b) Measurement Method. ~~Ozone~~For determining conformance with the ozone air quality standard, ozone shall be measured by a reference the ozone ethylene reaction method based on as described in 40 CFR 50, appendix App. D and designated in accordance with 40 CFR 53 (incorporated by reference in Section 243.108) or an equivalent method designated in accordance with 40 CFR 53. The primary and secondary ambient air quality standards are met when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm, as determined using, (1982), 40 CFR 50, appendix P (incorporated by reference in Section 243.108), as amended.

(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

Section 243.126 Lead

- a) Standard. The primary and secondary ambient air quality standards for lead and its compounds measured as elemental lead are 0.15 $\mu\text{g}/\text{m}^3$ and its compounds are 1.5 micrograms per cubic meter, maximum rolling three month average measured and determined over a three-year period~~maximum arithmetic mean average over a calendar quarter~~.
- b) Measurement Method. For determining conformance with the ambient air quality standards for lead and its compounds, lead and its compounds shall be measured as elemental lead by reference by the atomic absorption spectrometry or equivalent method based on as described in 40 CFR 50, appendix G and designated in accordance with 40 CFR 53, or by an equivalent method designated in accordance with 40 CFR 53 (incorporated by reference in Section 243.108). Compliance with the primary and secondary ambient air quality standards shall be determined in accordance with 40 CFR 50, appendix R (incorporated by reference in Section 243.108).~~App. G (1982).~~

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(Source: Amended at 35 Ill. Reg. 18857, effective October 25, 2011)

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- 1) Heading of the Part: Solid Waste
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
807.663	Amend
807.APPENDIX A	Amend
807.ILLUSTRATION D	Amend
807.ILLUSTRATION E	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) Effective Date of Amendments: October 24, 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 8, 2011; 35 Ill. Reg. 10490
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments incorporate technical corrections to the Board's prior rulemaking docketed as R10-9, In the Matter of: Financial

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807 Subpart F and Appendix A, 810.104 and 811 Subparts C, G and Appendix A.

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

Daniel Robertson
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6931
RobertsD@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R10-09(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 807
SOLID WASTE

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807.101	Authority, Policy and Purposes
807.102	Repeals
807.103	Severability
807.104	Definitions
807.105	Relation to Other Rules

SUBPART B: SOLID WASTE PERMITS

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807.201	Development Permits
807.202	Operating Permits
807.203	Experimental Permits
807.204	Former Authorization
807.205	Applications for Permit
807.206	Permit Conditions
807.207	Standards for Issuance
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807.209	Permit Revision
807.210	Supplemental Permits
807.211	Transfer of Permits
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807.213	Design, Operation and Maintenance Criteria
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807.302	Compliance with Permit
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807.313	Water Pollution
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807.315	Protection of Waters of the State
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SUBPART E: CLOSURE AND POST-CLOSURE CARE

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807.504	Amendment of Closure Plan
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807.600	Purpose, Scope and Applicability
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POLLUTION CONTROL BOARD

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807.603	Upgrading Financial Assurance
807.604	Release of Financial Institution
807.605	Application of Proceeds and Appeal
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807.623	Biennial Revision of Cost Estimate
807.624	Interim Formula for Cost Estimate
807.640	Mechanisms for Financial Assurance
807.641	Use of Multiple Financial Mechanisms
807.642	Use of Financial Mechanism for Multiple Sites
807.643	Trust Fund for Unrelated Sites
807.644	RCRA Financial Assurance
807.661	Trust Fund
807.662	Surety Bond Guaranteeing Payment
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SUBPART G: SITE-SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section

807.700 Cretex Pressure Pipe, Inc. Concrete Waste Disposal Site

807.APPENDIX A Financial Assurance Forms

807.ILLUSTRATION A	Trust Agreement
807.ILLUSTRATION B	Certificate of Acknowledgment
807.ILLUSTRATION C	Forfeiture Bond
807.ILLUSTRATION D	Performance Bond
807.ILLUSTRATION E	Irrevocable Standby Letter of Credit
807.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-closure Care
807.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
807.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
807.ILLUSTRATION I	Letter from Chief Financial Officer
807.APPENDIX B	Old Rule Numbers Referenced

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21.1, 22, and 27].

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 20 Ill. Reg. 12459, effective August 15, 1996; amended in R10-9 at 35 Ill. Reg. 10784, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18867, effective October 24, 2011.

**SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE
AND POST-CLOSURE CARE**

Section 807.663 Surety Bond Guaranteeing Performance

- a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond that conforms to the requirements of this Section and submitting the bond to the Agency.
- b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance, pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety.

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

- c) The surety bond must be on the form specified in Appendix A, Illustration D.
- d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund within the State Treasury.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) Conditions:
- 1) The bond must guarantee that the operator will:
 - A) Provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit; and
 - B) Provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.
 - 2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction;
 - D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or
 - E) Fails to provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.
 - 3) Upon the failure of the operator to perform as guaranteed by the bond, the surety shall have the option of providing closure and post-closure care in accordance with the closure and post-closure care plans, or of paying the penal sum.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- f) Penal sum:
- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
 - 2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.
 - 3) Whenever the current cost estimate increases to an amount greater than the penal sum, the operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or obtain other financial assurance, as specified in this Subpart, ~~to cover the increase~~ and submit evidence of the alternate financial assurance to the Agency.
- g) Term:
- 1) The bond shall be issued for a term of at least one year and shall not be cancelable during that term.
 - 2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the operator and the Agency have received the notice, as evidenced by the return receipts.
 - 3) The Agency shall release the surety by providing written authorization for termination of the bond to the operator and the surety when either of the following occurs:
 - A) An operator substitutes alternate financial assurance, as specified in this Subpart; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The Agency releases the operator from the requirements of this Subpart in accordance with Section 807.606(b) of this Part.
- h) Cure of default and refunds:
 - 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.
 - 2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money that was paid to the Agency by the surety subject to appropriation of funds by the Illinois General Assembly.
- i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.

(Source: Amended at 35 Ill. Reg. 18867, effective October 24, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Total penal sum of bond: \$ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states; and

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care in accordance with the closure and post-closure care plans for the site if, during the term of the bond, the Principal fails to provide closure or post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;
- d) Notifies the IEPA that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-

POLLUTION CONTROL BOARD

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closure care plans; or

- e) Fails to provide alternate financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and post-closure care in accordance with the closure and post-closure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has met one or more of the conditions described above~~failed to fulfill one or more of the conditions described above~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure Fund.

If the Surety notifies the IEPA that it intends to provide closure and post-closure care, then the Surety must initiate closure and post-closure care within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above. The Surety must complete closure and post-closure care in accordance with the closure and post-closure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____ [date]; but such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 807.604.

In Witness Whereof, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

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NOTICE OF ADOPTED AMENDMENTS

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 807. Appendix A, Illustration D as such regulation was constituted on the date this bond was executed.

Principal	Corporate Surety
Signature	Name
_____	_____
Typed Name	Address
_____	_____
Title	State of Incorporation
_____	_____
Date	Signature
_____	_____
	Typed Name

	Title

Corporate seal	Corporate seal
	Bond premium: \$ _____

(Source: Amended at 35 Ill. Reg. 18867, effective October 24, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms**Section 807.ILLUSTRATION E Irrevocable Standby Letter of Credit**

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars (\$ _____), available upon presentation of:

1. your sight draft, bearing reference to this letter of credit No. _____; and
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 807.664(e)."

This letter of credit is effective as of _____ [date] and shall expire on _____ [date at least one year later], but, such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date when both _____ [owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and _____

POLLUTION CONTROL BOARD

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[owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure Fund in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration E as such regulations were constituted on the date shown below.

Signature

Typed Name

Title

Date

Name and address of issuing institution

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(Source: Amended at 35 Ill. Reg. 18867, effective October 24, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
811.712	Amend
811.APPENDIX A	Amend
811.ILLUSTRATION D	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) Effective Date of Amendments: October 24, 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 8, 2011; 35 Ill. Reg. 10505
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This proposal incorporates technical corrections to the Board's prior rulemaking docketed as R10-9, In the Matter of: Financial Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807 Subpart F and Appendix A, 810.104 and 811 Subparts C, G and Appendix A.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Daniel Robertson
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6931
RobertsD@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R10-09(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section

811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance
811.112	Recordkeeping Requirements for MSWLF Units
811.113	Electronic Reporting

SUBPART B: INERT WASTE LANDFILLS

Section

811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal System
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System
811.312	Landfill Gas Processing and Disposal System
811.313	Intermediate Cover
811.314	Final Cover System
811.315	Hydrogeologic Site Investigations
811.316	Plugging and Sealing of Drill Holes
811.317	Groundwater Impact Assessment
811.318	Design, Construction, and Operation of Groundwater Monitoring Systems
811.319	Groundwater Monitoring Programs
811.320	Groundwater Quality Standards
811.321	Waste Placement
811.322	Final Slope and Stabilization
811.323	Load Checking Program
811.324	Corrective Action Measures for MSWLF Units
811.325	Selection of remedy for MSWLF Units
811.326	Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section	
811.401	Scope and Applicability
811.402	Notice to Generators and Transporters
811.403	Special Waste Manifests
811.404	Identification Record
811.405	Recordkeeping Requirements
811.406	Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
811.501	Scope and Applicability
811.502	Duties and Qualifications of Key Personnel
811.503	Inspection Activities
811.504	Sampling Requirements
811.505	Documentation
811.506	Foundations and Subbases
811.507	Compacted Earth Liners
811.508	Geomembranes
811.509	Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section	
811.700	Scope, Applicability and Definitions
811.701	Upgrading Financial Assurance
811.702	Release of Financial Institution
811.703	Application of Proceeds and Appeals
811.704	Closure and Post-Closure Care Cost Estimates
811.705	Revision of Cost Estimate
811.706	Mechanisms for Financial Assurance
811.707	Use of Multiple Financial Mechanisms
811.708	Use of a Financial Mechanism for Multiple Sites
811.709	Trust Fund for Unrelated Sites
811.710	Trust Fund
811.711	Surety Bond Guaranteeing Payment
811.712	Surety Bond Guaranteeing Performance
811.713	Letter of Credit
811.714	Closure Insurance
811.715	Self-Insurance for Non-Commercial Sites
811.716	Local Government Financial Test
811.717	Local Government Guarantee
811.718	Discounting
811.719	Corporate Financial Test
811.720	Corporate Guarantee

811.APPENDIX A Financial Assurance Forms

811.ILLUSTRATION A	Trust Agreement
811.ILLUSTRATION B	Certificate of Acknowledgment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

811.ILLUSTRATION C	Forfeiture Bond
811.ILLUSTRATION D	Performance Bond
811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-Closure Care or Corrective Action
811.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
811.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
811.ILLUSTRATION I	Letter from Chief Financial Officer
811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.
811.APPENDIX C	List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011.

SUBPART G: FINANCIAL ASSURANCE

Section 811.712 Surety Bond Guaranteeing Performance

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an

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MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

- b) The surety company issuing the bond shall be *licensed to transact the business of insurance by the Department of Insurance*, pursuant to the Illinois Insurance Code [215 ILCS 5], *or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states*, and approved by the U.S. Department of the Treasury as an acceptable surety. [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

- c) The surety bond must be on the forms specified in Appendix A, Illustration D.
- d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund within the State Treasury.
- e) Conditions:
- 1) The bond must guarantee that the owner or operator will:
 - A) Provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit and, if the bond is a corrective action bond, provide corrective action in accordance with Section 811.326; and
 - B) Provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.
 - 2) The surety will become liable on the bond obligation when, during the

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term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:

- A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or post-closure care or corrective action when ordered to do so by the Board pursuant to Title VIII of the Act, or when ordered to do so by a court of competent jurisdiction;
 - D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans.
 - E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326; or
 - F) Fails to provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.
- 3) Upon failure of the owner or operator to perform as guaranteed by the bond, the surety shall have the option of:
- A) providing closure and post-closure care in accordance with the closure and post-closure care plans; or
 - B) carrying out corrective action in accordance with the corrective action plan; or
 - C) paying the penal sum.
- f) Penal sum:

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- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
 - 2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.
 - 3) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, ~~to cover the increase~~ and submit evidence of the alternative financial assurance to the Agency.
- g) Term:
- 1) The bond must be issued for a term of at least one year and must not be cancelable during that term.
 - 2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the owner or operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
 - 3) The Agency shall release the surety by providing written authorization for termination of the bond to the owner or operator and the surety when either of the following occurs:
 - A) An owner or operator substitutes alternative financial assurance, as specified in this Subpart; or
 - B) The Agency releases the owner or operator from the requirements of this Subpart in accordance with 35 Ill. Adm. Code 813.403(b).

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- h) Cure of default and refunds:
- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and post-closure care of the site or corrective action at an MSWLF unit, unless the Agency determines that the closure or post-closure care plan, corrective action at an MSWLF unit, or the amount of substituted financial assurance is inadequate to provide closure and post-closure care or implement corrective action at an MSWLF unit in compliance with this Part.
 - 2) After closure and post-closure care have been completed in accordance with the closure and post-closure care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Post-Closure Fund" by the surety, subject to appropriation of funds by the Illinois General Assembly.
- i) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Subpart.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 35 Ill. Reg. 18882, effective October 24, 2011)

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Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____

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Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure care or corrective action for each site in accordance with the closure and post-closure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation.

