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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 2012

| Issue # | Rules Due Date | Date of Issue |
|---|---|---|
| 1 | December 27, 2011 | January 6, 2012 |
| 2 | January 3, 2012 | January 13, 2012 |
| 3 | January 9, 2012 | January 20, 2012 |
| 4 | January 17, 2012 | January 27, 2012 |
| 5 | January 23, 2012 | February 3, 2012 |
| 6 | January 30, 2012 | February 10, 2012 |
| 7 | February 6, 2012 | February 17, 2012 |
| 8 | February 14, 2012 | February 24, 2012 |
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| 24 | June 4, 2012 | June 15, 2012 |
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| 50 | December 3, 2012 | December 14, 2012 |
| 51 | December 10, 2012 | December 21, 2012 |
| 52 | December 17, 2012 | December 28, 2012 |

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1st to July 2nd, 2012.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Motor Fuel and Petroleum Standards Act

2) Code Citation: 8 Ill. Adm. Code 850

3) Section Number: 850.60 Proposed Action: Amendment

4) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

5) A Complete Description of the Subjects and Issues Involved: Section 850.60 provides exceptions to the ASTM gasoline specification for gasoline-oxygenate blends sold or offered for sale in Illinois. Concern was expressed by the petroleum marketers regarding the cost and availability of compliant fuel. A delay in enforcement until May 1, 2013, will allow time for the ASTM specification to be amended for ethanol blends.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/524-9050
217/785-4505 (fax)

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 amendment was not included in either of the two most recent agendas because it was not anticipated.

The full text of the Proposed Amendment is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois Register* on page 7330.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Program Rules

2) Code Citation: 35 Ill. Adm. Code 1500

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 1500.30 | Amend |
| 1500.40 | Amend |
| 1500.55 | Amend |

4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking requires any active drycleaning facility that received reimbursement of remedial action costs from the Drycleaner Environmental Response Trust Fund (Fund) to purchase financial assurance coverage for pollution liabilities until the earlier of January 1, 2020 or the date the Fund Council determines the drycleaning facility is no longer active. The proposed rulemaking also eliminates the provision that remedial program claimants who declared bankruptcy subsequent to filing for remedial program benefits are ineligible to receive such benefits. All of these proposed changes are prescribed by PA 97-377.

6) Published studies or reports, and series of data, used to compose this rulemaking: No

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville, IL 60106-0480

630/741-0022

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Initially, 62 active drycleaning facilities which are small businesses will be required to purchase pollution liability financial assurance coverage by January 1, 2012. Failure to purchase this environmental liability insurance coverage will result in the drycleaning facility being unable to be licensed by the Fund Council. There should be no effect on small municipalities or not-for-profit corporations.

B) Reporting bookkeeping or other procedures required for compliance: Drycleaning facilities using pollution liability financial assurance coverage other than that issued by the Fund Council will need to submit annually to the Fund Council proof of such coverage in order to license the drycleaning facility.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This regulatory agenda was not included on either of the 2 most recent regulatory agendas because: the proposed amendments implement Public Act 97-377, which was signed by the governor on August 15, 2011.

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section
1500.10 General
1500.20 Definitions
1500.30 Drycleaning Facility License
1500.40 Drycleaner Remedial Account
1500.50 Drycleaner Facility Insurance Account
1500.55 Drycleaning Solvent Tax
1500.60 Appeals
1500.70 Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006; amended at 31 Ill. Reg. 5756, effective March 27, 2007; amended at 32 Ill. Reg. 16406, effective September 26, 2008; amended at 35 Ill. Reg. 1619, effective January 18, 2011; amended at 36 Ill. Reg. _____, effective _____.

**Section 1500.30 Drycleaning Facility License**

a) *On and after January 1, 1998,* every active drycleaning facility must obtain a license from the Council. *No person shall operate a drycleaning facility in this State without a license issued by the Council* for that facility. (Section 60(a) of the Act)

b) *The Council shall issue initial* and annual *renewal licenses to* an active

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*drycleaning facility upon an applicant's submission of a completed* application *prescribed by the Council* (see Section 1500.60(a)) *and proof of payment of the required fee to the Department of Revenue* ~~(Section 60(b) of the Act)~~ by submittal of the DS-3 Form (prescribed by the Department of Revenue) *and, if the drycleaning facility has previously received or is currently receiving reimbursement for the costs of remedial action, as defined in* the *Act, proof of compliance with* Section 1500.40(j) (Section 60(b) of the Act) subject to the following:

1) The annual license period is January 1 through December 31.

2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.

3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.

4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.

5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.

6) License fees are non-refundable.

7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

8) Submittal of current environmental liability financial assurance policy, including the declaration sheet, reflecting, at a minimum, $500,000 of coverage on the active drycleaning facility. Active drycleaning facilities using the Council's financial assurance policy, as defined in Section 1500.50, to meet this requirement do not need to submit a copy of their financial assurance policy.

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c) *On or after January 1,* 2007, *the required annual fee for a license is as follows:*

1) $1,500 *for a facility that uses:*

A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*

B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(1) of the Act)

2) $2,250 *for a facility that uses:*

A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(2) of the Act)

3) $3,000 *for a facility that uses:*

A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning*

*machine without a solvent reclaimer.* (Section 60(c)(3) of the Act)

4) $3,750 *for a facility that uses:*

A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(4) of the Act)

5) $4,500 *for a facility that uses:*

A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(5) of the Act)

6) $5,000 *for a facility that uses:*

A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 2,500 gallons but not more than 3,000 gallons annually*

*of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(6) of the Act)

7) $5,000 *for a facility that uses:*

A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(7) of the Act)

8) $5,000 *for a facility that uses:*

A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(8) of the Act)

9) $5,000 *for a facility that uses:*

A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(9) of the Act)

10) $5,000 *for a facility that uses:*

A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(10) of the Act)

11) $5,000 *for a facility that uses:*

A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(11) of the Act)

12) $5,000 *for a facility that uses:*

A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,750 gallons but not more than 3,000 gallons annually*

*of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(12) of the Act)

13) $5,000 *for a facility that uses:*

A) *more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(13) of the Act)

14) $5,000 *for a facility that uses:*

A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer.* (Section 60(c)(14) of the Act)

B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(15) of the Act)

C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(16) of the Act)

15) $5,000 *for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(17) of the Act)

16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.

B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.

C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.

D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.

d) *For purposes of this* Section, *the quantity of drycleaning solvents used annually shall be determined as follows:*

1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this* subsection (d)(1) *is subject to audited adjustment for that year.*

2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually purchased in the preceding license year.* (Section 60(c) of the Act)

3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:

A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities

not using a drycleaning machine equipped with a solvent reclaimer.

B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.

4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.

e) *The Council may adjust licensing fees annually based on* the change in *the published Consumer Price Index − All Urban Consumers,* U.S. city average, all items *(CPI-U)* for the 12 months preceding the month the Council adjusts the licensing fee *or as otherwise determined by the Council.* (Section 60(c) of the Act)

f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections* (b) and (c). *At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*

1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*

2) *submit a license fee payment form to the licensed operator of each drycleaning facility.* (Section 60(d) of the Act)

g) *Any person who violates* Section 60(a) *of* the *Act by failing to pay the license fee*

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*when due may be assessed a civil penalty of $5 per day for each day after the license fee is due and until the license fee is paid. The penalty shall be effective for license fees due on or after July 1, 1999 and before June 30, 2011. For license fees due on or after July 1, 2011, any person who violates Section 60* (a) *of* the *Act by failing to pay the license fee when due may be assessed a civil penalty, beginning on the 31st day after the license fee is due, in the following amounts: beginning on the 31st day after the license fee is due and until the 60th day after which the license fee is due, $3 for each day during which the license fee is not paid, and, beginning on the 61st day after the license fee is due and until the license fee is paid, $5 for each day during which the license fee is not paid.* (Section 69(b)(1) of the Act) Penalties totaling $1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:

1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;

2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or

3) Other reasonable factors.

h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.

i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain a license from the Council for a minimum of 3 years from the date of initial or renewal licensure. These records include the application, licensing fee payment documentation, solvent invoices, solvent logs, ownership information, late fee payments and any other information that may have been needed to issue and renew the license.

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

**Section 1500.40 Drycleaner Remedial Account**

The Council shall have the authority *to provide reimbursement to eligible claimants for* remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility. (Section 40(a) of the Act)

a) *The following* claimants *are eligible for reimbursement from the remedial action account:*

1) *The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility*.

2) *The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits*. (Section 40(b) of the Act)

b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:

1) *The source of the release is from the claimant's drycleaning facility.* (Section 40(c)(1) of the Act)

2) *At the time the release was discovered, the claimant and the drycleaning facility were in compliance with* all *the Agency reporting and technical operating requirements.* (Section 40(c)(2) of the Act)

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3) *The claimant reported the release in a timely manner to the Agency in accordance with* the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100]. (Section 40(c)(3) of the Act)

~~4) *The claimant has not filed for bankruptcy on or after the date of the discovery of the release.* (Section 40(c)(4) of the Act)~~

4~~5~~) *The release must have been discovered on or after July 1, 1997 and before July 1, 2006*. (Section 40(c)(7) of the Act)

5~~6~~) *The claimant must submit a completed application form as provided by the Council* (see Section 1500.70(c)) *by June 30, 2005.* (Section 40(d) of the Act)

6~~7~~) *If* the claim is for reimbursement of remedial action expenses at *an active drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least $500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this* subsection (b)(6~~7~~). *To conform with this requirement, the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period* and the claimant must provide *to the Council proof of implementation and maintenance of the following pollution prevention measures:* (Section 40(c)(5) and (6) of the Act)

A) Management of *all drycleaning solvent wastes in accordance with applicable State waste management laws and rules* in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 722. (Section 40(c)(5)(A) of the Act)

B) *A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to*

*a sanitary sewer or septic tank or to the surface or* to *groundwater.* (Section 40(c)(5)(B) of the Act)

C) *Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine*.