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure care or corrective action.

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois.

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans for the site if, during the term of the bond, the Principal fails to provide closure or post-closure care or corrective action for any site in accordance with the closure and post-closure care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or post-closure care or corrective action when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;

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- d) Notifies the IEPA that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans;
- e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326; or
- f) Fails to provide alternative financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal ~~met one or more of the conditions described above~~
~~failed to fulfill one or more of the conditions described in this document~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure Fund.

If the Surety notifies the IEPA that it intends to provide closure and post-closure care or corrective action, then the Surety must initiate closure and post-closure care or corrective action within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above. The Surety must complete closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the ____ day of _____, _____ [date], but that expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code

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811.702.

In Witness Whereof, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration D as that regulation was constituted on the date this bond was executed.

PRINCIPAL

SURETY

Signature

Name

Typed Name

Address

Title

State of Incorporation

Date

Signature

Typed Name

Corporate Seal

Title

Corporate Seal

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Bond Premium: \$ _____

(Source: Amended at 35 Ill. Reg. 18882, effective October 24, 2011)

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- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1286.80	Amendment
1286.210	Amendment
1286.220	Amendment
1286.230	Amendment
1286.250	Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].
- 5) Effective Date of Amendments: October 31, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 12741; July 29, 2011
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None

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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? No agreements were issued by JCAR.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments set connectivity requirements for stationary evidentiary breath testing instruments, correct the manufacturer of the EC-IR II, and clarify the quantitative standards for evidentiary and preliminary breath testing instruments.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, Instrument and Logbook and Portable Evidentiary Instrument Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

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Section

1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval
1286.220	Checking Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
1286.260	Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section

1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007; emergency amendment at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15107, effective October 29, 2007; amended at 33 Ill. Reg. 8529, effective June 4, 2009; amended at 35 Ill. Reg. 18897, effective October 31, 2011.

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SUBPART A: GENERAL PROVISIONS

Section 1286.80 Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, Instrument and Logbook and Portable Evidentiary Instrument Availability

- a) Beginning January 1, 2012, any law enforcement agency that purchases an approved stationary evidentiary instrument shall be required to connect the instrument to the Illinois State Police network, using the LEADS network and/or through a Virtual Private Network (VPN). The installation of a Tibbo DS-203 or similar device in a manner acceptable to the Department, prior to the instrument being placed into service by a BAT, will also be required. Any and all costs associated with a LAN (Ethernet) connection to State network will be the responsibility of that law enforcement agency. Any law enforcement agency that utilizes an approved stationary evidentiary instrument on January 1, 2012 shall be required to provide Ethernet connectivity via a DS-203 or similar device in a manner acceptable to the Department by January 1, 2013, or the instrument may be placed out of service by a BAT immediately following that date. All agencies must repair any problems with a LAN (Ethernet) connection that impact connectivity to the State network.
- ba) All agencies shall have their approved evidentiary instruments available for examination by a BAT.
- cb) All agencies shall have the logbooks for their approved evidentiary instruments available for examination by a BAT.
- de) Agencies with portable evidentiary instruments may be required to transport the instrument to a specific location for its accuracy check.

(Source: Amended at 35 Ill. Reg. 18897, effective October 31, 2011)

SUBPART C: EQUIPMENT

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right

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of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
 - 1) Intoximeters EC-IR, manufactured by Intoximeters, Inc.
 - 2) RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.
 - 3) Intoximeters EC-IR II, manufactured by Intoximeters, Inc.
 - 4) Intoxilyzer 8000, manufactured by CMI, Inc.
 - 5) ~~Intoximeters~~[Intoxilyzer](#) EC-IR II, with serial numbers 10001 and above, manufactured by Intoximeters, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 35 Ill. Reg. 18897, effective October 31, 2011)

Section 1286.220 Checking Approved Evidentiary Instruments for Accuracy

The accuracy of all approved evidentiary instruments used to obtain a breath analysis reading from a subject shall be checked by a BAT.

- a) Accuracy checks are required:

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- 1) Prior to being placed in operation;
 - 2) After a breakdown has been repaired; and/or
 - 3) When an approved evidentiary instrument fails to quantitate the two required accuracy check tests within 10 percent of the reference sample's value, as adjusted for environmental factors.
- b) Approved evidentiary instruments must quantitate the reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors, to be certified accurate. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~
 - c) Approved evidentiary instruments shall be adjusted by a BAT when necessary to cause the instruments to quantitate the reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors.
 - d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. The automatic accuracy checks or accuracy checks performed remotely will not be entered in the instrument logbook. If the accuracy check was performed by a BAT at the instrument location, the accuracy check results shall be recorded in the instrument's logbook.

(Source: Amended at 35 Ill. Reg. 18897, effective October 31, 2011)

Section 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy

To ensure the continued accuracy of approved evidentiary instruments, a BAT or automated system shall perform accuracy checks.

- a) Checks shall be performed at least once every 62 days.
- b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.
- c) Approved evidentiary instruments must quantitate a reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~

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- d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. The automatic accuracy checks or accuracy checks performed remotely will not be entered in the logbook. If the accuracy check was performed by a BAT at the instrument location, the accuracy check results shall be recorded in the instrument's logbook.

(Source: Amended at 35 Ill. Reg. 18897, effective October 31, 2011)

Section 1286.250 Checking Approved PBTs for Accuracy

PBTs shall be checked for accuracy by a BAT or an individual specially trained to perform PBT accuracy checks at least once every 93 days. To be accurate, the PBT must quantitate a reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~

(Source: Amended at 35 Ill. Reg. 18897, effective October 31, 2011)

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- 1) Heading of the Part: Business Logo Signing Program
- 2) Code Citation: 92 Ill. Adm. Code 542
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
542.100	Amend
542.200	Amend
542.300	Amend
542.400	Amend
542.450	Repeal
542.500	Amend
542.600	Amend
- 4) Statutory Authority: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505]
- 5) Effective Date of Amendments: October 26, 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 is on file in the agency's Division of Highways and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 22, 2011; 35 Ill. Reg. 12273
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Several grammatical changes were made to the rulemaking in agreement with JCAR. Additionally, the Department revised Section 542.300(a)(1), in agreement with JCAR, to include the following language:

"Specific service panels and business logo signs may be installed under the standards of Chapter 2J of the Manual on Uniform Traffic Control Devices for Streets and Highways,

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2009 Edition, available from the US Department of Transportation's Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, (202)366-4000 or <http://mutcd.fhwa.dot.gov>, no later amendments or editions included."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Amendments: The following summaries describe the significant changes made to this Part.

At Section 542.100(b)(3), the Department made a change to include a section of Interstate 90 that is eligible for signing. This change will bring the rule up to current practice.

At Section 542.200, the Department added terms to define two different levels of logo signs and an additional specific service panel. Additionally, the Department made a change to the definition of "RV-friendly Symbol Sign" to require the RV symbol to be a supplemental message integrated into the logo sign.

At Section 542.300, the Department is changed provisions to allow up to two service panels and 12 logo signs for a service type based on new allowances in Chapter 2J of the 2009 edition of the FHWA's Manual on Uniform Traffic Control Devices, which is incorporated by reference and available online at www.mutcd.fhwa.dot.gov. Additionally, language was added to define a priority list for displaying service types and logo signs when more service types are requested at a specific location than can currently be installed under this Part. Finally, ramp panels are no longer required at double-exit interchanges, however, ramp panels will be required if a double-exit interchange is reconstructed to a single-exit interchange. Consistent with this change, distance signs on ramp panels are no longer required since the ramp panels are no longer required.

At Section 542.400, the Department revised language to require on-site telephone access for all service types; to add language to allow additional logo signs for a service type beyond the maximum of six that is currently allowed; to add criteria for the combining of service types on the same panel when additional requests are submitted; to add language to prohibit Level 1 signs from being relocated to a second specific service panel, when

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requested by the service owner; to establish criteria for selecting businesses to be displayed on a second specific service panel; to establish when a business may lose its signing priority; to add language for automatic removal of Level 2 signs after five years when a panel is full; and to require businesses to obtain an agreement with local agencies to install trailblazer signs on roads under local jurisdiction, when required.

At Section 542.450, the Department repealed this Section because separate RV-friendly signs attached to a logo sign will no longer be allowed – only RV symbols as part of the logo sign will be allowed.

At Section 542.500, the Department revised this Section to specify the number of multiple service types that will be arranged on the same service panel; to include allowances for supplemental messages on logo signs; to add language for RV-friendly symbol criteria; to add language for minimum letter heights on logo signs, as required in the FHWA's 2009 edition of the Manual on Uniform Traffic Control Devices; and to provide requirements for the display of the months of operation of a camping facility.

At Section 542.600, the Department revised this Section to require a \$100 application fee from a business that had Level 2 signs removed after five years and wants them reinstalled; to include language prescribing that the Department will determine if a logo sign needs to be replaced due to deterioration, damage or vandalism; to allow the Department to collect a \$50 sign replacement fee for any sign that had been installed for less than 10 years and is replaced due to deterioration.

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

Mr. Justan Mann, Acting Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-2076

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

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TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER f: HIGHWAYS

PART 542
 BUSINESS LOGO SIGNING PROGRAM

Section

542.100	Introduction
542.200	Definitions
542.300	Criteria for Specific Service Panels
542.400	Criteria for Business Signs
542.450	Criteria for RV-friendly Symbol Signs <u>(Repealed)</u>
542.500	Panel and Sign Design
542.600	Application, Fees, and Other Regulations
542.APPENDIX A	District Boundary Map (Repealed)
542.APPENDIX B	District Offices and Counties
542.ILLUSTRATION A	Typical Signing for Single-Exit Interchanges (Repealed)
542.ILLUSTRATION B	Typical Signing for Double-Exit Interchanges (Repealed)
542.ILLUSTRATION C	Example Where an Existing Directional Sign Interferes with Normal Panel Spacing (Repealed)
542.ILLUSTRATION D	Example Where all Panels Cannot be Erected Ahead of the First Advance Guide Sign (Repealed)
542.ILLUSTRATION E	Example of Trailblazer Assembly (Repealed)
542.ILLUSTRATION F	Examples of Interstate Panels for Single-Exit Interchanges (Repealed)
542.ILLUSTRATION G	Examples of Interstate Panels for Double-Exit Interchanges (Repealed)
542.ILLUSTRATION H	Example of Two Services on One Interstate Panel (Repealed)
542.ILLUSTRATION I	Examples of Specific Service Panels Along a Single-Exit Interchange Exit Ramp (Repealed)
542.ILLUSTRATION J	Examples of Specific Service Panels Along a Double-Exit Interchange Exit Ramp (Repealed)

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505].

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SOURCE: Adopted at 5 Ill. Reg. 12823, effective November 3, 1981; codified at 6 Ill. Reg. 15255; Part repealed, new Part adopted at 10 Ill. Reg. 6996, effective April 16, 1986; amended at 24 Ill. Reg. 12736, effective September 1, 2000; amended at 27 Ill. Reg. 7880, effective April 21, 2003; amended at 30 Ill. Reg. 5650, effective March 10, 2006; amended at 32 Ill. Reg. 8027, effective May 8, 2008; amended at 35 Ill. Reg. 18905, effective October 26, 2011.

Section 542.100 Introduction

- a) This Part has been developed to regulate the use of business logos displayed along various freeways. It establishes standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos will provide motorists with travel related directional information to facilities offering gas, food, lodging, camping, and 24-hour pharmacies.
- b) This program applies to freeways within the State of Illinois that are under the jurisdiction of the Department. However, because of the close spacing of interchanges, presence of existing critical directional signs, and congestion in the densely populated Chicago, Peoria and St. Louis metropolitan areas, this program will not apply to the following sections of highways:
 - 1) Interstate 57 from the southerly Chicago city limits northerly to its terminal with Interstate 94;
 - 2) Interstate 55 from Interstate 294 northerly to Lake Michigan;
 - 3) Interstate 90 from the Indiana state line to Exit 3 northbound;
 - 4) Interstate 94 from the southerly Chicago city limits northerly to the Wisconsin state line;
 - 5) Interstate 290;
 - 6) Interstate 55/70 from Interstate 255 southerly to the Missouri state line;
 - 7) Interstate 64 from, but not including, Exit 6 westerly to the Missouri state line;

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- 8) Interstate 74 through Peoria between and including the Sterling Avenue interchange (Exit 88) and the Washington Avenue interchange (Exit 95), except for the eastbound off-ramp to Sterling Avenue and the westbound off-ramp to Washington Street;
 - 9) Interstate 74 from, and including, Exit 4 northerly to the Iowa state line;
 - 10) Illinois 394 except for the Glenwood Dyer Road and US 30 interchanges; and
 - 11) Any other freeway in Cook and DuPage Counties except for Interstate 80.
- c) In an urbanized area where three consecutive freeway interchanges are each spaced less than one and one-quarter miles apart, logo signing will not be provided.

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.200 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Ahead or Advance" – a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad being signed.

"Business" – an open establishment that provides gas, food, lodging, camping, or a 24-hour pharmacy as a motorist service to the general public.