D) *Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing* a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for *any leak, spill, or release of drycleaning solvent from that item*. (Section 40(c)(5)(C)(I) of the Act)

E) *Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater*, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment. (Section 40(c)(5)(C)(I) of the Act)

F) *Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR 280* (1998) *for the tanks and related piping systems and use a leak detection system approved by USEPA or the Agency are exempt from this secondary containment requirement.* (Section

40(c)(5)(C)(I) of the Act)

G) All *diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious* to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)

H) Chlorine-based *drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery* and vapor recovery *systems*. (Section 40(c)(5)(D) of the Act)

c) Subject to Fund limitations, eligibility requirements, prioritization and reimbursement limitations, the Council may reimburse up to but not to exceed *$300,000 per active drycleaning facility and $50,000 per inactive drycleaning facility.* (Section 40(f)(1) of the Act)

d) *An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first $5,000 of eligible* focused site *investigation costs and for the first $15,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of* the *Act.* An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first $5,000 of eligible focused site investigation costs and for the first $10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(1) of the Act)

e) *An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first $10,000 of eligible* focused site *investigation costs and for the first $15,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of* the *Act.* An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first $10,000 of eligible focused site investigation costs and for the first $10,000 of eligible remedial action costs incurred in connection with the

release from that drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(2) of the Act)

f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:

1) For remedial action activities that occurred on or after July 1, 1999, only those costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.

2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.

3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.

4) *A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards* or with the site remediation program. (Section 40(f)(2) of the Act)

5) *The Council may require a claimant to obtain and submit 3 bids and may require* that the bids contain *specific terms and conditions* consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is

requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)

6) *If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council.* (Section 40(f)(9) of the Act)

7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.

8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.

9) *Cost recovery; enforcement.*

A) *The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release.* (Section 50(a) of the Act)

B) *Except as provided in subsections* (f)(9)(C) and (D):

i) *The Council shall not seek recovery for expenses in connection with remedial action for a release from a*

*claimant eligible for reimbursement except for any unpaid portion of the deductible.* (Section 50(b)(1) of the Act)

ii) *A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage.* (Section 50(b)(2) of the Act)

C) *Notwithstanding subsection* (f)(9)(B), *the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection* (f)(9)(A), *if the claimant has not complied with the Environmental Protection Act* [415 ILCS 5] *and its rules or with the Act and its rules.* (Section 50(c) of the Act)

D) *Notwithstanding subsection* (f)(9)(B), *the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection* (f)(9)(A), *if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement.* (Section 50(d) of the Act)

E) *Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest.* (Section 50(e) of the Act)

F) *This* subsection (f)(9) *does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act* [415 ILCS 5/22.2]. (Section 50(f) of the Act)

10) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will directly pay to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Fund a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:

A) it is rescinded in writing by the claimant; or

B) the Fund has reimbursed the maximum benefit allowed; or

C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.

11) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:

A) the Fund has reimbursed the maximum benefit allowed; or

B) the claim is no longer eligible for benefits from the Fund; or

C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.

g) Prioritization based upon Fund limitations.

1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that would restrict the availability of monies for higher priority sites. *The Council may prioritize the expenditure of funds from the remedial action*

*account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:*

A) *The degree to which human health is affected by the exposure posed by the release* (Section 25(c)(1) of the Act);

B) *The reduction of risk to human health derived from remedial action compared to the cost of the remedial action* (Section 25(c)(2) of the Act);

C) *The present and planned uses of the impacted property* (Section 25(c)(3) of the Act).

2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule. The Council may designate cash reserves to pay for focused site investigations performed through June 30, 2006 and to pay for unknown remediation costs associated with claims that have been prioritized. The Council shall designate funding up to $800,000 per year for 3 consecutive years to complete the focused site investigation at eligible drycleaning facilities that should be able to obtain a No Further Remediation letter from the Agency using institutional controls with minimal funding. The initial claim prioritization will include all eligible claims as of the prioritization date set by the Council. Subsequent claim prioritizations will include all eligible claims as of the prioritization date set by the Council, excluding all claims that have previously been prioritized. All claims in the initial prioritization must be funded before conducting subsequent prioritizations. This funding methodology will apply to all subsequent prioritizations.

3) The prioritization schedule is as follows:

A) First priority will be the abatement of emergency conditions that present an immediate threat to human health and safety, such as explosive vapors in basements or utility conduits and migration of free products into the water supply line or to the off site property.

B) Second priority will be the drycleaning facilities located in a township without a groundwater ordinance and when the drycleaning solvent contamination of soil and groundwater of such facilities is likely to cause an immediate adverse effect on human health by contaminating potable water resources.

C) Third priority will be the drycleaning facilities with drycleaning solvent contaminants of soil and groundwater where migration of these contaminants to neighboring properties seems imminent or immediate, which can result in more costly and complicated remediations in the future.

D) Fourth priority will be drycleaning facilities at which soil and/or groundwater contamination is at concentration higher than soil saturation limits of drycleaning solvents, according to TACO regulations of the Agency. Active remediation is required to address free product drycleaning solvent contamination.

E) Fifth priority will be the drycleaning facilities in which soil and/or groundwater contamination is higher than the TACO Tier II level but less than the TACO soil saturation limit. Active remediation may be required or a No Further Remediation letter may be achieved through installation of an engineering barrier and/or through the use of institutional controls.

F) When the Council determines it necessary to prioritize the claims, each individual claim will be ranked using the following numerical ranking system:

$$\text{Ranking Score} = (S1 \times 20) + (S2 \times 10) + (S3 \times 8) + (S4 \times 6) + (S5 \times 4) + (S6 \times 2)$$

Where:

S1 = Emergency condition

S2 = Potable water resources contamination

S3 = Migration of contaminants through groundwater or through soil/rock fractures to the neighboring properties

S4 = Facilities with free product solvents

S5 = Facilities with higher than the TACO Tier II level of solvent contamination

S6 = Facilities with less than the TACO Tier II level of solvent contamination

i) Emergency condition (S1)
Toxic fumes or explosion possibility, i.e., free product migration, etc.

Points: 5

ii) Potable water resources contamination (S2)
Imminent or immediate risk to public water resources such as public wells, rivers, and surface water reservoirs and lakes

| Distance | Points |
|---|---|
| Within 500 feet | 5 |
| Within ¼ mile | 4 |
| Within ½ mile | 3 |
| Within 1 mile | 2 |
| Within 1½ miles | 1 |

iii) Migration of contaminants with groundwater or through soil/rock fractures to the neighboring properties (S3)
Time period for the migration of contaminants to the neighboring property given seepage velocity of groundwater and size and location of contamination plume

| Time | Points |
|---|---|
| Within 6 months | 5 |

| | |
|---|---|
| Within 1 year | 4 |
| Within 1½ years | 3 |
| Within 2 years | 2 |
| Within 2½ years | 1 |

iv) Facilities with free product solvents (S4)
The soil at the facility is contaminated with drycleaning solvent higher than TACO soil saturation limits (i.e., PCE > 240 ppm and TCE > 1300 ppm) and/or free product was discovered in on-site wells

| Groundwater Ordinance | Points |
|---|---|
| Rejected or not available | 5 |
| Only approved by the township | 4 |
| Approved by the Agency and township | 3 |

v) Facilities with higher than the TACO Tier II level of solvent contamination (S5)
Facilities with higher than the TACO Tier II level of solvent contamination but less than soil saturation limits

| Groundwater Ordinance | Points |
|---|---|
| Rejected or not available | 5 |
| Only approved by the township | 4 |
| Approved by the Agency and township | 3 |

vi) Facilities with less than the TACO Tier II level of solvent contamination (S6)
Facilities with higher than the TACO Tier I level but less than Tier II level of solvent contamination (i.e., Tier I for PCE & TCE ≥ 60 ppb for Class I and 300 ppb for Class II)

| Groundwater Ordinance | Points |
|---|---|

| | |
|---|---|
| Rejected or not available | 5 |
| Only approved by the township | 4 |
| Approved by the Agency and township | 3 |

G) The highest ranked claims will receive priority funding, subject to an analysis of the claimant's ability to pay for remediation costs that are anticipated to exceed the Fund's maximum benefit cap.

4) Ability to Pay Remediation Costs

A) The final step in the prioritization process is to analyze each claimant's ability to pay for remedial action costs that are anticipated to exceed the Fund's maximum benefit cap for the facility. This analysis will be done at the completion of the remedial action plan or, in the case of substantial soil and groundwater contamination, at the completion of the focused site investigation.

B) If it is apparent that the cost of remedial action will exceed the benefits available to an eligible drycleaning facility, the Administrator will contact the claimant and ask that the claimant respond in writing as to whether it has the financial resources and is willing to expend those resources to remediate the facility.

C) If the claimant states that it chooses to remediate the facility, the following mechanisms would be deemed acceptable in order to ensure that the claimant has the necessary resources to complete the remedial action once the Fund's maximum benefits have been expended:

i) Escrow 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap. Cash or cash equivalents, such as a certificate of deposit, marketable bonds, etc., would be acceptable for escrow; or

ii) A letter of credit from a federally insured financial institution for 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap; or

iii) Personal or corporate guarantees for 100% of the estimated cleanup costs that will exceed the Fund's remedial benefit cap. The guarantees would need to be collateralized by liquid assets.

D) Any eligible claimant who determines that it has neither the financial resources nor the desire to spend its resources on remediation of the facility will be moved to a new and separate prioritization pool. Funding for these claims will only be made available once the cleanups have been completed on all of the other eligible claims that do not exercise these funding limitations.