"Business Sign" – a rectangular sign consisting of a business trademark, name, brand, symbol, or combinations thereof. This sign, also referred to as a logo sign, is displayed on a specific service panel or together with an arrow panel as a trailblazer sign.

"Crossroad" – a public road intersecting the freeway for which an interchange is provided.

"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

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"District" – the organizational structure of the Department. The Department is divided into 5 Regions. Each Region, except Region 1, is then subdivided into 2 Districts. The program is administered in the District offices.

"Entrance or Exit Ramps" – lanes entering or leaving the main traveled way of a freeway. These lanes provide access between the freeway and the crossroad at an interchange.

"Fiscal Year" – a year beginning July 1 and ending the following June 30.

"Freeway" – a divided highway for through traffic with full control of access and grade separations at crossroads.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels.

"Interstate" – a freeway that is part of the National System of Interstate and Defense Highways and marked with an Interstate Route Number.

"Level 1 Sign" – any business sign installed on a specific service panel, or on that portion of a second specific service panel that displays a service type not displayed on any other specific service panel in the same direction in advance of an interchange.

"Level 2 Sign" – any business sign installed on the portion of a second specific service panel that displays a service type also displayed on another specific service panel in the same direction in advance of an interchange.

"RV-friendly MessageSymbol Sign" – a supplemental messagesymbol sign advising that a business establishment can accommodate the movement and parking of recreational vehicles (RVs).

"Second Specific Service Panel" – a specific service panel that accommodates additional logo sign space for a specific service type beyond the maximum space allowed on an existing specific service panel. If there is more than one specific service panel installed in the same direction in advance of an interchange that displays the same service type, the panel with the most recent original installation date is considered the second specific service panel for that service type.

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"Service" – a type of facility used by motorists; namely gas, food, lodging, camping, or a 24-hour pharmacy.

"Specific Service Panel" – a rectangular panel, displaying the words GAS, FOOD, LODGING, CAMPING, or 24-HOUR PHARMACY and directional information, on which a business sign is mounted. A panel along the freeway is referred to as a "freeway panel" and a panel along the exit ramp or crossroad is referred to as an "exit ramp panel."

"Trailblazer Assembly" – a small sign guiding motorists from the ramp to the business. The sign is not required if the business can readily be seen from the crossroad. However, if motorists seeking the business must be directed to turn off the crossroad onto another road in order to reach the business, the sign becomes necessary.

"Trailblazer Sign" – a business sign displayed, together with an arrow panel, off the freeway highway system to advise motorists where to turn on the crossroad (when necessary).

"Urbanized Area" – a municipality with a population of 50,000 or more, and its contiguous urban fringe with a population density of 1,000 or more inhabitants per square mile; or a municipality with at least a population of 25,000 together with other contiguous places (incorporated or unincorporated) each with a population density of 1,000 or more inhabitants per square mile, which altogether constitutes for general socioeconomic purposes a single community with a combined population of at least 50,000 inhabitants. ~~The limits of urbanized areas are those approved by the Federal Highway Administration in accordance with Volume 4, Chapter 6, Section 3 of their Federal aid Program Manual (23 USC 470.107(a)(2)).~~

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.300 Criteria for Specific Service Panels

- a) Number and Order of Freeway Panels
 - 1) Specific service panels and business logo signs may be installed under the standards of Chapter 2J of the Manual on Uniform Traffic Control

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Devices for Streets and Highway, 2009 Edition, available from the US Department of Transportation's Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, (202)366-4000 or <http://mutcd.fhwa.dot.gov>, no later amendments or editions included. Specific service panels may be installed~~No more than one specific service panel~~ for each of the five types of services (gas, food, lodging, camping, and 24-hour pharmacy). There will be up to~~will be~~ a maximum of four service panels with a total of 24 logo signs~~will be~~ erected within the right-of-way of a freeway for each direction of travel in advance of an interchange after receipt of the business signs by the Department for each type of service. There will be a maximum of two specific service panels and 12 business logo signs that display a specific service type. Each service panel will provide space for a maximum of six logo signs regardless of whether the service panel displays one or multiple service types. A service panel may display up to three different service types but will provide enough space for at least two logo signs for all service types displayed. These maximum limits will also include any service panels and logo signs installed for attractions (see 92 Ill. Adm. Code 543, Tourism Attraction Signing Program).

- 2) Specific service panels will not be erected in advance of any exit-only freeway interchange where motorists cannot immediately reenter the freeway and continue in the same direction of travel.
- 3) Specific service panels shall be installed successively in the direction of travel in the following order: 24-HOUR PHARMACY, CAMPING, LODGING, FOOD, and GAS (i.e., the GAS panel shall be the last specific service panel viewed by motorists before reaching the appropriate exit ramp).
- 4) Where sufficient distance is not available between interchanges to install ~~four~~four specific service panels ~~for the four types of services~~, only the number of panels that can be properly spaced ~~will~~shall be installed. Service panels may be modified to include other service types (see subsection (a)(1)). To determine those services that will be signed, priority will be given in the following order from top to bottom:

GAS (Level 1 signs)

FOOD (Level 1 signs)

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LODGING (Level 1 signs)

CAMPING (Level 1 signs)

ATTRACTIONS (Level 1 signs)

24-HOUR PHARMACY (Level 1 signs)

GAS (Level 2 signs)

FOOD (Level 2 signs)

LODGING (Level 2 signs)

CAMPING (Level 2 signs)

ATTRACTIONS (Level 2 signs)

24-HOUR PHARMACY (Level 2 signs)

~~to installing one specific service panel for GAS first, one for FOOD second, one for LODGING third, one for CAMPING fourth, and one for 24-HOUR PHARMACY fifth. However, once~~ Once a type of service has a specific service panel or second specific service panel erected at an interchange that continues to display at least one business logo sign, that panel or service type will not be removed because a business establishment from another higher priority service requests to participate.

5) All specific service panels shall be ground-mounted.

b) Location of Freeway Panels

1) Each specific service panel along the freeway shall be installed at least 800 feet from other panels and/or signs. Where possible, the series of specific service panels in advance of an interchange is to be erected ahead of the first advance guide sign, such as "Main Street 1 Mile." Where a sign, such as a county line sign, is located ahead of the advance guide sign and obstructs normal panel sequential spacing, the panels shall be spaced so as to incorporate that additional sign. Where the specific service panels cannot all be properly located ahead of the advance guide sign because of a lack of required longitudinal distance or topography, as many of the panels as possible shall be installed ahead of the advance guide sign and the remaining panels shall be installed closer to the exit ramp but as close to the first advance guide sign as possible, consistent with the previously stated spacing requirements. In any event, the last panel will not be placed closer than 800 feet in advance of either the exit direction sign (displaying the take-off arrow) or the beginning of the exit ramp taper, nor will it be placed any closer than 500 feet from the preceding

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entrance ramp stub.

- 2) Specific service panels will not be erected in advance of entrance ramps from a previous interchange.

c) Exit Ramp Panels at Single-Exit Interchanges

- 1) Specific service panels will be installed along exit ramps at single-exit interchanges in accordance with subsection (c)(2). These panels will be placed in the same sequential order as those along the freeway. Each exit ramp panel shall be installed at least 200 feet from other panels and/or signs.
- 2) Any business establishment that has its logo displayed on a freeway panel shall be required to display its logo on an exit ramp panel at a single-exit interchange. This provision applies to those businesses who receive approval of their applications on or after September 1, 2000. Only businesses having logos displayed on freeway panels will have logos displayed on exit ramps panels.
- 3) The Department will place a supplemental distance sign below the business sign of any establishment over one mile from the exit ramp at single-exit interchanges. Whenever the Department places such sign on an exit ramp panel, it will also place a supplemental distance sign for the business sign of any other business establishment ½ mile or more from the ramp. The supplemental sign will indicate the distance to the facility in half-mile increments.

d) Exit Ramp Panels at Double-Exit Interchanges

- 1) Any business establishment that has its logo displayed on a freeway panel shall not be required to display its logo on an exit ramp panel at a double-exit interchange. Any business establishment that has its logo displayed on a freeway panel at a double-exit interchange that is reconstructed to a single-exit interchange will be required to have its logo displayed on ramp panels in accordance with subsection (c). This provision applies to those businesses who receive approval of their applications on or after September 1, 2000. Only businesses having logos displayed on freeway panels will have logos displayed on exit ramp panels. Ramp panels will

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~~be located on the exit ramp, or on the crossroad just off the exit ramp of double exit interchanges.~~

- 2) ~~The Department will place a supplemental distance sign below the business sign of any establishment over one mile from the exit ramp at double exit interchanges. Whenever the Department places such sign on an exit ramp panel, it will also place a supplemental distance sign for the business sign of any other business establishment ½ mile or more from the ramp. The supplemental sign will indicate the distance to the facility in half mile increments.~~

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.400 Criteria for Business Signs

- a) For those sections of freeway routes where business ~~information~~ signs are to be ~~installed~~~~erected~~, any business establishment meeting the following criteria will be considered for placement of a business sign on a specific service panel.
- b) General Criteria
- 1) GAS: Must be open 7 days a week for a minimum of 12 hours a day. It shall have normal service station goods and services, which are ~~on-site phone access~~~~telephone~~, gas, oil, water, and restroom. An attendant must be present at the business at all times the business is open.
 - 2) FOOD: Must be open any 6 days a week and serve at least two meals per day, or remain open for a minimum of 6 hours each day. It shall be certified by the Illinois Department of Public Health or local health department and have a restroom and ~~on-site phone access~~~~telephone~~.
 - 3) LODGING: Must be open 7 days a week. It shall have ~~on-site phone access~~~~a telephone~~, restroom and sleeping accommodations. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.
 - 4) CAMPING: Must be open 7 days a week for at least 6 months of the year. It shall have camping and parking accommodations, restroom, ~~on-site phone access~~~~telephone~~, and drinking water. At least half of the

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accommodations shall be available to the general public and shall not be restricted to members only.

- 5) 24-HOUR PHARMACY: Must be open continuously 24 hours per day, 365 days per year, with an Illinois-licensed pharmacist present and on duty in the pharmacy at all times.

c) Distance to Business

- 1) In a nonurbanized area, a business providing gas, food, lodging, or a 24-hour pharmacy must be within three road miles from a freeway interchange, while a business providing camping must be within 20 road miles.
- 2) In an urbanized area, a business providing gas, food, lodging or a 24-hour pharmacy must be within one road mile from a freeway interchange, while a business providing camping must be within five road miles.
- 3) The distance to each business establishment will be measured as the travel distance between the end of the appropriate exit ramp and the business establishment. The distance to a business on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the business. Where the business is located along an intersecting road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the business. Where an entrance serves more than one business, the driving distance using the proper marked driving aisles from the entrance to the parking space available for patrons nearest the business will be added to the distance measured along the crossroad or intersecting road. In the event the Department cannot determine which business establishment is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method determined by the Department. The affected businesses will be allowed to witness such action.
- 4) Signing will be allowed for a business establishment on each freeway from which it qualifies. If a business establishment meets the criteria at

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more than one interchange on any one freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction from that freeway to the business establishment. In determining the most direct and best route, the Department will consider all relevant conditions including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

d) Business Signing Priorities

- 1) A specific service panel shall have a maximum of six business logo signs. Where there ~~are~~ more businesses of a specific service type eligible for and desiring signing than the number of signs ~~and permitted on a specific service panels permitted panel~~, those businesses nearest the exit ramp intersection with the crossroad will be given first priority for signing. Because each exit at an interchange is treated separately, a business establishment may be eligible to sign for only one direction of travel along a freeway.

A) When additional requests are received for a service type that has an existing full specific service panel, the Department may install a second specific service panel for that service type. When additional requests are received for a service type that has an existing full panel and there are four existing service panels at the interchange, a second specific service type may be combined with an existing specific service panel based on the requirements of Section 542.300(a)(1) and the following:

- i) The service type that is full may be displayed on the service panel displaying a service type of lesser priority (see Section 542.300(a)(4)) that has the least number of logo signs installed.
- ii) A service type that is full will only be combined with a service type of higher priority as a last option.
- iii) At least one space will remain available for the existing service type that is being combined at the time the service panel is being modified.

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- iv) An existing service panel displaying more than three existing Level 1 signs will not be modified.
- v) If there is more than one service type requesting Level 2 signs at the same time, the service type with the highest priority will be considered first in determining the ability to display Level 2 signs.
- B) When considering a second specific service panel, the Department will take into consideration the number of other services available at the interchange, the interest expressed by qualified businesses and tourism attractions in the logo signing program, and the anticipated future development of the area.
- 2) A business with Level 1 signs will~~Those businesses that display their business signs on a freeway panel will be assured that the signs will not have its signs~~be removed because of a nearer business as long as it continues~~they continue~~to meet the established criteria and continues~~continue~~to pay their annual fees. A business with Level 1 signs cannot choose to have its signs relocated to a second specific service panel. This provision does not apply to Level 2 signs (see subsection (d)(7)).
- 3) Once businesses are selected for a particular panel, the eligible business closest to the interchange from which an application was received will have its sign placed on the available space closest to the top left of the panel, and the second closest business will be on the next available space horizontally. On panels for single-exit interchanges, after spaces on the top row are filled, signs will be placed along the next row or rows in the same manner. Signs will be arranged similarly for double-exit interchanges, except the business at the first exit will have signs on the top portion of the panels and businesses at the second exit will have signs at the bottom portion of the panels. If a business leaves the program and subsequently reapplies and is accepted back into the program, its new sign will be placed on the panel in the same place as its previous sign if the space is available or, in the event the previous space has been assigned to another business, in the closest available space to its previous space. Once placed on a panel, requests from a business to relocate its business sign to other available locations on the panel will not be honored.