5) Once a claim has been prioritized, it cannot be removed from the prioritized listing unless the claim becomes ineligible for benefits from the Fund or the claimant refuses to remediate the facility in a timely manner.

6) If the claimant does not obtain and submit to the Council cost proposals for beginning the remedial action process within 120 days after being notified that his/her remedial claim has been prioritized for funding, the claim will be removed from the prioritization list and the next highest ranked claim will be added to the list. Any claim removed from the prioritization list due to non-timely remedial action by the claimant will be included in the next prioritization pool.

h) Remedial claim benefits for a specific drycleaning facility can be transferred to a successor drycleaning facility operator or owner upon execution of a remedial benefits transfer form prescribed by the Council and signed by the original claimant and the successor claimant and approved by the Council.

i) Recordkeeping.

1) Owners and operators that submit a report, plan, budget, application for payment or any other data or document under this Part must maintain all books, records, documents and other evidence directly pertinent to the report, plan, budget, application for payment, data or document, including but not limited to all financial information and data used in the preparation or support of applications for payment. All books, records, documents and

other evidence must be maintained in accordance with accepted business practices and appropriate accounting procedures and practices.

2) Owners or operators must maintain the books, records, documents and other evidence set forth in subsection (i)(1) of this Section and make them available to the Council until the latest of the following:

A) The expiration of 3 years after the date the Agency issues a No Further Remediation letter;

B) For books, records, documents or other evidence relating to an appeal, litigation or other dispute or claim, the expiration of 3 years after the date of the final disposition of the appeal, litigation or other dispute or claim; or

C) The expiration of any other applicable record retention period.

j) *Effective January 1, 2012, an active drycleaning facility that has previously received or is currently receiving reimbursement for the costs of a remedial action, as defined in* the *Act, shall maintain continuous financial assurance for environmental liability coverage in the amount of at least $500,000 until the earlier of January 1, 2020 or the date the Council determines the drycleaning facility is an inactive drycleaning facility. Failure to comply with this requirement will result in the revocation of the drycleaning facility's existing license and in the inability of the drycleaning facility to obtain or renew a license under Section 60 of* the *Act.* (Section 40(j) of the Act).

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

**Section 1500.55 Drycleaning Solvent Tax**

a) *On or after January 1, 1998, a tax is imposed on the use of a drycleaning solvent by a person engaged in the business of operating a drycleaning facility in this State at the rate of*:

1) $10 *per gallon of perchloroethylene or other chlorinated drycleaning solvent used in drycleaning operations;*

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2) $2 *per gallon of petroleum-based drycleaning solvent; and*

3) *$1.75 per gallon of green solvents, unless the green solvent is used at a virgin facility, in which case the rate is $.35 per gallon. All drycleaning solvents shall be considered chlorinated solvents unless the Council determines that the solvents are petroleum-based solvents or green solvents.* (Section 65(a) of the Act)

b) In determining if a drycleaning solvent is a green solvent, the manufacturer and/or distributor of the solvent must present to the Council the solvent's material safety data sheet, the material safety data sheet of the detergents used in conjunction with the solvent, and such other information the Council deems necessary to determine if the solvent should be classified as a green solvent.

c) In accordance with this Section, the Council has determined the following solvents should be classified as a green solvent:

1) Carbon Dioxide ($CO_2$)

2) Propylene Glycol Ether DPnB

3) Green Earth

d) *On or before the 25th day of the 1st month following the end of the calendar quarter, a seller of drycleaning solvents who has collected a tax pursuant to the Act during the previous calendar quarter, or a purchaser or end user of drycleaning solvents required to submit the tax directly to the Department, shall file a* DS-1 Form and DS-7 Form (prescribed by the Department of Revenue) *with the Department of Revenue. The Department of Revenue shall report quarterly to the Council the volume of drycleaning solvent purchased for the quarter by each licensed drycleaner. Each seller of drycleaning solvent maintaining a place of business in this State who is required or authorized to collect the tax imposed by the Act shall pay to the Department the amount of the tax at the time when he or she is required to file his or her return for the period during which the tax was collected. Purchasers or end users remitting the tax directly to the Department shall file a* DS-1 Form *with the Department of Revenue and pay the tax so incurred by the purchaser or end user during the preceding calendar quarter. Except as provided in this Section, the seller of drycleaning solvents filing the*

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*return under this Section shall, at the time of filing the return, pay to the Department the amount of tax imposed by the Act less a discount of 1.75%, or $5 per calendar year, whichever is greater. Failure to timely file the returns and provide to the Department the data requested under the Act will result in disallowance of the reimbursement discount.* (Section 65(f) of the Act) Failure to timely file the returns and provide the required information requested by the Department of Revenue on the DS-1 Form or the DS-7 Form or failure to properly and correctly complete the returns and all supporting schedules will also result in assessment of a civil penalty of $500 per return.

e) *On and after January 1, 1998, no person shall knowingly sell or transfer drycleaning solvent to an operator of a drycleaning facility that is not licensed by the Council under Section 60* of the *Act.* (Section 65(h) of the Act) *Any person who violates* Section 65(d) of the Act~~*Section 65(d)*~~ by providing a false certification or Section 65(h) of the Act~~*or Section 65(h) of the Act*~~ by selling or delivering drycleaning solvent to an unlicensed drycleaner will be assessed a *$500 civil penalty for the first violation* and a *$5,000 civil penalty for the second* and all *subsequent violations.* (Section 69(b)(2) of the Act)

f) *On or after January 1, 1998, no person shall engage in the business of selling drycleaning solvents in this State without a certificate of registration issued by the Department of Revenue.* (Section 67 of the Act) *Any person who violates Section 67 of the Act shall be liable for a civil penalty of $100 per day for each day the person is not registered to sell drycleaning solvents.* (Section 69(b)(3) of the Act)

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

DEPARTMENT OF NATURAL RESOURCES

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1) Heading of the Part: Illinois Prescribed Burning Act

2) Code Citation: 17 Ill. Adm. Code 1565

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 1565.10 | Amend |
| 1565.20 | Amend |
| 1565.70 | Amend |

4) Statutory Authority: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37]

5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part, which were approved by the Illinois Prescribed Burn Manager Certification Board, are being made to: increase the size of the Prescribed Burn Manager Certification Board to six members, extend the application deadline for the purpose of grandfathering in requirements for existing burners, allow the Board to conduct its meetings via conference call or other electronic means, and establish a quorum for the Board.

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 Objective: 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:

George Sisk, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1565
ILLINOIS PRESCRIBED BURNING ACT

Section
1565.5 Purpose
1565.10 Definitions
1565.20 Certified Prescribed Burn Manager
1565.30 Burn Prescriptions
1565.40 Notifications and Permits
1565.50 Conducting Prescribed Burns
1565.60 Records and Reporting
1565.70 Administration of Act
1565.EXHIBIT A Certified Prescribed Burn Manager Application

AUTHORITY: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37].

SOURCE: Adopted at 33 Ill. Reg. 15724, effective November 2, 2009; amended at 36 Ill. Reg. _____, effective _____.

**Section 1565.10 Definitions**

"Act" means the Illinois Prescribed Burning Act [525 ILCS 37].

"Apprentice Prescribed Burn Manager" is a person at a prescribed burn that has successfully completed the training classes described under Section 1565.20(b)(1), participated in prescribed burns as described in Section 1565.20(b)(2), has been accepted by a certified prescribed burn manager as the apprentice prescribed burn manager for the prescribed burn, and is assuming the functions of a certified prescribed burn manager during the prescribed burn under the direct supervision of a certified prescribed burn manager as a training requirement pursuant to Section 1565.20(b)(3).

"Burn Personnel" means any paid person or volunteer involved in conducting prescribed burning under the Act.

"Burn Prescription" means a written plan for conducting a prescribed burn.

"Central Dispatching Agency" is an agency that provides dispatching services for a number of emergency agencies (fire, law enforcement or ambulance) in a defined geographic area.

"Certificate" is a written certificate and number issued by the Department identifying a person as a certified prescribed burn manager and is considered a license subject to revocation proceedings described in Subpart C of 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offenses).

"Certified Prescribed Burn Manager" is an individual who conducts the activities described in Section 1565.20(a), and successfully completes an approved training program and receives proper certification as described in Section 1565.20(b) through (f).

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Escaped Fire" means any fire that goes beyond the area described in the burn prescription and requires outside resources to contain or that burns onto adjoining landowner's land not included in the burn prescription.

"Incident Commander", "Incident Command Authority" and "Unified Command" are terms defined by the National Inter-agency Incident Management System (NIIMS) and are used in this Part to describe the person or persons directly responsible for control and suppression of a prescribed burn or an escaped fire resulting from a prescribed burn.

"Landowner" includes the owner, owning agency or other legal entity owning a parcel of land where a prescribed burn is executed or is proposed to be executed, their designated agent or land manager.

"NIIMS" means the National Inter-agency Incident Management System administered by the Federal Emergency Management Agency (FEMA).

"Prescribed Burn Manager Certification Board" or "Board" is a Board of six~~five~~ representatives whose job responsibilities include natural areas stewardship, wildlife habitat management or forest management and who have experience with prescribed burn management or incident command. The Board shall be made up of four~~three~~ representatives designated by the Director (including one representative who is not employed by the State of Illinois), one representative designated by the Illinois Nature Preserves Commission and one representative designated by the Office of the State Fire Marshal.

"Prescribed Burn Report" is the written report and evaluation of a prescribed burn, including the information required in Section 1565.60(c) that is prepared and signed by the certified prescribed burn manager after a prescribed burn is completed.

"Prescribed Burning" is the planned application of fire to naturally occurring vegetative fuels, under specified environmental conditions and following appropriate precautionary measures, that causes the fire to be confined to a predetermined area and accomplishes the planned land management objectives.

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

**Section 1565.20 Certified Prescribed Burn Manager**

a) A certified prescribed burn manager performs the following activities:

1) writes and/or approves burn prescriptions as described in Section 1565.30;

2) serves as the direct supervisor of the burn personnel at the scene of a prescribed burn and is responsible for implementing a burn prescription as described in Section 1565.40; and

3) supervises and trains an apprentice prescribed burn manager as described in Section 1565.20(c).

b) To become a certified prescribed burn manager, a person must complete the following requirements and have a valid Illinois Certified Prescribed Burn Manager Certificate issued by the Department pursuant to Section 1565.70.

1) Successfully complete:

A) the following National Wildfire Coordinating Group Wildland Fire Training Courses or equivalents:

i) Basic Incident Command System (I-100);

ii) Fire Fighter Training (S-130); and

iii) Wildland Fire Behavior (S-190); or

B) a specialized Illinois Prescribed Burning Manager Course that incorporates pertinent information in the courses listed in subsection (b)(1)(A), along with information on prescribed burning in Illinois that has been approved by the ~~Prescribed Burn Manager Certification~~ Board;

2) Participate in five prescribed burns that will be documented on a Certified Prescribed Burn Manager Application;

3) Successfully complete two prescribed burns as an apprentice prescribed burn manager under the supervision of a certified prescribed burn manager;

4) Submit the following to the Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271:

A) A Certified Prescribed Burn Manager Application (the Application);

B) A $50 fee (State of Illinois employees are exempt from the fee); and

C) Copies of all course certificates and relevant prescribed burn prescriptions and prescribed burn report forms or an affidavit described in Section 1565.20(d) for the burns required in Section 1565.20(b)(3) documenting the experience and apprenticeship.

c) To become an apprentice, a person must apply to DNR in writing and be accepted by a certified prescribed burn manager who will agree to supervise the training in conducting the burn. An apprentice prescribed burn manager shall assume the functions of a certified prescribed burn manager during a burn under the direct supervision of a certified prescribed burn manager. An apprentice shall sign the prescribed burn report as the "apprentice prescribed burn manager" and note his or her experience on the Application. The certified prescribed burn manager supervising the apprentice shall also provide an evaluation of the performance of the apprentice and certify the successful completion of the burn by the apprentice on the prescribed burn report. The signatures on the prescribed burn report shall serve as documentation of the number of times an apprentice serves as an apprentice prescribed burn manager.

d) Prior to December 31, 2015~~2010~~, persons who have submitted an affidavit along with their Application attesting to their participation in at least seven burns, including at least five at which they have served as the prescribed burn manager prior to November 1, 2009, shall be considered to have completed the apprenticeship and experience requirements.

e) Persons who hold certifications from other states whose training meets or exceeds the requirements of this Part can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of certification in another state and the $50 fee to: Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.

f) Persons who have received the certification as a Prescribed Fire Burn Boss Type 1 or Type 2, known as RXB1 or RXB2 respectively, under the NIIMS Wildland Fire Qualification System, can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of the RXB1 or RXB2 certification and the $50 fee to: Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.

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

**Section 1565.70 Administration of Act**

a) Upon receipt of a completed Certified Prescribed Burn Manager Application, the required documentation of coursework, apprenticeship and experience described in Section 1565.20 and a fee of $50, the Department shall issue an Illinois Certified Prescribed Burn Manager Certificate within 45 days or notify the applicant in writing of the reason the certificate was denied. Applicants who have been denied a certificate may re-apply after correcting any deficiencies in their original Application. Persons employed by the State of Illinois shall be exempt from the $50 fee.

b) Denial of a certificate may be appealed pursuant to 17 Ill. Adm. Code 2530.

c) Any fees collected under this Part shall be deposited into the Forestry Development Fund.

d) An Illinois Certified Prescribed Burn Manager Certificate may be revoked pursuant to the procedures described in 17 Ill. Adm. Code 2530 for serious and or continuing violations of the Act or this Part, falsification or misrepresentation on the Certified Prescribed Burn Manager Application or supporting documents, or a pattern of negligence in performing the duties of a certified prescribed burn manager.

e) An organization or individual may petition the Department to approve coursework and training programs as an Illinois Prescribed Burn Manager Course by submitting to the ~~Illinois Prescribed Burn Manager Certification~~ Board a course syllabus, length of course and trainer qualifications demonstrating that the course meets the standards described in Section 1565.20(a)(1). The Board may require the submitter to provide additional information necessary to evaluate the program. The Board shall make a recommendation to the Director to approve or not approve the submitted program as an Illinois Prescribed Burn Manager Course.

f) Periodically, but not less than annually, the ~~Illinois Prescribed Burn Manager Certification~~ Board shall meet to review prescribed burn reports submitted under this Part, review requirements of prescribed burn certification in other states and make a recommendation to the Director on whether other states' certification programs meet or exceed requirements in this Part to receive an Illinois Certified Prescribed Burn Manager Certificate; review this Part and make recommendations to the Director for any needed changes; and prepare reports on prescribed burning at the request of the Director.

g) The Board may conduct its meetings via conference call or other electronic means provided all participants are in locations open to the public that have been published in compliance with the Illinois Open Meetings Act [5 ILCS 120].

h) A quorum of the Board shall be defined as four members.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 211.101 | Amend |
| 211.2870 | Amend |
| 211.5510 | Amend |

~~1)~~ 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]

~~2)~~ 5) A Complete Description of the Subjects and Issues Involved: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24
(Apr. 19, 2012). In Part 211, this proposal cleans up incorporations by reference and definitions consistent with measurements for vapor pressure and Reid vapor pressure. Specifically, this proposal updates ASTM D 323 to its current version, ASTM D 323-08, and addresses references thereto.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Specifically as to Part 211, ASTM D 323-08 As to the entire R12- 24 proposal generally, see the list of documents in the answer to this question in the notice of proposed amendments to Part 218.

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 in this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Pollution Control 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 reference Docket R12-24 and be addressed to:

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

312/814-3620

The Board will also schedule two public hearings in this docket.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact any small business, small municipality, and not for profit corporation that is required to utilize ASTM D 323-08 under 35 Ill. Adm. Code Parts 218 or 219.

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

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporated and Referenced Materials
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.200 Acrylonitrile Butadiene Styrene (ABS) Welding
211.210 Actual Heat Input
211.230 Adhesive
211.233 Adhesion Primer
211.235 Adhesive Primer
211.240 Adhesion Promoter
211.250 Aeration
211.260 Aerosol Adhesive and Adhesive Primer
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance
211.481 Ammunition Sealant
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.492 Antifoulant Coating
211.493 Antifouling Sealer/Tie Coat
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.540 Architectural Structure
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650 Automobile or Light-Duty Truck Refinishing
211.660 Automotive/Transportation Plastic Parts
211.665 Auxiliary Boiler
211.670 Baked Coatings
211.680 Bakery Oven
211.685 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.715 Bedliner
211.730 Binders
211.735 Black Coating
211.740 Brakehorsepower (rated-bhp)
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal
211.820 Business Machine Plastic Parts
211.825 Camouflage Coating
211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.880 Cap Sealant
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.953 Carbon Adsorber
211.954 Cavity Wax
211.955 Cement
211.960 Cement Kiln
211.965 Ceramic Tile Installation Adhesive
211.970 Certified Investigation
211.980 Chemical Manufacturing Process Unit
211.990 Choke Loading
211.995 Circulating Fluidized Bed Combustor
211.1000 Class II Finish
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1120 Clinker
211.1128 Closed Molding
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1312 Combined Cycle System

211.1315 Combustion Tuning
211.1316 Combustion Turbine
211.1320 Commence Commercial Operation
211.1324 Commence Operation
211.1328 Common Stack
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1435 Container Glass
211.1455 Contact Adhesive
211.1465 Continuous Automatic Stoking
211.1467 Continuous Coater
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1515 Control Period
211.1520 Conventional Air Spray
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1560 Cove Base
211.1565 Cove Base Installation Adhesive
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1655 Cyanoacrylate Adhesive
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1700 Deadener
211.1710 Degreaser
211.1730 Delivery Vessel
211.1740 Diesel Engine
211.1745 Digital Printing
211.1750 Dip Coating
211.1770 Distillate Fuel Oil

211.1780 Distillation Unit
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1872 Ejection Cartridge Sealant
211.1875 Elastomeric Materials
211.1876 Electric Dissipating Coating
211.1877 Electric-Insulating Varnish
211.1878 Electrical Apparatus Component
211.1880 Electrical Switchgear Compartment Coating
211.1882 Electrodeposition Primer (EDP)
211.1883 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885 Electronic Component
211.1890 Electrostatic Bell or Disc Spray
211.1900 Electrostatic Prep Coat
211.1910 Electrostatic Spray
211.1920 Emergency or Standby Unit
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel
211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2040 Etching Filler
211.2050 Ethanol Blend Gasoline
211.2055 Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070 Excess Air
211.2080 Excess Emissions
211.2090 Excessive Release
211.2110 Existing Grain-Drying Operation (Repealed)
211.2130 Existing Grain-Handling Operation (Repealed)
211.2150 Exterior Base Coat
211.2170 Exterior End Coat
211.2190 External Floating Roof
211.2200 Extreme High-Gloss Coating
211.2210 Extreme Performance Coating