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- 4) The Department will remove individual business signs within 15 calendar days after a business leaving the program for any reason and such empty space on the specific service panel will constitute public notice that such space is available for another qualifying business. When such removal of individual business signs causes space to become available on any specific service panel and where the panel had, up to that time, the maximum number of individual business signs allowed, the qualifying business closest to the interchange that submits a valid application, including the required application fee, within 45 calendar days after such removal, not counting the removal date, and that is open to the public on or before the end of the 45 day time period, will be allowed to display its business sign in the available space. If no qualifying business submits its application within the 45 day period, the first qualifying business that submits a valid application and that is open to the public at the time the application is submitted, will be allowed to display its business sign in the available space. When the Department installs a second specific service panel, the qualifying businesses closest to the interchange that submit a valid application within 45 calendar days after the installation date of the service panel, and that are open to the public on or before the end of the 45-day time period, will be allowed to display their business signs in the available spaces. The installation of a second specific service panel will constitute public notice that the space is available for qualifying businesses.
- 5) When a business closes due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the business shall notify the Department in writing of the closure within 30 calendar days. The complete demolition of a business' building will be considered to be remodeling as long as the new business building is constructed on the existing site. Following closure, the business ~~signs~~ will be removed and returned to the business ~~stored by the Department up to a maximum of six months.~~ If the business remains closed after six months, the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the business must be paid for that year or the space will be declared available. If the business does not notify the Department in writing within 30 calendar days after the closure, and the Department becomes aware of such closure, the closure will be considered permanent, the business will lose its signing priority and the space will be declared available. When a space is declared

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available, a new application must be submitted for inclusion in the program and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

6) Loss of Signing Priority

A) If any of the following changes occur, the business will lose its signing priority and the space will be declared available:

i) When the ~~business~~-service type changes, ~~such as (i.e., a gas station changing to a food establishment).~~

ii) When a business closes its current location to move to a new location.

iii) ~~When or when~~ the business closes permanently, ~~the business will lose its signing priority and the space will be declared available.~~

B) If the business reopens, wishes to take part in this program and is still eligible for signing under this program, and if a space has been declared available, the business shall submit a new application and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

7) Level 2 signs will be removed by Department personnel, regardless of how long they have been installed, when the business no longer meets the requirements of this Part, is in arrears on annual payments, or for any of the reasons listed in subsection (d)(6). If not already removed for any other reason, businesses with Level 2 signs that have been installed more than five years will have their signs removed at the end of the fifth fiscal year for which they have prepaid. Removal will only apply if there are no spaces available on the second specific service panel displaying the Level 2 signs at the end of the fifth fiscal year. Businesses with Level 2 signs that are removed for this reason that wish to have their signs reinstalled will be required to reapply and their priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question. The available spot or spots on the second specific service panel will be filled as specified in subsection (d)(4). When Level 1 signs are

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removed because a business is no longer part of the program, the business with Level 2 signs at the same interchange, of the same service type, and that is closest to the interchange will have its business signs relocated to the removed Level 1 signs' former spaces. The relocated signs will become Level 1 signs and will no longer be subject to removal after a five year period. Businesses cannot choose to keep their signs on the second service panel.

- e) Location of Business
- 1) Business on the Crossroad
Where a business establishment providing gas, food, lodging, camping, or a 24-hour pharmacy is on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if a sign is on the business site advising motorists of the appropriate entrance to the establishment.
 - 2) Business Not on the Crossroad
 - A) Where a business establishment providing gas, food, lodging, or a 24-hour pharmacy is not on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if it is visible from a road intersecting the crossroad and has a trailblazer assembly placed on the crossroad advising motorists where to turn. The Department will place such trailblazer signs on state highway crossroads for the fee established in Section 542.600(b)(2). Where the crossroad is under local agency jurisdiction, trailblazer signs will not be required if legible signs with directional information are present advising motorists where to turn. If such signs are not present, a business needing ~~thesueh~~ signing will be allowed to participate in the program only if the business can arrange with the appropriate local agency for Department can arrange an agreement covering the erection and maintenance of such ~~legibletrailblazer~~ signs with directional information on all roads under the jurisdiction of the local agency. This provision applies to those businesses that receive approval of their applications on or after January 1, 2012.
 - B) A campground not on the crossroad can be signed on a freeway

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panel regardless of the number of turns required if legible signs with directional information are present advising motorists where to turn. The Department will erect trailblazer signs along State-maintained highways for the fee established in Section 542.600(b)(2).

- f) No business will be allowed more than one space on an individual specific service panel; however, a business could qualify for a business sign on more than one type of panel; e.g., both food and lodging.

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.450 Criteria for RV-friendly Symbol Signs (Repealed)

~~The Department will furnish and install an RV-friendly symbol sign on a freeway specific service panel for any business establishment requesting an RV-friendly sign; however, the following requirements must be met.~~

- ~~a) The entrance to and egress from the business establishment shall be hard surfaced, kept free of potholes and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.~~
- ~~b) The entrance to and egress from the business establishment and the parking area shall be free of any electrical wires, tree branches, canopies or other obstructions up to 14 feet above the surface.~~
- ~~e) Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.~~
- ~~d) Fueling facilities must allow for pull-through with a swing radius of 50 feet.~~
- ~~e) Restaurants and 24-hour pharmacies shall have a minimum of 2 RV spaces that are a minimum of 12 feet wide and 65 feet long with a minimum swing radius of 50 feet to enter and exit the spaces.~~
- ~~f) Campgrounds shall have a minimum of 2 spaces that are a minimum of 18 feet wide and 45 feet long.~~

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- g) ~~Business establishments shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.~~

(Source: Repealed at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.500 Panel and Sign Design

- a) Freeway Panel Design
- 1) At single-exit interchanges, the type of service and the exit number shall be displayed in one line above the business signs in white legend ten inches in height on a blue background.
 - 2) At double-exit interchanges, the specific service panels shall consist of two sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The type of service and the exit number shall be displayed in a line above the business signs for each section. Where all businesses of a type of service are at only one exit, the specific service panel will be displayed similarly to that for a single-exit interchange.
 - 3) When two types of services are combined on the same freeway panel, ~~the one service will be displayed on the top half of the panel and the other on the bottom half. The higher priority service will~~shall be displayed ~~above or to the left of the lower priority service on the top half. When three types of services are combined on the same freeway panel, one of the following arrangements will be used:~~
 - A) Service types arranged vertically with one service displayed on the top third of the panel, one service displayed on the middle third of the panel, and one service displayed on the bottom third of the panel.
 - B) Service types arranged horizontally with one service displayed on the left third of the panel, one service displayed on the middle third of the panel, and one service displayed on the right third of the panel.
 - C) The services will be displayed in priority order with the highest

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priority service listed at the top or to the left.

b) Exit Ramp Panel Design

- 1) Along exit ramps of single-exit interchanges, the business signs will be displayed in similar order to that on the freeway, except that those businesses to the motorists' left will have signs placed at the top of the panel and those to the right will be at the bottom. Directional arrows will be shown on the panel by the Department.
- 2) If used, exitExit ramp panels of double-exit interchanges are designed similar to those of single-exit interchanges, except without directional arrows.
- 3) Services will be combined on exit ramp panels, similar to that provided in subsection (a)(3).

c) Business Sign Design

- 1) The business signs will be designed and supplied by the business to the Department. These signs shall consist of the business' name, trademark, symbol, or combination thereof, providing it does not resemble any traffic sign, signal, or device. The business' trademark, name, etc., must be the primary message on the sign and directly related to the type of service being accommodated on the specific service panel. The business signs may also contain supplemental messages relating to the primary business, including credit cards honored by that business, ATM machines actually on the property that the business owns or leases, and messages such as "family restaurant", "buses welcome", "E85", "alternative fuels" and "diesel". Logos~~Proprietary logos~~ or symbols identifying a second business or a supplementary service, ~~other than those identifying credit cards honored by the business,~~ will not be allowed. A business sign may also contain one supplemental word message directly relating to a second motorist service, including, but not limited to, "food mart" on a gas sign, "gas" on a lodging sign, or "restaurant" on a gas or lodging sign. A business sign shall not display the symbol/trademark or name of more than one business"(name)-restaurant" on a gas or lodging sign. Messages that are not related to motorist services, including, but not limited to, alcoholic beverages, area tourist attractions, dancing, lottery tickets, antiques, and

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vehicle sales will not be allowed as supplemental messages. Food signs for establishments that are closed one day a week shall include a supplemental message including the day of closure. The business sign may also contain one supplemental message identifying that the business is RV-friendly, subject to the following requirements:

A) The entrance to and egress from the business establishment shall be hard surfaced, kept free of potholes and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.

B) The entrance to and egress from the business establishment and the parking area shall be free of any electrical wires, tree branches, canopies or other obstructions up to 14 feet above the surface.

C) Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.

D) Fueling facilities must allow for pull-through with a swing radius of 50 feet.

E) Restaurants and 24-hour pharmacies shall have a minimum of two RV spaces that are a minimum of 12 feet wide and 65 feet long with a minimum swing radius of 50 feet to enter and exit the spaces.

F) Campgrounds shall have a minimum of two spaces that are a minimum of 18 feet wide and 45 feet long.

G) Business establishments shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.

H) The supplemental message shall either be "RV access" or "RV friendly". It may also consist of an abbreviation "RV" in six inch black letters inside a 10" diameter yellow circle with a black

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border displayed within and near the lower right-hand corner of the business sign.

- 2) Any supplemental messages must be an integral part of the business sign and not added as stickers or decals after the business sign has been installed. Any signs that are tampered with by adding or deleting supplemental messages or by altering the name, logo, or symbol or any other portion of the message or design subsequent to their installation will be removed by the Department and the business must furnish new signs in addition to the \$50 per sign reinstatement fee required by Section 542.600(b)(4). Should the service indicated by a supplemental message be discontinued, the business must furnish new business signs without the discontinued message along with the \$50 per sign reinstatement fee required by Section 542.600(b)(4) within 60 days after discontinuation of the service. Covering over the message will not be allowed. Supplemental messages may be omitted on ramp and trailblazer signs if the business desires. Signs shall be fabricated on an aluminum base material between .080 and .125 inches thick. High-performance reflectorized background sheeting material shall be utilized for the signs. The size of the signs to be placed on freeway panels, exit ramp panels, and trailblazer assemblies shall be as follows:

	GAS		FOOD, LODGING, CAMPING, 24-HR PHARMACY	
	<u>Width</u>	<u>Height</u>	<u>Width</u>	<u>Height</u>
FREEWAY	48"	36"	60"	36"
EXIT RAMP	24"	18"	24"	18"
TRAILBLAZER	24"	18"	24"	18"

Business sign lettering, other than that which is part of a logo/trademark, shall be a minimum of 8" high on freeway signs and 4" high on ramp and trailblazer signs. Supplemental message lettering shall be a minimum of 5" high on freeway signs and 2.5" high on ramp and trailblazer signs.

- 32) In order to ensure that the signs meet all of the requirements of this Section, businesses shall furnish a sign design to the Department for approval within 30 calendar days after approval of their application. If the sign design is not received by the Department within the 30 day time

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period, the space will be declared available.

43) Any campground not open the entire year must have its opening and closing months shown on its freeway business signs, but is not required to have the months shown on either the freeway or the exit ramps. This provision applies to those businesses who receive approval of their applications on or after January 1, 2012.

d) ~~RV-friendly Symbol Sign Design~~

1) ~~The RV-friendly symbol sign will be furnished and installed by the Department. The sign will consist of a 12-inch diameter, yellow circle with a 1/2-inch black border and a black upper case "RV" in 8-inch high letters within the circle.~~

2) ~~The RV-friendly symbol sign will be located in the lower right-hand corner of the business sign and centered on a point 2 inches from the right-hand edge of the sign and 2 inches from the lower edge of the sign.~~

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

Section 542.600 Application, Fees, and Other Regulations

a) Application

1) As a freeway route is scheduled to have business logo signs displayed for the first time, the Department will publish in local newspapers a notice soliciting participation from businesses offering gas, food, lodging, camping, and a 24-hour pharmacy along that freeway.

2) Application forms will be available from the Department (see [Section 542. Appendix BA](#) – District Offices and Counties for a listing of District addresses and phone numbers) for all businesses that could qualify to have business signs displayed on specific service panels. If a business wishes to participate in this program, it must complete an application form for each specific service for which it wishes to sign and submit it to the Department by the deadline date indicated in the newspaper notice. Applications received after the indicated date will be considered if space is still available on the freeway panels.