211.2230 Fabric Coating
211.2250 Fabric Coating Line
211.2270 Federally Enforceable Limitations and Conditions
211.2285 Feed Mill
211.2290 Fermentation Time
211.2300 Fill
211.2310 Final Repair Coat
211.2320 Finish Primer Surfacer
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2355 Flare
211.2357 Flat Glass
211.2358 Flat Wood Paneling
211.2359 Flat Wood Paneling Coating Line
211.2360 Flexible Coating
211.2365 Flexible Operation Unit
211.2368 Flexible Packaging
211.2369 Flexible Vinyl
211.2370 Flexographic Printing
211.2390 Flexographic Printing Line
211.2410 Floating Roof
211.2415 Fog Coat
211.2420 Fossil Fuel
211.2425 Fossil Fuel-Fired
211.2430 Fountain Solution
211.2450 Freeboard Height
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2525 Gasket/Gasket Sealing Material
211.2530 Gas Service
211.2550 Gas/Gas Method
211.2570 Gasoline
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
211.2615 General Work Surface
211.2620 Generator
211.2622 Glass Bonding Primer
211.2625 Glass Melting Furnace

211.2630 Gloss Reducers
211.2650 Grain
211.2670 Grain-Drying Operation
211.2690 Grain-Handling and Conditioning Operation
211.2710 Grain-Handling Operation
211.2730 Green-Tire Spraying
211.2750 Green Tires
211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2800 Hardwood Plywood
211.2810 Heated Airless Spray
211.2815 Heat Input
211.2820 Heat Input Rate
211.2825 Heat-Resistant Coating
211.2830 Heatset
211.2840 Heatset Web Letterpress Printing Line
211.2850 Heatset Web Offset Lithographic Printing Line
211.2870 Heavy Liquid
211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating
211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2955 High Bake Coating
211.2956 High Build Primer Surfacer
211.2958 High Gloss Coating
211.2960 High-Performance Architectural Coating
211.2965 High Precision Optic
211.2970 High Temperature Aluminum Coating
211.2980 High Temperature Coating
211.2990 High Volume Low Pressure (HVLP) Spray
211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3095 Indoor Floor Covering Installation Adhesive
211.3100 Industrial Boiler
211.3110 Ink
211.3120 In-Line Repair

211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3215 Janitorial Cleaning
211.3230 Lacquers
211.3240 Laminate
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3300 Lean-Burn Engine
211.3305 Letterpress Printing Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3355 Lime Kiln
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3475 Load Shaving Unit
211.3480 Loading Event
211.3483 Long Dry Kiln
211.3485 Long Wet Kiln
211.3487 Low-$NO_x$ Burner
211.3490 Low Solvent Coating
211.3500 Lubricating Oil
211.3505 Lubricating Wax/Compound
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3555 Maintenance Cleaning
211.3570 Major Dump Pit
211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3620 Manually Operated Equipment

211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3660 Marine Vessel
211.3665 Mask Coating
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3695 Maximum True Vapor Pressure
211.3705 Medical Device
211.3707 Medical Device and Pharmaceutical Manufacturing
211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3760 Metallic Coating
211.3770 Metallic Shoe-Type Seal
211.3775 Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780 Mid-Kiln Firing
211.3785 Military Specification Coating
211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3820 Miscellaneous Industrial Adhesive Application Operation
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3915 Mobile Equipment
211.3925 Mold Seal Coating
211.3930 Monitor
211.3950 Monomer
211.3960 Motor Vehicles
211.3961 Motor Vehicle Adhesive
211.3965 Motor Vehicle Refinishing
211.3966 Motor Vehicle Weatherstrip Adhesive
211.3967 Mouth Waterproofing Sealant
211.3968 Multi-Colored Coating
211.3969 Multi-Component Coating
211.3970 Multiple Package Coating
211.3975 Multipurpose Construction Adhesive
211.3980 Nameplate Capacity

211.3985 Natural Finish Hardwood Plywood Panel
211.3990 New Grain-Drying Operation (Repealed)
211.4010 New Grain-Handling Operation (Repealed)
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-Contact Process Water Cooling Tower
211.4052 Non-Convertible Coating
211.4055 Non-Flexible Coating
211.4065 Non-Heatset
211.4067 $NO_x$ Trading Program
211.4070 Offset
211.4080 One-Component Coating
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains
211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220 Optical Coating
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4260 Organic Solvent
211.4270 Organic Vapor
211.4280 Other Glass
211.4285 Outdoor Floor Covering Installation Adhesive
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail
211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
211.4455 Pan-Backing Coating
211.4460 Panel
211.4470 Paper Coating

211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4540 Perimeter Bonded Sheet Flooring
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4730 Plant
211.4735 Plastic
211.4740 Plastic Part
211.4750 Plasticizers
211.4760 Plastic Solvent Welding Adhesive
211.4765 Plastic Solvent Welding Adhesive Primer
211.4768 Pleasure Craft
211.4769 Pleasure Craft Surface Coating
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4895 Polyvinyl Chloride Plastic (PVC Plastic)
211.4900 Porous Material
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4960 Potential Electrical Output Capacity
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5012 Prefabricated Architectural Coating
211.5015 Preheater Kiln
211.5020 Preheater/Precalciner Kiln

211.5030 Pressure Release
211.5050 Pressure Tank
211.5060 Pressure/Vacuum Relief Valve
211.5061 Pretreatment Coating
211.5062 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5075 Primer Sealant
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5140 Printed Interior Panel
211.5150 Printing
211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5195 Process Heater
211.5210 Process Unit
211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5335 Radiation Effect Coating
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5400 Red Coating
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser
211.5500 Regulated Air Pollutant
211.5510 Reid Vapor Pressure

211.5520 Reinforced Plastic Composite
211.5530 Repair
211.5535 Repair Cleaning
211.5550 Repair Coat
211.5570 Repaired
211.5580 Repowering
211.5585 Research and Development Operation
211.5590 Residual Fuel Oil
211.5600 Resist Coat
211.5610 Restricted Area
211.5630 Retail Outlet
211.5640 Rich-Burn Engine
211.5650 Ringelmann Chart
211.5670 Roadway
211.5690 Roll Coater
211.5710 Roll Coating
211.5730 Roll Printer
211.5750 Roll Printing
211.5770 Rotogravure Printing
211.5790 Rotogravure Printing Line
211.5800 Rubber
211.5810 Safety Relief Valve
211.5830 Sandblasting
211.5850 Sanding Sealers
211.5860 Scientific Instrument
211.5870 Screening
211.5875 Screen Printing
211.5880 Screen Printing on Paper
211.5885 Screen Reclamation
211.5890 Sealer
211.5910 Semi-Transparent Stains
211.5930 Sensor
211.5950 Set of Safety Relief Valves
211.5970 Sheet Basecoat
211.5980 Sheet-Fed
211.5985 Sheet Rubber Lining Installation
211.5987 Shock-Free Coating
211.5990 Shotblasting
211.6010 Side-Seam Spray Coat

211.6012 Silicone-Release Coating
211.6015 Single-Ply Roof Membrane
211.6017 Single-Ply Roof Membrane Adhesive Primer
211.6020 Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025 Single Unit Operation
211.6030 Smoke
211.6050 Smokeless Flare
211.6060 Soft Coat
211.6063 Solar-Absorbent Coating
211.6065 Solids Turnover Ratio ($R_T$)
211.6070 Solvent
211.6090 Solvent Cleaning
211.6110 Solvent Recovery System
211.6130 Source
211.6140 Specialty Coatings
211.6145 Specialty Coatings for Motor Vehicles
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6355 Stationary Gas Turbine
211.6360 Stationary Reciprocating Internal Combustion Engine
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6400 Stencil Coat
211.6405 Sterilization Indicating Ink
211.6410 Storage Tank or Storage Vessel
211.6420 Strippable Spray Booth Coating
211.6425 Stripping
211.6427 Structural Glazing
211.6430 Styrene Devolatilizer Unit
211.6450 Styrene Recovery Unit

211.6460 Subfloor
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6535 Surface Preparation
211.6540 Surface Preparation Materials
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6580 Texture Coat
211.6585 Thin Metal Laminating Adhesive
211.6587 Thin Particleboard
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6620 Three or Four Stage Coating System
211.6630 Through-the-Valve Fill
211.6635 Tileboard
211.6640 Tire Repair
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6695 Topcoat System
211.6710 Touch-Up
211.6720 Touch-Up Coating
211.6730 Transfer Efficiency
211.6740 Translucent Coating
211.6750 Tread End Cementing
211.6770 True Vapor Pressure
211.6780 Trunk Interior Coating
211.6790 Turnaround
211.6810 Two-Piece Can
211.6825 Underbody Coating
211.6830 Under-the-Cup Fill
211.6850 Undertread Cementing
211.6860 Uniform Finish Blender
211.6870 Unregulated Safety Relief Valve
211.6880 Vacuum Metallizing
211.6885 Vacuum Metalizing Coating
211.6890 Vacuum Producing System

211.6910 Vacuum Service
211.6930 Valves Not Externally Regulated
211.6950 Vapor Balance System
211.6970 Vapor Collection System
211.6990 Vapor Control System
211.7010 Vapor-Mounted Primary Seal
211.7030 Vapor Recovery System
211.7050 Vapor-Suppressed Polyester Resin
211.7070 Vinyl Coating
211.7090 Vinyl Coating Line
211.7110 Volatile Organic Liquid (VOL)
211.7130 Volatile Organic Material Content (VOMC)
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170 Volatile Petroleum Liquid
211.7190 Wash Coat
211.7200 Washoff Operations
211.7210 Wastewater (Oil/Water) Separator
211.7220 Waterproof Resorcinol Glue
211.7230 Weak Nitric Acid Manufacturing Process
211.7240 Weatherstrip Adhesive
211.7250 Web
211.7270 Wholesale Purchase − Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

211.APPENDIX A Rule into Section Table
211.APPENDIX B Section into Rule Table

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

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

**Section 211.101 Incorporated and Referenced Materials**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) Incorporations by Reference

1) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517 (1962)

2) Standard Industrial Classification Manual, Superintendent of Documents, Washington, D.C. 20402 (1972)

3) American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken PA 19428-2959

| | |
|---|---|
| ASTM | D 86 |
| ASTM | D 240-64 |
| ASTM | D 323-08 |
| ASTM | D 369-69 (1971) |
| ASTM | D 396-69 |
| ASTM | D 523-80 |
| ASTM | D 523-89 |
| ASTM | D 900-55 |
| ASTM | D 975-68 |
| ASTM | D 1826-64 |
| ASTM | D 2015-66 |
| ASTM | D 2880-71 |

4) 40 CFR 51.100 (1987)

5) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg~~,~~ IL 60173-4268, Specification 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) (2005)

6) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg~~,~~ IL 60173-4268, Specification 2605-05

(Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels) (2005)

b) Referenced Materials
Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136)

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

SUBPART B: DEFINITIONS

**Section 211.2870 Heavy Liquid**

"Heavy liquid" means liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3° K (70° F) established in a standard reference text or as determined by ASTM method D2879-86 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112); or which has 0.1 Reid Vapor Pressure as determined by ASTM method D323-08~~D323-82~~ (incorporated by reference in 35 Ill. Adm. Code ~~215.105,~~ 218.112 and 219.112); or which when distilled requires a temperature of 421.95° K (300° F) or greater to recover 10 percent of the liquid as determined by ASTM method D86-82 (incorporated by reference in 35 Ill. Adm. Code 215.105, 218.112 and 219.112).

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

**Section 211.5510 Reid Vapor Pressure**

"Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the method referenced in the Section where the term is used or by ASTM D323-08~~D323-89~~ (if not referenced in the Section where the term is used), incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 215.104 | Amend |
| 215.105 | Amend |
| 215.585 | Repeal |

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) A Complete Description of the Subjects and Issues Involved: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24 (Apr. 19, 2012). In Part 218, this proposal repeals the Pollution Control Board's ozone attainment area Gasoline Volatility Standards at 35 Ill. Adm. Code 215.585, as these standards were superseded by the federal Gasoline Volatility Standards. This proposal also repeals the definition of "Reid vapor pressure" in 35 Ill. Adm. Code 215.104 and repeals certain incorporations by reference at 35 Ill. Adm. Code 215.105 to be consistent with the proposed repeal of the Pollution Control Board's attainment area Gasoline Volatility Standards.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Specifically as to Part 215 only, 40 CFR 80.27 (2010). As to the entire R12-24 proposal generally, see the list of documents in the answer to this question in the notice of proposed amendments to Part 218.

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; repeal is proposed.

10) Are there any other proposed rulemakings pending in this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective: This proposed rulemaking does 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 Pollution Control 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 reference Docket R12-24 and be addressed to:

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

312/814-3620

The Board will also schedule two public hearings in this docket.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None; proposed amendments repeal superseded state standards and related definitions and incorporations by reference.

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

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
215.100 Introduction
215.101 Clean-up and Disposal Operations
215.102 Testing Methods
215.103 Abbreviations and Conversion Factors
215.104 Definitions
215.105 Incorporation by Reference
215.106 Afterburners
215.107 Determination of Applicability
215.108 Measurement of Vapor Pressures
215.109 Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section
215.121 Storage Containers
215.122 Loading Operations
215.123 Petroleum Liquid Storage Tanks
215.124 External Floating Roofs
215.125 Compliance Dates and Geographical Areas
215.126 Compliance Plan
215.127 Emissions Testing
215.128 Measurement of Seal Gaps

SUBPART C: ORGANIC EMISSIONS FROM
MISCELLANEOUS EQUIPMENT

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
215.141 Separation Operations
215.142 Pumps and Compressors
215.143 Vapor Blowdown
215.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
215.181 Solvent Cleaning in General
215.182 Cold Cleaning
215.183 Open Top Vapor Degreasing
215.184 Conveyorized Degreasing
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SUBPART F: COATING OPERATIONS

Section
215.202 Compliance Schedules
215.204 Emission Limitations for Manufacturing Plants
215.205 Alternative Emission Limitations
215.206 Exemptions from Emission Limitations
215.207 Compliance by Aggregation of Emission Units
215.208 Testing Methods for Volatile Organic Material Content
215.209 Exemption from General Rule on Use of Organic Material
215.210 Alternative Compliance Schedule
215.211 Compliance Dates and Geographical Areas
215.212 Compliance Plan
215.213 Special Requirements for Compliance Plan
215.214 Roadmaster Emissions Limitations (Repealed)
215.215 DMI Emissions Limitations

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section
215.240 Applicability
215.241 External Floating Roofs
215.245 Flexographic and Rotogravure Printing

215.249 Compliance Dates

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section
215.260 Applicability
215.261 Petition
215.263 Public Hearing
215.264 Board Action
215.267 Agency Petition

SUBPART K: USE OF ORGANIC MATERIAL

Section
215.301 Use of Organic Material
215.302 Alternative Standard
215.303 Fuel Combustion Emission Sources
215.304 Operations with Compliance Program
215.305 Viscose Exemption (Repealed)

SUBPART N: VEGETABLE OIL PROCESSING

Section
215.340 Hexane Extraction Soybean Crushing
215.342 Hexane Extraction Corn Oil Processing
215.344 Recordkeeping for Vegetable Oil Processes
215.345 Compliance Determination
215.346 Compliance Dates and Geographical Areas
215.347 Compliance Plan

SUBPART P: PRINTING AND PUBLISHING

Section
215.401 Flexographic and Rotogravure Printing
215.402 Exemptions
215.403 Applicability of Subpart K
215.404 Testing and Monitoring (Repealed)
215.405 Compliance Dates and Geographical Areas
215.406 Alternative Compliance Plan

215.407 Compliance Plan
215.408 Heatset Web Offset Lithographic Printing
215.409 Testing Methods for Volatile Organic Material Content
215.410 Emissions Testing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

Section
215.420 Applicability
215.421 General Requirements
215.422 Inspection Program Plan for Leaks
215.423 Inspection Program for Leaks
215.424 Repairing Leaks
215.425 Recordkeeping for Leaks
215.426 Report for Leaks
215.427 Alternative Program for Leaks
215.428 Compliance Dates
215.429 Compliance Plan
215.430 General Requirements
215.431 Inspection Program Plan for Leaks
215.432 Inspection Program for Leaks
215.433 Repairing Leaks
215.434 Recordkeeping for Leaks
215.435 Report for Leaks
215.436 Alternative Program for Leaks
215.437 Open-Ended Valves
215.438 Standards for Control Devices
215.439 Compliance Plan

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section
215.441 Petroleum Refinery Waste Gas Disposal
215.442 Vacuum Producing Systems
215.443 Wastewater (Oil/Water) Separator
215.444 Process Unit Turnarounds
215.445 Leaks: General Requirements

215.446 Monitoring Program Plan for Leaks
215.447 Monitoring Program for Leaks
215.448 Recordkeeping for Leaks
215.449 Reporting for Leaks
215.450 Alternative Program for Leaks
215.451 Sealing Device Requirements
215.452 Compliance Schedule for Leaks
215.453 Compliance Dates and Geographical Areas

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
215.461 Manufacture of Pneumatic Rubber Tires
215.462 Green Tire Spraying Operations
215.463 Alternative Emission Reduction Systems
215.464 Emissions Testing
215.465 Compliance Dates and Geographical Areas
215.466 Compliance Plan
215.467 Testing Methods for Volatile Organic Material Content

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
215.480 Applicability of Subpart T
215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
215.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
215.483 Material Storage and Transfer
215.484 In-Process Tanks
215.485 Leaks
215.486 Other Emission Sources
215.487 Testing
215.488 Monitors for Air Pollution Control Equipment
215.489 Recordkeeping (Renumbered)
215.490 Compliance Schedule (Renumbered)

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
215.500 Exceptions
215.510 Coke By-Product Recovery Plants
215.512 Coke By-Product Recovery Plant Leaks
215.513 Inspection Program
215.514 Recordkeeping Requirements
215.515 Reporting Requirements
215.516 Compliance Dates
215.517 Compliance Plan

SUBPART V: AIR OXIDATION PROCESSES

Section
215.520 Applicability
215.521 Definitions
215.525 Emission Limitations for Air Oxidation Processes
215.526 Testing and Monitoring
215.527 Compliance Date

SUBPART W: AGRICULTURE

Section
215.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
215.561 Architectural Coatings
215.562 Paving Operations
215.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
215.581 Bulk Gasoline Plants
215.582 Bulk Gasoline Terminals
215.583 Gasoline Dispensing Facilities – Storage Tank Filling Operations
215.584 Gasoline Delivery Vessels
215.585 Gasoline Volatility Standards (Repealed)

215.586 Emissions Testing

SUBPART Z: DRY CLEANERS

Section
215.601 Perchloroethylene Dry Cleaners (Repealed)
215.602 Exemptions (Repealed)
215.603 Leaks (Repealed)
215.604 Compliance Dates and Geographical areas~~Areas~~ (Repealed)
215.605 Compliance Plan (Repealed)
215.606 Exception to Compliance Plan (Repealed)
215.607 Standards for Petroleum Solvent Dry Cleaners
215.608 Operating Practices for Petroleum Solvent Dry Cleaners
215.609 Program for Inspection and Repair of Leaks
215.610 Testing and Monitoring
215.611 Exemption for Petroleum Solvent Dry Cleaners
215.612 Compliance Dates and Geographical Areas (Repealed)
215.613 Compliance Plan
215.614 Testing Method for Volatile Organic Material Content of Wastes
215.615 Emissions Testing

SUBPART AA: PAINT AND INK MANUFACTURING

Section
215.620 Applicability
215.621 Exemption for Waterbase Material and Heatset Offset Ink
215.623 Permit Conditions
215.624 Open-top Mills, Tanks, Vats or Vessels
215.625 Grinding Mills
215.628 Leaks
215.630 Clean Up
215.636 Compliance Date

SUBPART BB: POLYSTYRENE PLANTS

Section
215.875 Applicability of Subpart BB
215.877 Emissions Limitation at Polystyrene Plants
215.879 Compliance Date

215.881 Compliance Plan
215.883 Special Requirements for Compliance Plan
215.886 Emissions Testing

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
215.920 Applicability
215.923 Permit Conditions
215.926 Control Requirements

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
215.940 Applicability
215.943 Permit Conditions
215.946 Control Requirements

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
215.960 Applicability
215.963 Permit Conditions
215.966 Control Requirements

215.APPENDIX A Rule into Section Table
215.APPENDIX B Section into Rule Table
215.APPENDIX C Past Compliance Dates
215.APPENDIX D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
215.APPENDIX E Reference Methods and Procedures
215.APPENDIX F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998; amended in R12-24 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

**Section 215.104 Definitions**

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. When~~Where~~ the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood

furniture.