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- 3) Where the Department determines from the initial application that the business meets the criteria listed in this Part and space is available, the application will be approved and returned to the business along with instructions concerning the number and location of the business signs, the annual fee, and other appropriate information.
- b) Fees
- 1) A \$100 processing fee for each type of service signing requested by a business establishment must be submitted to the Department at the time the sign design is submitted for approval, as required by Section 542.500(c)(~~32~~). A \$100 processing fee will also be charged when a business reapplies for signing after its signs have been removed due to late rental payments, ~~or~~ withdrawal from the program, or ~~when~~ a business ~~changing~~ changes its name and its ownership at the same time, ~~or for~~ removal of Level 2 signs after 5 years of installation, as required under Section 542.400(d)(7).
 - 2) An annual rental fee sufficient to offset the cost of this program will be charged for each business sign displayed on a freeway panel, exit ramp panel, and trailblazer assembly. The annual rental fees as of July 1, 2006 will be \$200 for each business sign displayed on a freeway panel, \$130 for each business sign displayed on an exit ramp panel, and \$30 for each business sign displayed on a trailblazer assembly. The Department will periodically adjust the fees to reflect the current cost of maintaining the signing system. Fee adjustments are subject to rulemaking. Fees will be collected on an annual basis. When a business establishment makes an annual payment, it will be guaranteed usage of the paid space on the specific service panel for the entire year, as long as it meets the established criteria. Any business closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs erected for a partial year.
 - 3) Where payment is not received by the Department within 30 calendar days after the due date, the business signs will be removed by the Department. Where receipt of payment is delinquent and a specific service panel is full, the business establishment will lose its signing priority to the next qualifying business desiring the space. When the fee is received after the

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business sign is removed, and space is still available on the panel, a fee of \$100 will be charged for reapplication as provided for in subsection (b)(1), in addition to the annual fee for the remainder of the fiscal year, as well as that portion of the annual fee owed for the period of time between the end of the preceding fiscal year and the date the sign was removed.

- 4) A fee of \$50 for each business sign will be charged for a business requesting that its signs be replaced with new signs for any reason other than due to ~~deterioration, damage, or vandalism~~ as provided for in subsection (c)(1) of this Section. Where such replacement is requested, all business signs for the specific business, including those on freeway and exit ramp panels, as well as any trailblazer signs, must be replaced at the same time.

~~5) An additional one-time fee of \$100 will be charged for each RV-friendly symbol sign to cover the Department's costs for furnishing and installing the sign.~~

c) Placing and Maintaining Business Signs

- 1) Businesses, at their expense, must supply their own business signs to the Department within 60 calendar days after approval of their design. If the signs are not received by the Department within the 60 calendar day time period, the space will be declared available. Only the Department will place, or cause to be placed, the business signs on the specific service panels and trailblazer assemblies. ~~When a business sign is so deteriorated, damaged, or vandalized that it needs replacement, the Department will notify its owner to fabricate a new sign. There will be no charge for this replacement of the business sign.~~
- 2) When a business sign is so deteriorated, damaged or vandalized that it needs replacement, the Department will notify its owner by certified mail to resubmit a logo design within 30 days after the notification. The Department reserves the right to make the final determination of whether a business sign needs to be replaced. Once the logo design is approved, the owner must supply the Department with the replacement sign within 60 days after the logo design approval. There will be a fee of \$50 for each sign replaced due to deterioration that has been installed less than 10 years. There will be no charge for the replacement of a business sign that

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has been damaged or vandalized. If a logo design is not received within the 30 day time period or a replacement sign is not received within the 60 day time period, the Department will remove all of the owner's business signs at the interchange and the business will lose its signing priority.

- 32) Businesses will be required to certify on the application that they meet the established criteria. When the Department receives a complaint that a business may not comply, the suspected business will be contacted by the Department to determine if it meets the established criteria. If it is determined the business establishment fails to qualify, the business must change its operation within 30 calendar days after notification by the Department so as to comply or its business logos will be removed.

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)

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- 1) Heading of the Part: Tourism Attraction Signing Program
- 2) Code Citation: 92 Ill. Adm. Code 543
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
543.200	Amend
543.300	Amend
543.400	Amend
543.500	Repeal
543.600	Amend
543.700	Amend
543.APPENDIX A	New Section
- 4) Statutory Authority: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505]
- 5) Effective Date of Amendments: October 26, 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 Division of Highways and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 22, 2011; 35 Ill. Reg. 12301
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several grammatical changes were made to the rulemaking in agreement with JCAR. Additionally, the Department revised Section 543.300(a)(1), in agreement with JCAR, to include the following language:

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"Tourism attraction panels and tourism attraction signs may be installed under the standards of Chapter 2J of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, available from the US Department of Transportation's Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, (202)366-4000 or <http://mutcd.fhwa.dot.gov>, no later amendments or editions included."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Amendments: Following are summaries of the significant changes made to this Part.

At Section 543.200, the Department added language to define two different types of tourism attraction panels and to revise the RV-friendly service sign provisions to require the RV symbol to be a supplemental message integrated into the tourism attraction sign.

At Section 543.300, the Department revised language to allow up to two tourism attraction panels and 12 tourism attraction signs based on new allowances in Chapter 2J of the FHWA's 2009 edition of the Manual on Uniform Traffic Control Devices, which is incorporated by reference and can be accessed on the internet at www.mutcd.fhwa.dot.gov; to prescribe the priority list for interstate business logo and tourism attraction signs; to require tourism attraction panels to be installed at least 500 ft. beyond an entrance ramp stub, to revise the requirement concerning ramp panels at double-exit interchanges; and to delete language requiring distance signs on ramp panels.

At Section 543.400, the Department revised language to define categories of allowable tourism attractions; to add language to specifically list business types not to be considered attractions; and to prescribe that the Department will deliver logo signs to the business, if it temporarily closes, rather than storing them at a Department facility.

At Section 543.500, the Department repealed this Section because only RV symbols that are part of the tourism attraction signs will be allowed.

At Section 543.600, the Department revised this Section to specify how multiple service types will be arranged on the same service panel; to add allowances for supplemental

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messages on tourism attraction signs; to add language for RV-friendly symbol criteria; to add minimum letter heights on tourism attraction signs, as required by the FHWA's 2009 edition of FHWA's Manual on Uniform Traffic Control Devices; and to remove RV-friendly symbol signs since they are no longer allowed.

At Section 543.700, the Department revised this Section to prescribe that the Department will determine if a tourism attraction sign needs to be replaced due to deterioration and to allow the Department to collect a \$50 sign replacement fee for any sign that has been installed for less than 10 years and is replaced due to deterioration.

At Section 543.APPENDIX A, the Department added a list of District Offices because the District Offices will be administering the program for the Department.

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

Mr. Justan Mann, Acting Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-2076

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 543
TOURISM ATTRACTION SIGNING PROGRAM

Section

543.100	Introduction
543.200	Definitions
543.300	Criteria for Tourism Attraction Panels
543.400	Criteria for Tourism Attraction Signs
543.500	Criteria for RV-friendly Symbol Signs <u>(Repealed)</u>
543.600	Panel and Sign Design
543.700	Application, Fees, and Other Regulations
543.APPENDIX A	District Offices and Counties

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505].

SOURCE: Adopted at 30 Ill. Reg. 17550, effective October 23, 2006; amended at 35 Ill. Reg. 18932, effective October 26, 2011.

Section 543.200 Definitions

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section.

"Ahead" or "In advance of" – a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad being signed.

"Billing Cycle" – billing beginning July 1 and ending the following June 30.

"Business Logo Sign" – a sign conforming to the Department's rule titled Business Logo Signing Program, 92 Ill. Adm. Code 542, advising motorists of services such as gas, food, lodging, camping and 24-hour pharmacy services.

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"Crossroad" – a public road intersecting the freeway for which an interchange is provided.

"DCEO" – the Illinois Department of Commerce and Economic Opportunity, acting through its [OfficeBureau](#) of Tourism, with central offices located at 620 East Adams Street, Springfield, Illinois 62701.

"Department" – the Illinois Department of Transportation, with central offices located at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"Entrance or Exit Ramps" – lanes entering or leaving the main traveled way of a freeway. These lanes provide access between the freeway and the crossroad at an interchange.

"Fiscal Year" – a year beginning July 1 and ending the following June 30.

"Freeway" – a divided highway for through traffic, other than one under the jurisdiction of the Illinois State Toll Highway Authority, with full control of access and grade separations at all crossroads.

"IDNR" – the Illinois Department of Natural Resources, with central offices located at One Natural Resource Way, Springfield, Illinois 62702-1271.

"IHPA" – the Illinois Historic Preservation Agency, with central offices located at 500 East Madison Street, Springfield, Illinois 62701.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels.

"Marketing Plan" – a plan supplied by a tourism attraction that explains how and where the attraction is being marketed or advertised outside a 50 mile radius of the interchange.

"Official Sign" – a sign that is defined as an official sign in the Department's rule titled Control of Outdoor Advertising Adjacent to Primary and Interstate Highways, 92 Ill. Adm. Code 522, and that is erected and maintained by the Department along a freeway. For purposes of this Part, official signs do not include business logo signs.

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"RV-friendly ~~Message Symbol Sign~~" – a ~~supplemental messagesymbol sign~~ advising that a tourism attraction can accommodate the movement and parking of recreational vehicles (RVs).

"Second Tourism Attraction Panel" – a tourism attraction panel that accommodates additional tourism attraction sign space beyond the maximum space allowed on an existing tourism attraction panel. When there is more than one tourism attraction panel installed in the same direction in advance of an interchange, the panel with the most recent original installation date will be considered the second tourism attraction panel.

"Supplemental Distance Sign" – a sign identifying the mileage to an attraction that is mounted on the posts of an exit ramp panel or trailblazer panel.

"Tourism Attraction" or "Attraction" – an open facility having the primary purpose of providing amusement and/or historical, cultural, or leisure activities to the public.

"Tourism Attraction Panel" – a rectangular panel, displaying the word ATTRACTION and directional information, on which a tourism attraction sign is mounted. A panel along the freeway is referred to as a "freeway panel" and a panel along the exit ramp or crossroad is referred to as an "exit ramp panel".

"Tourism Attraction Sign" – a rectangular sign consisting of a tourism attraction name, trademark, brand, symbol, or a combination thereof, that is displayed on a tourism attraction panel or, together with an arrow panel, as a trailblazer sign.

"Trailblazer Sign" – a tourism attraction sign displayed, together with an arrow panel, off the freeway system to advise motorists where to turn en route to an attraction.

(Source: Amended at 35 Ill. Reg. 18932, effective October 26, 2011)

Section 543.300 Criteria for Tourism Attraction Panels

- a) Number and Order of Freeway Panels

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- 1) Tourism attraction panels and tourism attraction signs may be installed under the standards of Chapter 2J of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, available from the US Department of Transportation's Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, (202)366-4000 or <http://mutcd.fhwa.dot.gov>, no later amendments or editions included.
A~~One~~ tourism attraction panel will be erected within the right-of-way of a freeway for each direction of travel in advance of an interchange after receipt of the tourism attraction signs by the Department. If additional requests are received for tourism attraction signs and the tourism attraction panel is full, a second tourism attraction panel may be installed. Space for a second tourism attraction panel will be subject to the installation and priority of service types, as prescribed under 92 Ill. Adm. Code 542, Business Logo Signing Program. When considering a second tourism attraction panel, the Department will take into consideration the number of other services available at the interchange, the interest expressed by those qualified businesses, and the anticipated future development of the area. There will only be a maximum of two tourism attraction panels installed for each direction in advance of an interchange. The maximum number of signs displayed on a tourism attraction panel, whether separate or combined with a business logo panel, will be as required in Section 543.600(a)(2).
 - 2) Tourism attraction panels will not be erected in advance of any exit-only freeway interchange where motorists cannot easily reenter the freeway and continue in the same direction of travel.
 - 3) Tourism attraction panels will not be erected in advance of any freeway interchange where there are four business logo panels in place except where they can be combined as allowed in Section 543.600(a)(2)~~543.500(a)(2)~~.
 - 4) Signing for a qualifying tourism attraction will only be allowed at a given interchange where the attraction can be reached without crossing another freeway.
 - 5) All tourism attraction panels will be ground-mounted.
- b) Location of Freeway Panels

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- 1) Each tourism attraction panel along the freeway ~~will~~ be installed at least 800 feet from other signs and/or the beginning of an exit ramp taper. Each tourism attraction panel along the freeway will also be installed at least 500 feet from the preceding entrance ramp stub.
 - 2) Tourism attraction panels ~~will~~ not be erected in advance of exit ramps to a previous interchange.
- c) Exit Ramp Panels at Single-Exit Interchanges
- 1) The Department will install exit ramp panels along exit ramps at single-exit interchanges in accordance with subsection (c)(2) of this Section.
 - 2) A tourism attraction that is displayed on a freeway panel shall also be required to be displayed on the exit ramp panel at a single-exit interchange. Only tourism attractions having signs displayed on freeway panels will have signs displayed on exit ramp panels.
 - 3) The Department will install a supplemental distance sign below the tourism attraction sign for any tourism attraction over one mile from the exit ramp at single-exit interchanges in Cook, DuPage and Lake Counties, and over two miles in other counties. Whenever the Department installs a supplemental distance sign on an exit ramp panel, it will also install a supplemental distance sign below the tourism attraction sign of any other tourism attraction that is ½ mile or more from the ramp. The supplemental sign will indicate the distance to the tourism attraction in half-mile increments for distances up to two miles and in one-mile increments for distances over two miles.
- d) Exit Ramp Panels at Double-Exit Interchanges
- Any tourism attraction that has its logo displayed on a freeway panel will not be required to display its logo on an exit ramp panel at a double-exit interchange. Any tourism attraction that has its logo displayed on a freeway panel at a double-exit interchange that is reconstructed to a single-exit interchange shall be required to have its logo displayed on ramp panels in accordance with subsection (c).
- 1) ~~The Department will install an exit ramp panel with a tourism attraction sign for any tourism attraction over one mile from the exit ramp at double-~~

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~~exit interchanges in Cook, DuPage and Lake Counties and over two miles in other counties. Whenever the Department installs a tourism attraction sign on an exit ramp panel, it will also install a supplemental distance sign below the tourism attraction sign for any other tourism attraction located ½ mile or more from the ramp. The supplemental sign will indicate the distance to the tourism attraction in half mile increments for distances up to two miles and in one mile increments for distances over two miles.~~

- 2) ~~Any tourism attraction that is displayed on a freeway panel shall also be required to be displayed on an exit ramp panel at a double exit interchange, where an attraction exit ramp panel exists. Only tourism attractions having signs displayed on freeway panels will have signs displayed on exit ramp panels. Exit ramp panels will be located on the exit ramp, or on the crossroad just off the exit ramp of double exit interchanges.~~

(Source: Amended at 35 Ill. Reg. 18932, effective October 26, 2011)

Section 543.400 Criteria for Tourism Attraction Signs

a) Attraction Categories

In order to be considered for tourism attraction signs, the attraction must fall under one of the categories listed in ~~subsections~~ ~~subsection~~ (a)(1) ~~through~~ (a)(1944) of this Section. Additionally, the attraction, except as otherwise provided, must have adequate legal parking; must be open to the public a minimum of 100 days per year; must have drinking water and Americans with Disabilities Act compliant restroom facilities at or near the site; and must have minimum annual attendance consistent with the categories listed as follows.

- 1) Agri-Tourism Site: An established area where consumers can interact with Illinois agricultural producers for the purpose of tours, education or other rural recreational experiences or to purchase and/or pick pumpkins and other produce directly from the producer. The facility must offer a variety of agri-tourism related entertainment, including, but not limited to, activities such as hayrack rides, farm animals, corn mazes, etc. The facility must offer concessions and restroom facilities, with a minimum annual attendance of 5,000.

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- [21](#)) Amusement Park/Fairgrounds/Recreational and Entertainment Complex: A park, fairground, or recreational and entertainment complex that supplies refreshments and multiple activities of entertainment and recreation, with a minimum annual attendance of 50,000.
- [32](#)) Antique Shopping Areas: A [stand alone facility with a group of at least 40 vendors or 30,000 square feet of space that specializes in the sale of antique items or an area concentrated within a mile radius offering five or more individual antique shops that specialize in the sale of antique items.](#)
- [43](#)) Arena/Performance Center: A stadium, sports complex, auditorium, civic center, racetrack, convention center or cultural center, with a minimum annual attendance of 50,000.
- [54](#)) Botanical/Zoological Facility: A collection of unique living plants/animals that are kept and exhibited to the public, with a minimum annual attendance of 25,000. Zoos shall be members of, or accredited by, the American Zoo and Aquarium Association or other similar organization.
- [6](#)) [Brewery: An establishment that manufactures and produces malt liquors, such as beer and ale, on the premises. It must be open to the public offering tours and must offer an organized tasting and/or sampling opportunity for the visitor with an option to purchase. The facility must be accessible with public restrooms and a minimum annual attendance of 5,000.](#)
- [75](#)) Entertainment/Dining/Shopping District: An area concentrated within a half-mile radius offering a variety of entertainment, dining and shopping venues.
- [86](#)) Gambling/Wagering Facility: An off-track wagering facility or a riverboat casino authorized and regulated by the State of Illinois.
- [97](#)) Golf Course: An area of land laid out for golf with a minimum of 9 holes, each including tee, fairway, and putting green, and often one or more natural or artificial hazards and open to the public, with a minimum annual attendance of 15,000. Miniature golf courses, driving ranges, chip-and-

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putt courses and indoor golf courses are not eligible to participate in the program.

- [108](#)) Historic Shopping District: A shopping district with a minimum of seven stores in restored structures that is marketed as a historic shopping district or area.
- [119](#)) Historic Site: A structure, district, or landmark listed by the IHPA as being of historical significance, with an annual minimum attendance of 5,000. State sites maintained by the IHPA, the IDNR, and the Department are exempt from the requirements of this Part. Sites promoting the same historic event or person should be combined as one logo on a sign (i.e., Lincoln Sites, Frank Lloyd Wright Sites).
- [12](#)) [Marina: A sheltered harbor adjacent to a navigable waterway where boats are kept in the water and recreational boating services are provided. This category is considered a seasonal attraction.](#)
- [1310](#)) Museum: An organized and permanent institution, with professional staff, in which works of artistic, historical or scientific value are cared for and exhibited to the public, with a minimum annual attendance of 15,000. Museums shall be members of, or accredited by, the American Association of Museums, the Illinois Association of Museums, the Association of Midwest Museums, or some other similar organization.
- [1411](#)) Orchard: An established area or facility where consumers can purchase or pick fresh Illinois food products directly from Illinois producers, with a minimum annual attendance of 5,000. The facility shall include a general store.
- [1512](#)) River Excursion: A non-gaming riverboat sightseeing excursion, with a minimum annual attendance of 5,000.
- [1613](#)) Shopping Center: A group of stores arranged in one or more buildings with the stores in any one building separated by floor to ceiling partitions and having, in Cook, DuPage and Lake Counties, a minimum of 150 stores and, in all other counties, a minimum of 45 stores.

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- 1714) State or National Park/Forest/Wild Life Area: An area designated by a unit of government that provides activities such as fishing, picnicking, hiking, swimming, boating, and sporting events, with a minimum annual attendance of 15,000.
- 18) Unique Attractions: Areas of special interest that have a minimum annual attendance of 5,000, including, but not limited to:
- A) ATV Parks – a park designed to allow visitors to drive All-Terrain Vehicles on a designated surface.
 - B) Comedy Clubs – open to the public with regularly scheduled performances.
 - C) Disc Golf – a disc game in which individual players throw a flying disc into a basket/target.
 - D) Rock Climbing – facilities open to the public with equipment designed to allow visitors to climb rocks.
 - E) Sky Diving – facilities open to the public allowing the visitor to jump from a plane using certified jumping equipment/gear.
 - F) Sport Shooting Clubs – facilities open to the public that offer the visitor an opportunity to shoot five stand, skeet, trap or sporting clays.
 - G) Landmarks that have been internationally or nationally recognized for their uniqueness.
- 1915) Winery: A facility, open to the public with regularly scheduled hours, that holds an Illinois 1st or 2nd Class Winemakers License or an Illinois 1st or 2nd Class Wine Manufacturer License and offers educational tours of the winemaking process in an Illinois winery that is associated with a tasting room and has a minimum annual attendance of 5,000, ~~tasting and sales of wine bottled on the premises and that provides an educational format of informing visitors about wine and wine processing, with a minimum annual attendance of 5,000.~~

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b) Ineligible Attractions. Attractions not normally associated with tourism are not eligible. Ineligible attractions include, but are not limited to, furniture and clothing stores, automotive dealerships, garages, drug stores, movie theaters, appliance stores, department stores, schools, houses of worship, real estate offices, auction houses, livestock sales facilities, sand and gravel facilities, and grocery stores.

cb) Distance to Tourism Attraction

- 1) A tourism attraction must be within five road miles of a freeway interchange in Cook County, within ten road miles in DuPage and Lake Counties, and within 30 road miles in all other counties.
- 2) The distance to each tourism attraction will be measured as the travel distance between the end of the appropriate exit ramp and the tourism attraction. The distance to a tourism attraction on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the tourism attraction. Where the tourism attraction is located along an intersecting road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the tourism attraction. Where an entrance serves more than one tourism attraction, the driving distance using the properly marked driving aisles from the entrance to the parking space available for patrons nearest the tourism attraction will be added to the distance measured along the crossroad or intersecting road.
- 3) If a tourism attraction meets the criteria at more than one interchange on a given freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction. In determining the most direct and best route, the Department will consider all relevant conditions, including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the tourism attraction.

de) Tourism Attraction Signing Priorities

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- 1) Where there may be more tourism attractions eligible for and desiring signing than the number of signs permitted on a specific tourism attraction ~~panels~~[panel](#), the following point criteria will be used in determining priority for signing. When two or more tourism attractions score identical points, the priority will be based on the distance to the interchange with a closer tourism attraction having priority over a farther tourism attraction. When the Department cannot determine which tourism attraction is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method determined by the Department. The affected tourism attraction will be allowed to witness such action. Because each exit at an interchange is treated separately, a tourism attraction may be eligible to sign from only one direction of travel along a freeway.

Annual Attendance:

Less than 50,000 persons	10 points
50,000 to 149,999 persons	20 points
150,000 to 249,999 persons	30 points
250,000 persons or more	35 points

Days/Hours of Operation:

Open a minimum of 100 hours per year	5 points
Open a minimum of 3 days per week, 7 hours per day for less than 6 months per year but for a total of more than 400 hours per year	10 points
Open a minimum of 5 days per week, 7 hours per day for more than 6 months of the year	20 points

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Open year-round, except
major holidays, a minimum of
7 hours per day 30 points

Distance from interchange:
(Except Cook, DuPage and Lake
Counties)

25.1 to 30 miles	5 points
20.1 to 25 miles	10 points
15.1 to 20 miles	15 points
10.1 to 15 miles	20 points
5.1 to 10 miles	23 points
5 miles or less	25 points

Distance from interchange:
(DuPage and Lake Counties Only)

9.1 to 10 miles	5 points
7.1 to 9.0 miles	10 points
5.1 to 7.0 miles	15 points
1.1 to 5.0 miles	20 points
1 mile or less	25 points

Distance from interchange:
(Cook County Only)

4.1 to 5 miles	10 points
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3.1 to 4 miles	15 points
1.1 to 3.0 miles	20 points
1 mile or less	25 points

Marketing Plan:

Attractions not demonstrating any advertising efforts outside a 50 mile radius of the interchange 0 points

Attractions that advertise outside a 50 mile radius of the interchange on a limited basis with fewer than five advertisement placements per year 5 points

Attractions that advertise on a regular basis to markets outside a 50 mile radius of the interchange and/or conduct public relations efforts to generate visits from persons outside that area 10 points

- 2) An attraction will be guaranteed participation in the program for a minimum of three years from the date of [installation of its tourism attraction signs](#)~~first billing of the annual rental fees for the attraction~~ provided it continues to meet the requirements of this Section and is not in arrears in its payments. Following the first three year period, signs for the attraction with the lowest priority on a panel may be removed at the beginning of the billing cycle in favor of another attraction with at least 30% higher priority based on subsection (d)(1) of this Section. This will only apply where the sign panel in question has the maximum number of attraction signs allowed in Section 543.600(a)(2).

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- 3) When a tourism attraction closes temporarily due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the tourism attraction shall notify the Department in writing of the closure. Notification shall be sent to the:

LOGO/Tourism Signing Coordinator
Illinois Department of Transportation
Bureau of Operations
2300 South Dirksen Parkway
Springfield, Illinois [6276462704](tel:6276462704)

Following the closure, the tourism attraction signs will be removed and [returned to the tourism attraction stored by the Department for up to six months](#). If the tourism attraction remains closed after six months, the closure shall be considered as permanent and the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the tourism attraction must be paid for that year or the space will be declared available. If the tourism attraction does not notify the Department in writing of the closure and the Department becomes aware of the closure, the closure shall be considered permanent and the space will be declared available.

- 4) When a tourism attraction closes permanently, the tourism attraction will lose its signing priority and the space will be declared available. If the tourism attraction reopens and wishes to again take part in the program if a space is available, a new application must be submitted as specified in Section 543.600(a). If the tourism attraction is still eligible for signing under this program, priority will be evaluated among all other eligible tourism attractions desiring signing at the interchange in question.

[ed](#)) Location of Tourism Attraction

- 1) Tourism Attraction on the Crossroad
Where a tourism attraction is on the crossroad, it must either be visible to the motorists from the crossroad, or have a sign on the tourism attraction site, visible to the motorists from the crossroad, advising motorists of the appropriate entrance to the attraction.
- 2) Tourism Attraction not on the Crossroad

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- A) Where a tourism attraction is not on the crossroad, it must either be visible to the motorists from the crossroad or have a trailblazer sign or signs installed on the crossroad and the road or roads leading to the attraction advising motorists where to turn.
- B) Where roads leading from the crossroad to the attraction are State highways, the Department will install trailblazer signs advising motorists where to turn.
- C) Where roads leading from the crossroad to the attraction are under local agency jurisdiction, freeway signing will not be provided until legible trailblazer or other signs are installed by, or by permission of, the local agencies, with directional information advising motorists where to turn. It shall be the responsibility of the tourism attraction to arrange with the appropriate local agency for the installation of all signs on roads under the jurisdiction of the local agency.

fe) No tourism attraction will be allowed more than one space on an individual tourism attraction panel.

gf) Where an attraction is signed from a given freeway on an existing official sign, (see Section 543.200, Definitions, "Official Sign"), other than a business logo sign, it may not be signed on a tourism attraction sign on the same freeway unless it agrees that the Department can remove its name from the official highway sign.