"In Vacuum Service~~:~~": For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment that~~which~~ is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains, including stains, glazes and other opaque material to give character to wood.

~~"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) at 100~ F (37.8~ C).~~

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

**Section 215.105 Incorporations by Reference**

The following materials are incorporated by reference:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555~~1916 Race Street, Philadelphia, PA 19103~~:

1) ASTM D 1644-59 Method A

2) ASTM D 1475-60

3) ASTM D 2369-81

4) ASTM D 2879-83 (Approved 1983); ASTM D 2879-86 (Approved 1986)

~~5) ASTM D 323-82 (Approved 1982)~~

5~~6~~) ASTM D 86-82 (Approved 1982)

6~~7~~) ASTM E 260-73 (Approved 1973), E 168 - 67 (Reapproved 1977), E 169 - 63 (Reapproved 1981), E 20 (Approved 1985)

7~~8~~) ASTM D 97-66

8~~9~~) ASTM D 1946-67

9~~10~~) ASTM D 2382-76

10~~11~~) ASTM D 2504-83

11~~12~~) ASTM D 2382-83

~~13) ASTM D-4057-81 (Approved 1981)~~

~~14) ASTM D-4177-82 (Approved 1982)~~

12)~~15)~~ ASTM D-4953-89

13)~~16)~~ ASTM D-4457-85

b) Federal Standard 141a, Method 4082.1.

c) National Fire Codes, National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269 (1979).

d) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026, Appendix A.

e) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051 Appendix A and Appendix B (December 1978).

f) Standards Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1972.

g) 40 CFR 60 (1989).

h) United States Environmental Protection Agency, Washington D.C., EPA-450/2-78-041.

~~i) 40 CFR 80, Appendices D, E, and F (1989).~~

i)~~j)~~ Elsevier Scientific Publishing Co., New York, "The Vapor Pressure of Pure Substances" (1973), Boublik, T., V. Fried and E. Hala.

j)~~k)~~ McGraw-Hill Book Company, "Perry's Chemical Engineer's Handbook" (1984).

k)~~l)~~ Chemical Rubber Publishing Company, "CRC Handbook of Chemistry and Physics" (1968-87).

l)~~m)~~ McGraw-Hill Book Company, "Lange's Handbook of Chemistry" (1985) John A. Dean, editor.

m)~~n)~~ United States Environmental Protection Agency, Washington D.C., "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products", (EPA-450/2-78-029).

BOARD NOTE: The incorporations by reference listed in this Section~~above~~ contain no later amendments or editions.

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

SUBPART Y: GASOLINE DISTRIBUTION

**Section 215.585 Gasoline Volatility Standards (Repealed)**

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) during the regulatory control periods, which shall be June 1 to September 15 for retail outlets, wholesale purchaser-consumer facilities, and all other facilities.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.1 kPa) during the regulatory control period in 1991 only.~~

~~c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d) All sampling of gasoline required pursuant to the provisions of this Section shall~~

~~be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1) For manual sampling, ASTM D4057;~~

~~2) For automatic sampling, ASTM D4177;~~

~~3) Sampling Procedures for Fuel Volatility, 40 CFR 80 Appendix D.~~

~~e) The Reid vapor pressure of gasoline shall be measured in accordance with a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in Section 215.105. For purposes of enforcement of the Reid vapor pressure limitations set forth in subsections (b) and (c), no enforcement action shall be initiated unless the Reid vapor pressure measured by the Agency is more than 0.3 psi (2.1 kPa) greater than the applicable standard.~~

~~f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in Section 215.105.~~

~~g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan pursuant to Section 110 of the Clean Air Act (42 U.S.C.A. 7410). Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA, unless such alternate method or procedure (i.e., the "Grabner" test, ASTM Emergency Standards 14 and 15, approved February 6, 1990; this incorporation includes no later editions or amendments.) has previously been approved by USEPA for use in conjunction with a federally promulgated gasoline volatility regulation, in which case the alternate method or~~

~~procedure becomes effective immediately upon approval by the Agency.~~

~~h)~~ ~~Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~1)~~ ~~During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in Section 215.585(b) and (c). Any facility receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~2)~~ ~~Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

~~i)~~ ~~Each retail outlet and facility operated by a wholesale purchaser-consumer shall, during the regulatory control period, maintain records regarding each delivery of gasoline, which shall include documentation of compliance with the Reid vapor pressure, limitations set forth in Section 215.585(b) and (c), quantity received and date received. The Agency shall be provided with copies of such records, if requested.~~

~~j)~~ ~~This Section is effective for 1991 only.~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 Numbers: | Proposed Action: |
|---|---|
| 218.112 | Amend |
| 218.128 | Amend |
| 218.585 | Repeal |
| 218.784 | Amend |
| 218.792 | Repeal |

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) A Complete Description of the Subjects and Issues Involved: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24 (Apr. 19, 2012). In Part 218, this proposal repeals the Pollution Control Board's Gasoline Volatility Standards for the Chicago area at 35 Ill. Adm. Code 218.585 due to the applicability of the federal reformulated gasoline program. This proposal also updates incorporations by reference to be consistent with this proposed repeal and updates an outdated ASTM standard.

In addition, this proposal contains regulatory relief for the motor vehicle refinishing industry. It amends 35 Ill. Adm. Code 218.784 to allow for the use of an equivalent high volume, low pressure (HVLP) spray gun in motor vehicle refinishing operations and repeals the registration requirement at 35 Ill. Adm. Code 218.792 due to eliminate overlapping federal registration requirements.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Copies of the documents the Illinois EPA relied upon are available for review with the Pollution Control Board and are listed below:

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 1999,* Table 12, (Feb. 2000).

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2000,* Table 12, (April 2001).

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2001,* Table 12, (March 2002).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2002,* Table 12 (March 2003).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2003,* Table 12 (March 2004).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2004,* Table 12 (March 2005).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2005,* Table 12 (Feb. 2006).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2006,* Table 11 (Feb. 2007).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2007,* Table 11 (Feb. 2008).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2008,* Table 9 (April 2009).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2009,* Table 9 (Aug. 2010).

Clean Air Act (42 USC 7401 *et. seq.*)

40 CFR 80, Subpart D (2010)

73 Fed. Reg. 1738 (Jan. 9, 2008)

Incorporations by Reference:

ASTM D-323-08

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 in this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does 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 Pollution Control 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 reference Docket R12-24 and be addressed to:

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

312/814-3620

The Board will also schedule two public hearings in this docket.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not for profit corporation engaged in the manufacture, sale, distribution, dispensing, supply, storage, or transport of gasoline will no longer be subject to 35 Ill. Adm. Code 218.585 and will continue to be subject to the federal reformulated gasoline program requirements. At its own option, any small business, small municipality, or not for profit corporation that meets the applicability criteria for motor vehicle refinishing operations will be allowed to use an equivalent HVLP spray gun as an alternate compliance option in motor vehicle refinishing operations. The

amendment to 35 Ill. Adm. Code 218.792 will repeal the requirement to register with the Illinois EPA.

B) Reporting, bookkeeping or other procedures required for compliance: None for affected sources currently subject to the requirements in 35 Ill. Adm. Code 218.585. The federal reformulated gasoline program requires compliance with various recordkeeping, reporting, and registration requirements. Any source seeking to avail itself of the regulatory relief proposed in the amendment to 35 Ill. Adm. Code 218.784 will be required to maintain USEPA's written approval of the equivalent HVLP spray gun at the motor vehicle refinishing operation. The amendment to 35 Ill. Adm. Code 218.792 will repeal the requirement to register with the Illinois EPA.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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218.126 Compliance Plan (Repealed)
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SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

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218.141 Separation Operations
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218.204 Emission Limitations
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218.207 Alternative Emission Limitations
218.208 Exemptions from Emission Limitations
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218.210 Compliance Schedule
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218.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating

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218.214 Changing Compliance Methods
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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

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218.301 Use of Organic Material
218.302 Alternative Standard
218.303 Fuel Combustion Emission Units
218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

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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
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POLLUTION CONTROL BOARD

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218.417 Recordkeeping and Reporting for Letterpress Printing Lines

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218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
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218.461 Manufacture of Pneumatic Rubber Tires
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218.463 Alternative Emission Reduction Systems
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218.465 Compliance Dates (Repealed)
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SUBPART T: PHARMACEUTICAL MANUFACTURING

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218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

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SUBPART W: AGRICULTURE

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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
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218.584 Gasoline Delivery Vessels
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218.586 Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

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)
218.605 Compliance Plan (Repealed)
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218.607 Standards for Petroleum Solvent Dry Cleaners
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218.621 Exemption for Waterbase Material and Heatset-Offset Ink
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218.720 Applicability (Repealed)
218.722 Control Requirements (Repealed)
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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 (Repealed)
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)
218.883 Special Requirements for Compliance Plan (Repealed)
218.886 Emissions Testing (Renumbered)

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218.901 Emission Limitations and Control Requirements
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218.960 Applicability
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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 SOCMI 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, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

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; amended in R12-24 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

**Section 218.112 Incorporations by Reference**

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555:

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-67 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

25)~~26)~~ ASTM D 2099-00

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOC Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", October 1988, Unites States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals:

Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions (February 1993).

y)~~z)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins (April 1996).

z)~~aa)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

aa)~~bb)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

bb)~~cc)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

cc)~~dd)~~ 40 CFR 63, subpart~~Subpart~~ PPPP, appendix A (2008).

dd)~~ee)~~ 46 CFR subchapter~~Subchapter~~ Q (2007).

ee)~~ff)~~ 46 CFR subchapter~~Subchapter~~ T (2008).