(Source: Amended at 35 Ill. Reg. 18932, effective October 26, 2011)

Section 543.500 Criteria for RV-friendly Symbol Signs (Repealed)

~~The Department will furnish and install an RV-friendly symbol sign on a freeway tourism attraction sign for any tourism attraction meeting the following requirements:~~

- ~~a) The entrance to and egress from the tourism attraction shall be paved, kept free of potholes and shall be at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.~~

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- b) ~~The entrance to and egress from the tourism attraction and the parking area shall be free of any electrical wires, tree branches, canopies, or other obstructions up to 14 feet above the surface.~~
- e) ~~Tourism attractions shall have a minimum of 2 RV spaces at or near the facility that are a minimum of 12 feet wide and 65 feet long with a minimum swing radius of 50 feet to enter and exit the spaces.~~
- d) ~~Campgrounds shall have a minimum of 2 spaces that are a minimum of 18 feet wide and 45 feet long.~~
- e) ~~Tourism attractions shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.~~

(Source: Repealed at 35 Ill. Reg. 18932, effective October 26, 2011)

Section 543.600 Panel and Sign Design

- a) Freeway Panel Design
 - 1) The word ATTRACTION and the exit number will be displayed above the tourism attraction signs in white legend ten inches in height on a blue background.
 - 2) Tourism attraction signs may be combined with business logo signs on the same freeway panel with the business logo signs shown on the upper or left portion or portions of the panel and the tourism attraction signs on the lower or right portion of the panel. No more than a total of six signs may be shown on any one panel. Attraction signs will not be combined with an existing service panel displaying more than three business logo signs. When tourism attraction signs are combined with business logo signs, one space will remain available for each business logo service type displayed on the panel.
- b) Exit Ramp Panel Design
 - 1) Along exit ramps of single-exit interchanges, the tourism attraction signs will be displayed in similar order to that on the freeway. The Department will install the necessary directional arrows on the panel.

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2) ~~Exit ramp panels of double exit interchanges are designed similarly to those of single exit interchanges, except without directional arrows.~~

23) Tourism attraction signs and business logo signs may be combined on exit ramp panels.

c) Tourism Attraction Sign Design

1) The tourism attraction signs will be designed by the tourism attraction and supplied to the Department. The signs shall consist of the tourism attraction name, trademark symbol, or combination thereof, providing it does not resemble any traffic sign, signal, or device. The tourism attraction name or trademark must be consistent with that used on other signing for the tourism attraction and must be the primary message on the sign. The tourism attraction signs may also contain supplemental messages relating to the primary tourism attraction, including ~~credit cards honored by that tourism attraction and~~ hours/days of the week the attraction is open. A tourism attraction sign shall not display the symbol/trademark or name of more than one business. If the tourism attraction is open less than four days a week, the days open or closed shall be shown. Messages that are not related to tourism attractions, including, but not limited to, alcoholic beverages, lottery tickets, and vehicle sales will not be allowed as supplemental messages. Supplemental messages must be significantly smaller than the primary tourism attraction name, trademark, or symbol used on the sign. The business sign may also contain one supplemental message identifying that the business is RV-friendly, subject to the following requirements:

A) The entrance to and egress from the attraction shall be hard-surfaced, kept free of potholes and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.

B) The entrance to and egress from the attraction and the parking area shall be free of any electrical wires, tree branches, canopies or other obstructions up to 14 feet above the surface.

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- C) Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.
- D) Fueling facilities must allow for pull-through with a swing radius of 50 feet.
- E) Attractions shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.
- F) The supplemental message shall either be "RV access" or "RV friendly". It may also consist of an abbreviation "RV" in 6" black letters inside a 10" diameter yellow circle with a black border displayed within and near the lower right-hand corner of the business sign.

- 2) Any supplemental messages must be an integral part of that tourism attraction sign and not added as stickers or decals after the tourism attraction sign has been installed. Any sign that is tampered with by the tourism attraction by the addition or deletion of supplemental messages or by altering the name, logo, or symbol or any other portion of the message or design subsequent to installation will be removed by the Department. The tourism attraction must then provide a new sign in addition to the \$50 per sign reinstallation fee required by Section 543.700(b)(4). Covering over of a message will not be allowed. Signs shall be fabricated on an aluminum base material between .080 and .125 inches thick. High-performance retroreflectorized background sheeting material shall be utilized for the signs. The size of the signs to be installed on freeway panels, exit ramp panels, and trailblazer signs shall be as follows:

PANEL TYPE	SIGN	
	WIDTH	HEIGHT
Freeway	60"	36"
Exit Ramp	24"	18"
Trailblazer	24"	18"

Business sign lettering, other than that which is part of a logo, shall be a minimum of 8" high on freeway signs and 4" high on ramp and trailblazer

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signs. Supplemental message lettering shall be a minimum of 5" high on freeway signs and 2.5" high on ramp and trailblazer signs.

- 3) In order to ensure that the signs meet the requirements of this Section, a tourism attraction shall provide a sign design to the Department for approval within 30 calendar days after approval of the application. If the sign design is not received by the Department within the 30-day time period, the space will be declared available.

d) ~~RV-friendly Symbol Sign Design~~

- 1) ~~The RV-friendly symbol sign will be furnished and installed by the Department. The sign will consist of a 12-inch diameter, yellow circle with a 1/2-inch black border and a black upper case "RV" in 8-inch high letters within the circle.~~
- 2) ~~The RV-friendly symbol sign will be located in the lower right hand corner of the tourism attraction sign and centered on a point 2-inches from the right hand edge of the sign and 2-inches from the lower edge of the sign.~~

(Source: Amended at 35 Ill. Reg. 18932, effective October 26, 2011)

Section 543.700 Application, Fees, and Other Regulations

a) Application

- 1) In order for a tourism attraction to be considered for the program, an application form must be obtained from and, after completion, returned to the:

Tourism Attraction Sign Coordinator
Illinois Department of Commerce and Economic Opportunity
~~Office~~Bureau of Tourism
620 East Adams
Springfield, Illinois 62701

A separate application form must be completed for each tourism attraction.

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- 2) When DCEO determines from the application that a tourism attraction meets the criteria listed in this Part, the application will then be reviewed by the Department to determine if space is available for the signs in accordance with this Part.
 - 3) If the Department determines that space is available, the application will be approved and returned to the tourism attraction, along with instructions concerning the number and location of the tourism attraction signs, the annual fee, and other appropriate information.
- b) Fees
- 1) A \$100 non-refundable application fee for each tourism attraction must be submitted to the Department ([see Appendix A](#))~~at the address noted in Section 543.400(e)(3)~~ once the Department determines that space is available. The \$100 application fee for each request for attraction signing that is not approved will be charged when a tourism attraction reapplies for signing after the attraction's signs have been removed due to late rental payments or temporary withdrawal from the program, or when a tourism attraction changes its name and its ownership at the same time.
 - 2) An annual rental fee sufficient to offset the cost of the program will be charged for each tourism attraction sign displayed on a freeway panel, exit ramp panel, and trailblazer assembly. The annual rental fees as of July 1, 2007 will be \$200 for each tourism attraction sign displayed on a freeway panel, \$130 for each tourism attraction sign displayed on an exit ramp panel, and \$30 for each tourism attraction sign displayed on a trailblazer assembly. Fee will be due on July 1 of every year. When a tourism attraction makes an annual payment, it will be guaranteed usage of the paid space on the specific attraction panel for the entire year, as long as it continues to meet the criteria established under this Part. Any tourism attraction closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs erected for a partial year when a business is accepted and a sign is installed after July 1.
 - 3) When the annual rental fee is not received by the Department within 30 calendar days after the due date specified in the annual billing letter, the

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tourism attraction sign or signs will be removed by the Department.

Where receipt of payment is delinquent and ~~tourisma-specific~~ attraction ~~panels are panel is~~ full, the tourism attraction will lose its signing priority to the next tourism attraction desiring the space. When the fee is received after the tourism attraction sign is removed, and space is still available on the panel, the \$100 application fee as provided for in subsection (b)(1) of this Section will apply. The annual fee for the remainder of the fiscal year, as well as any portion of the annual fee owed for the period of time between the end of the preceding fiscal year and the date the sign was removed will also apply.

- 4) A fee of \$50 for each tourism attraction sign will be charged for a tourism attraction requesting that its signs be replaced with new signs for any reason other than due to ~~deterioration, damage, or vandalism,~~ as provided for in subsection (c)(~~2~~4) of this Section. When replacement is requested, all tourism attraction signs for the specific tourism attraction, including those on freeway and exit ramp panels, as well as any Department-installed trailblazer sign, must be replaced at the same time. However, when the replacement only involves a change in a supplemental message, any signs not containing a supplemental message need not be replaced.
- 5) No fees will be charged to qualifying tourism attractions owned by the State of Illinois or the federal government, nor will any fees be charged to qualifying tourism attractions that are tax-exempt under section 501(c)(3) or other applicable section of the federal Internal Revenue Code.
- 6) ~~A one-time fee of \$100 will be charged for each RV-friendly symbol sign furnished and installed by the Department.~~

c) Placing and Maintaining Tourism Attraction Signs

- 1) A tourism attraction must pay for and supply tourism attraction signs to the Department within 60 calendar days after approval of a sign design. If the signs are not received by the Department within the 60-day time period, the space will be declared available. Only the Department will install, or cause to be installed, the tourism attraction signs on the specific attraction panel and trailblazer signs. ~~When a tourism attraction sign is so deteriorated, damaged, or vandalized that it needs to be replaced, the Department will notify the tourism attraction concerning fabrication of a~~

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~~new sign. There will be no charge for the replacement of the tourism attraction sign.~~

- 2) When an attraction sign is so deteriorated, damaged or vandalized that it needs replacement, the Department will notify the attraction to resubmit a logo design within 30 days after the notification. The Department reserves the right to make the final determination of whether an attraction sign needs to be replaced. Once the logo design is approved, the attraction must supply the Department with the replacement signs within 60 days after the logo design has been approved. There will be a fee of \$50 for each sign replaced due to deterioration that has been installed less than 10 years. There will be no charge for the replacement of an attraction sign that has been damaged or vandalized. If a logo design is not received within the 30-day time period or a replacement sign is not received within the 60-day time period, the Department will remove all of the attraction's business signs at the interchange and the attraction will lose its signing priority.
- 32) Tourism attractions will be required to certify on the application that their signs meet the criteria established under this Part. When DCEO receives a complaint from a third party that an approved tourism attraction may not be in compliance with the criteria established under this Part, the tourism attraction will be contacted by DCEO to determine if the tourism attraction signs meet the established criteria. If DCEO determines that the tourism attraction fails to qualify, DCEO will notify the tourism attraction in writing to make the necessary change or changes so as to comply or the tourism attraction signs will be removed.

(Source: Amended at 35 Ill. Reg. 18932, effective October 26, 2011)

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Section 543.APPENDIX A District Offices and Counties

<u>District 1</u>	<u>Bureau of Traffic</u> <u>201 West Center Court</u> <u>Schaumburg IL 60196-1096</u> <u>847/705-4411</u>	<u>Cook, DuPage, Kane,</u> <u>Lake, McHenry and Will</u>
<u>District 2</u>	<u>Bureau of Operations</u> <u>819 Depot Avenue</u> <u>Dixon IL 61021-3500</u> <u>815/284-5395</u>	<u>Boone, Carroll, Henry,</u> <u>JoDaviess, Lee, Ogle,</u> <u>Rock Island, Stephenson,</u> <u>Winnebago and Whiteside</u>
<u>District 3</u>	<u>Bureau of Operations</u> <u>700 East Norris Drive</u> <u>Ottawa IL 61350</u> <u>815/434-8417</u>	<u>Bureau, DeKalb, Ford,</u> <u>Grundy, Iroquois,</u> <u>Kankakee, Kendall,</u> <u>LaSalle and Livingston</u>
<u>District 4</u>	<u>Bureau of Operations</u> <u>401 Main</u> <u>Peoria IL 61602</u> <u>309/671-4460</u>	<u>Fulton, Henderson, Knox,</u> <u>Marshall, McDonough,</u> <u>Mercer, Peoria, Putnam,</u> <u>Stark, Tazewell, Warren</u> <u>and Woodford</u>
<u>District 5</u>	<u>Bureau of Operations</u> <u>13473 IL Hwy. 133</u> <u>P.O. Box 610</u> <u>Paris IL 61944</u> <u>217/466-7234</u>	<u>Champaign, DeWitt,</u> <u>Douglas, Edgar, McLean,</u> <u>Piatt and Vermilion</u>
<u>District 6</u>	<u>Bureau of Operations</u> <u>126 East Ash</u> <u>Springfield IL 62704-4792</u> <u>217/782-7314</u>	<u>Adams, Brown, Cass,</u> <u>Christian, Hancock, Logan,</u> <u>Macoupin, Mason,</u> <u>Menard, Montgomery,</u> <u>Morgan, Pike, Sangamon,</u> <u>Schuyler and Scott</u>
<u>District 7</u>	<u>Bureau of Operations</u> <u>400 West Wabash</u> <u>Effingham IL 62401</u>	<u>Clark, Clay, Coles,</u> <u>Crawford, Cumberland,</u> <u>Edwards, Effingham,</u>

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[217/342-8261](#)[Fayette, Jasper, Lawrence,
Macon, Moultrie,
Richland, Shelby, Wabash
and Wayne](#)[District 8](#)[Bureau of Operations
1102 EastPort Plaza
Collinsville IL 62234
618/346-3250](#)[Bond, Calhoun, Clinton,
Greene, Jersey, Madison,
Marion, Monroe,
Randolph, St. Clair and
Washington](#)[District 9](#)[Bureau of Operations
State Transportation Building
2801 W. Murphysboro
P.O. Box 100
Carbondale IL 62903
618/351-5240](#)[Alexander, Franklin,
Gallatin, Hamilton,
Hardin, Jackson, Jefferson,
Johnson, Massac, Perry,
Pope, Pulaski, Saline,
Union, White and
Williamson](#)

(Source: Added at 35 Ill. Reg. 18932, effective October 26, 2011)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
603.60	Amend
603.75	Amend
603.160	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Amendment: October 25, 2011
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: October 20, 2011
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: The Board refers to the RCI Uniform Classification Guidelines for Foreign Substances when adjudicating medication positive tests on racehorses. The RCI recently made significant revisions to the guidelines (August 2011, version 2.01).
- 10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking updates the Board's medication rules to accurately reflect the most current version of the RCI's Uniform Classification Guidelines for Foreign Substances.
- 11) Are there any proposed amendments pending on this Part: No
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Mickey Ezzo

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603

MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels**EMERGENCY**

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrillamine, isoxsuprine and ketoprofen.
 - 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms

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(mcg) per milliliter (ml) of serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma.

- A) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:
- A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following

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penalties, within a 365 day period, and absent mitigating circumstances:

- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrilamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
- 7) Penalties for violations of this Section shall be based on the following criteria:
- A) previous warnings and rulings for violations of this Section;

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- B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - Levamisole (tetramisole)
 - Metronidazole
 - Neomycin sulfate
 - Nitrofurantoin
 - Oxytetracycline
 - Penicillin G. Benzathine

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Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecyclenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) Anti-Ulcers

Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners

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International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~August~~January 2011 version ~~2.014-1~~; this incorporation includes no later amendments or editions).

- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
 - 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
 - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days)

Section 603.75 Environmental Contaminants**EMERGENCY**

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
 - 1) Each time the laboratory reports benzoyllecgonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoyllecgonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington

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KY 40511; ~~August~~January 2011 version ~~2.011-1~~; this incorporation includes no later amendments or editions).

- b) Dimethyl Sulfoxide (DMSO):
The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days)

Section 603.160 Penalties**EMERGENCY**

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois

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Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.

- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
 - 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
 - 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; [August/January 2011 version 2.014-1](#); this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

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- 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days)

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 October 25, 2011 through October 31, 2011 and have been scheduled for review by the Committee at its November 8, 2011 or December 13, 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>
12/8/11	<u>Department of Labor</u> , Illinois Child Labor Law (56 Ill. Adm. Code 250)	7/8/11 35 Ill. Reg. 10476	11/8/11
12/8/11	<u>Teachers' Retirement System of the State of Illinois</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	8/26/11 35 Ill. Reg. 14259	11/8/11
12/9/11	<u>State Board of Elections</u> , Miscellaneous (26 Ill. Adm. Code 207)	8/12/11 35 Ill. Reg. 13098	11/8/11
12/14/11	<u>Department of Financial and Professional Regulation</u> , Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)	4/22/11 35 Ill. Reg. 6687	12/13/11
12/14/11	<u>Illinois Commerce Commission</u> , Provision of Advanced Telecommunications Services (83 Ill. Adm. Code 733)	6/17/11 35 Ill. Reg. 8915	12/13/11
12/14/11	<u>Illinois Commerce Commission</u> , Money Pool Agreements (83 Ill. Adm. Code 340)	6/10/11 35 Ill. Reg. 8615	12/13/11
12/14/11	<u>Health Facilities and Services Review Board</u> ,	7/8/11	12/13/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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	Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)	35 Ill. Reg. 10442	
12/14/11	<u>Health Facilities and Services Review Board</u> , Narrative and Planning Policies (77 Ill. Adm. Code 1100)	7/8/11 35 Ill. Reg. 10415	12/13/11
12/14/11	<u>Department of Human Services, Child Care</u> (89 Ill. Adm. Code 50)	8/12/11 35 Ill. Reg. 13024	12/13/11
12/14/11	<u>Department of Transportation</u> , Minimum Safety Standards for Construction of Multifunction School Activity Buses (92 Ill. Adm. Code 435)	8/26/11 35 Ill. Reg. 14271	12/13/11
12/14/11	<u>Department of Transportation</u> , Inspection Procedures for Multifunction School Activity Buses (92 Ill. Adm. Code 436)	8/26/11 35 Ill. Reg. 14321	12/13/11

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period July 1, 2011 through September 30, 2011.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006; 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011; 35 Ill. Reg. 8574, June 3, 2011 and 35 Ill. Reg. 12835, July 29, 2011.

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LISTING OF DERIVED WATER QUALITY CRITERIA

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) waters are listed below. General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	

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Applicable waterbodies: Not used during this period.	
Chemical: Acrolein	CAS #107-02-8
Acute criterion: 2.7 µg/l	Chronic criterion: 0.22 µg/l
Date criteria calculated: February 1999; reviewed January 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 µg/l	Chronic criterion: 73 µg/l
Human health criterion (HNC): 0.21 µg/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Aniline	CAS #62-53-3
Acute criterion: 120 µg/l	Chronic criterion: 15 µg/l
Date criteria calculated: July 24, 1998; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Acute criterion: 0.66 µg/L	Chronic Criterion: 0.53 µg/L
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993, revised May 30, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Antimony	CAS #7440-36-0
Acute criterion: 1,200 µg/L	Chronic Criterion: 320 µg/L
Human health criterion (HTC): 12,000 µg/l	
Non-primary contact: 1,200 µg/l	
Public and food processing water supply: 6 µg/l	
Date criteria derived: September 29, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Atrazine	CAS #1912-24-9
Acute criterion: 82 µg/l	Chronic criterion: 9.0 µg/L
Date criteria derived: May 2, 2005	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 µg/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	

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<p>Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Human health criterion (HNC): 1.9 ug/l Date criteria derived: February, 1999; reviewed: June 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Bromodichloromethane CAS #75-27-4 Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13 ug/l Date criteria derived: February 1, 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2-Chloroaniline CAS #95-51-2 Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4-Chloroaniline CAS #106-47-8 Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>

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Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-D	CAS #94-75-7
Acute criterion: 100 ug/l	Chronic criterion: 8 ug/l
Date criteria derived: July 1, 1993; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1

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Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	Chronic criterion: 200 ug/l
Chemical: 1,1-dichloroethane Acute criterion: 20 mg/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	CAS #75-34-3 Chronic criterion: 2 mg/l
Chemical: 1,2-dichloroethane Acute criterion: 25 mg/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	CAS #107-06-2 Chronic criterion: 4.5 mg/l
Chemical: 1,1-dichloroethylene Acute criterion: 3,000 ug/l Human health criterion (HTC): 110 ug/l Date criteria derived: March 20, 1992; revised May 04, 2009 Applicable waterbodies: Not used during this period.	CAS #75-35-4 Chronic criterion: 240 ug/l Non-primary contact: 120 ug/l Public and food processing water supply: 6.6 ug/l
Chemical: 1,2-dichloroethylene Acute criterion: 14 mg/l Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.	CAS #540-59-0 Chronic criterion: 1.1 mg/l
Chemical: trans-1,2-dichloroethylene Human health criterion (HTC): 34 mg/l Date criteria derived: February 1, 1999; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.	CAS #156-60-5
Chemical: 2,4-dichlorophenol Acute criterion: 630 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #120-83-2 Chronic criterion: 83 ug/l
Chemical: 1,2-dichloropropane Acute criterion: 4,800 ug/l Date criteria derived: December 7, 1993	CAS #78-87-5 Chronic criterion: 380 ug/l

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Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic)	
Applicable waterbodies: Not used during this period.	

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Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Indeno(1,2,3-cd)pyrene	CAS #193-39-5
Human health criterion (HNC): 0.16 ug/l	
Date criteria calculated: February, 1992, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2

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Acute criterion: 17 mg/l Human health criterion (HNC): 330 ug/l Non-primary contact: 490 ug/l Public and food processing water supply: 4.6 ug/l Date criteria derived: January 21, 1992; revised November 25, 2008 Applicable waterbodies: Not used during this period.	Chronic criterion: 1.4 mg/l
Chemical: Methylenechloride Acute criterion: 320 mg/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26 mg/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 1.4 mg/l
Chemical: 2-methyl phenol Acute criterion: 4.7 mg/l Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.	CAS #95-48-7 Chronic criterion: 0.37 mg/l
Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l
Chemical: Methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.	CAS #134-04-4 Chronic criterion: 5.4 mg/l
Chemical: Metolachlor Acute criterion: 380 ug/l Date criteria derived: February 25, 1992; revised October 1, 2007 Applicable waterbodies: Not used during this period.	CAS #51218-45-2 Chronic criterion: 30.4 ug/l
Chemical: Naphthalene Acute criterion: 510 ug/l Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l

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Chemical: 4-nitroaniline Acute criterion: 1.5 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	CAS #100-01-6 Chronic criterion: 0.12 mg/l
Chemical: Nitrobenzene Acute criterion: 15 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 8.0 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #115-07-1 Chronic criterion 0.40 mg/l
Chemical: Pyrene Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Styrene Acute criterion: 2.5 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009 Applicable waterbodies: Not used during this period.	CAS #120-42-5 Chronic criterion: 0.2 mg/L
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran	CAS #109-99-9

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Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	Chronic criterion: 17 mg/l
Chemical: Thallium Acute criterion: 86 ug/l Human health criterion (HTC): 3.0 ug/l	CAS #7440-28-0 Chronic criterion: 11 ug/l
	Non-primary contact: 3.0 ug/l Public and food processing water supply: 1.2 ug/l
Date criteria derived: October 22, 2007; revised November 18, 2008 Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l	CAS #79-01-6 Chronic criterion: 940 ug/l
	Non-primary contact: 26 ug/l Public and food processing water supply: 2.5 ug/l
Date criteria derived: October 23, 1992; revised November 18, 2008 Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trimethylbenzene Acute criterion: 360 ug/l Date criteria derived: July 15, 1998; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.	CAS #95-63-6 Chronic criterion: 29 ug/l

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Chemical: Vinyl chloride	CAS #75-01-4
Acute criterion: 22 mg/l	Chronic criterion: 1.7 mg/l
Human health criterion (HNC): 1.5 ug/l	
	Non-primary contact: 2 ug/l
	Public and food processing water supply: 0.025 ug/l
Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008	
Applicable waterbodies: Not used during this period.	

Lake Michigan Basin Criteria

Chemical: Antimony	CAS #7440-36-0
<u>Aquatic Life Criteria:</u>	
Acute criterion: 470 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: September 29, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Bis(2-ethylhexyl)phthalate	CAS #117-81-7
<u>Aquatic Life Criteria:</u>	
Acute criterion: 76 ug/l	Chronic criterion: 17 ug/l
<u>Human Health Non-threshold Criteria:</u>	
Public and food processing water supply: 2.8 ug/l	
Non-drinking water: 3.2 ug/l	
Date criteria derived: June 20, 2006	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethylene	CAS #540-59-0
<u>Aquatic Life Criteria:</u>	
Acute criterion: 8.8 mg/l	Chronic criterion: 0.98 mg/l
Date criteria derived: November 18, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene Chloride	CAS #75-09-2
<u>Aquatic Life Criteria:</u>	

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<p>Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u></p> <p>Public and food processing water supply: 47 ug/l</p> <p>Non-drinking water: 2,600 ug/l</p> <p>Date criteria derived: June 20, 2006</p> <p>Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Thallium CAS #7440-28-0</p> <p><u>Aquatic Life Criteria:</u></p> <p>Acute criterion: 54 ug/l Chronic criterion: 15 ug/l</p> <p><u>Human Health Threshold Criteria:</u></p> <p>Public and food processing water supply: 1.3 ug/l</p> <p>Non-drinking water: 3.7 ug/l</p> <p>Date criteria derived: June 20, 2006; revised November 18, 2008</p> <p>Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Vinyl Chloride CAS #75-01-4</p> <p><u>Aquatic Life Criteria:</u></p> <p>Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u></p> <p>Public and food processing water supply: 0.25 ug/l</p> <p>Non-drinking water: 14.4 ug/l</p> <p>Date criteria derived: June 20, 2006</p> <p>Applicable waterbodies: Not used during this period.</p>

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-558-2012

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