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

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

**Section 218.128 Monitoring VOL Operations**

a) Except as provided in subsection (d)~~ below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D2879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D2879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) ASTM Method D323-08~~D323-82~~, incorporated by reference at Section 218.112(a)~~218.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 218.120 of this Subpart is exempt from the requirements of subsections (a) and (b)~~ above~~.

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

SUBPART Y: GASOLINE DISTRIBUTION

**Section 218.585 Gasoline Volatility Standards (Repealed)**

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) of this Section during the regulatory control periods, which shall be May 1 to September 15 for retail outlets, wholesale purchaser-consumer, operations, and all other operations.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.07 kPa) during the regulatory control period in 1990 and each year thereafter.~~

~~c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline~~

~~immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d)~~ ~~All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1)~~ ~~For manual sampling, ASTM D4057;~~

~~2)~~ ~~For automatic sampling, ASTM D4177;~~

~~3)~~ ~~Sampling procedures for Fuel Volatility, 40 CFR 80, Appendix D.~~

~~e)~~ ~~The Reid vapor pressure of gasoline shall be measured in accordance with either test method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 218.112 of this Part. For gasoline-oxygenate blends which contain water-extractable oxygenates, the Reid vapor pressure shall be measured using the dry method test.~~

~~f)~~ ~~The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 218.112 of this Part.~~

~~g)~~ ~~Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.~~

~~h)~~ ~~Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~1)~~ ~~During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 218.585(b) and (c). Any operation receiving~~

~~this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~2)~~ ~~Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

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

SUBPART HH: MOTOR VEHICLE REFINISHING

**Section 218.784 Equipment Specifications**

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than 20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications;~~ or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

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

**Section 218.792 Registration (Repealed)**

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 218.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 218.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 218.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 218.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 218.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 218.780 of this Subpart or by control equipment as~~

~~specified in Section 218.782; and~~

~~8) A description of any control devices used to comply with Section 218.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b) At least 30 calendar days before changing the method of compliance to or from Sections 218.780 and 218.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

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

POLLUTION CONTROL BOARD

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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 Numbers: | Proposed Action: |
|---|---|
| 219.112 | Amend |
| 219.128 | Amend |
| 219.585 | Repeal |
| 219.784 | Amend |
| 219.792 | Repeal |

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) A Complete Description of the Subjects and Issues Involved: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24 (Apr. 19, 2012). In Part 219, this proposal repeals the Pollution Control Board's Gasoline Volatility Standards for the Metro East area at 35 Ill. Adm. Code 219.585 due to the applicability of the federal reformulated gasoline program. This proposal also updates incorporations by reference to be consistent with this proposed repeal and updates an ASTM standard. In addition, this proposal contains regulatory relief for the motor vehicle refinishing industry. It amends 35 Ill. Adm. Code 219.784 to allow for the use of an equivalent high volume, low pressure (HVLP) spray gun in motor vehicle refinishing operations and repeals the registration requirement at 35 Ill. Adm. Code 219.792 due to overlapping federal registration requirements.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Specifically as to Part 281 only, ASTM D-323-08 As to the entire R12-24 proposal generally, see the list of documents in the answer to this question in the notice of proposed amendments to Part 218.

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

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10) Are there any other proposed rulemakings pending in this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does 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 Pollution Control 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 reference Docket R12-24 and be addressed to:

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

312/814-3620

The Board will also schedule two public hearings in this docket.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not for profit corporation engaged in the manufacture, sale, distribution, dispensing, supply, storage, or transport of gasoline will no longer be subject to 35 Ill. Adm. Code 219.585 and will continue to be subject to the federal reformulated gasoline program requirements. At its own option, any small business, small municipality, or not for profit corporation that meets the applicability criteria for motor vehicle refinishing operations will be allowed to use an equivalent HVLP spray gun as an alternate compliance option in motor vehicle refinishing operations. The amendment to 35 Ill. Adm. Code 219.792 will repeal the requirement to register with the Illinois EPA.

B) Reporting, bookkeeping or other procedures required for compliance: None for affected sources currently subject to the requirements in 35 Ill. Adm. Code 219.585. The federal reformulated gasoline program requires compliance with various recordkeeping, reporting, and registration requirements. Any source

seeking to avail itself of the regulatory relief proposed in the he amendment to 35 Ill. Adm. Code 219.784 will be required to maintain USEPA's written approval of the equivalent HVLP spray gun at the motor vehicle refinishing operation. The amendment to 35 Ill. Adm. Code 219.792 will repeal the requirement to register with the Illinois EPA.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

POLLUTION CONTROL BOARD

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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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219.606 Exception to Compliance Plan (Repealed)
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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 SOCMI 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, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

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

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; amended in R12-24 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

**Section 219.112 Incorporations by Reference**

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-87 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating"~~,~~ (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOM Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

y)~~z)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

z)~~aa)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations",

September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

aa)~~bb)~~ 40 CFR 63 Subpart PPPP, appendix A (2008).

bb)~~cc)~~ 46 CFR Subchapter Q (2007).

cc)~~dd)~~ 46 CFR Subchapter T (2008).

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

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

**Section 219.128 Monitoring VOL Operations**

a) Except as provided in subsection (d)~~ below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D2879-83, incorporated by reference at Section 219.112(a) ~~219.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D2879-83, incorporated by reference at Section 219.112(a)~~219.112(a)(1)~~ of this Part;

B) ASTM Method D323-08~~D323-82~~, incorporated by reference at Section 219.112(a)~~219.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 219.120 of this Subpart is exempt from the requirements of subsections (a) and (b)~~ above~~.

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

SUBPART Y: GASOLINE DISTRIBUTION

**Section 219.585 Gasoline Volatility Standards (Repealed)**

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) below during the regulatory control periods, which shall be June 1 to September 15.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 7.2 psi (49.68 kPa) during the regulatory control period in 1995 and each year thereafter.~~

~~c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.~~

~~e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.~~

~~f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.~~

~~g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.~~

~~h) Recordkeeping and reporting:~~

~~1) Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~B) Maintain records for a period of three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

~~2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this Section shall:~~

~~A) Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above; and~~

~~B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.~~

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

SUBPART HH: MOTOR VEHICLE REFINISHING

**Section 219.784 Equipment Specifications**

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than

20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; ~~or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

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

**Section 219.792 Registration (Repealed)**

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 219.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 219.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 219.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 219.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 219.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 219.780 of this Subpart or by control equipment as specified in Section 219.782; and~~

~~8) A description of any control devices used to comply with Section 219.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b) At least 30 calendar days before changing the method of compliance to or from Sections 219.780 and 219.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Department of Personnel

2) Code Citation: 80 Ill. Adm. Code 420

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 420.300 | Amendment |
| 420.330 | Amendment |

4) Statutory Authority: 15 ILCS 310/10

5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform to current merit practices, regulations of federal and state legislative enactments and technical changes.

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 amendments pending on this Part? Yes

| Section Numbers: | Proposed Action: | Illinois Register Citation: |
|---|---|---|
| 420.10 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.320 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.340 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.400 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.420 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.430 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.610 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.630 | Repeal | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.645 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.650 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.680 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.705 | New | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.710 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |

| | | |
|---|---|---|
| 420.750 | New | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.760 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.775 | New | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.830 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |
| 420.1020 | Amend | 36 Ill. Reg. 3625; March 9, 2012 |

11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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

Stephan Roth or Linda Green
Office of the Secretary of State
Department of Personnel
Room 197 Howlett Building
Springfield, Illinois 62756

217/782-1750

All comments must be in writing.

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 did not appear on either of the most recent Regulatory Agendas, since the Department did not anticipate this rulemaking at that time.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
420.210 Position Classification
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
420.310 Appointment and Selection
420.320 Trainees
420.330 Intermittents
420.340 Continuous Service
420.350 Performance Evaluation Forms
420.360 Probationary Status
420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: CONDITIONS OF EMPLOYMENT

Section
420.600 Grievance Procedure
420.610 Sick Leave
420.620 Personal Leave
420.630 On-The-Job Injury – Industrial Disease
420.640 Leaves of Absence Without Pay
420.645 Family Leave
420.650 Limitations on Leaves of Absence
420.660 Leaves of Absence – Special
420.665 Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670 Leaves of Absence – Special – Salary (Repealed)
420.680 Employee Rights After Leave
420.690 Leave of Absence – Election to Public Office
420.700 Failure to Return from Leave of Absence
420.710 Military and Peace Corps Leave
420.715 Disaster Services Leave with Pay
420.720 Leave for Annual Military Reserve Training or Special Duty
420.730 Leave for Military Physical Examinations
420.740 Leave to Take Exempt Position (Repealed)
420.760 Non-service Connected Disability Leave
420.770 Attendance in Court
420.800 Vacation
420.810 Work Schedules
420.820 Overtime
420.825 Temporary Assignment (Repealed)
420.830 Holidays
420.835 Notification of Absence

SUBPART E: GENERAL PROVISIONS

Section
420.1000 Records
420.1010 Benefits
420.1015 Proration of Rights and Benefits
420.1020 Prohibition of Discrimination
420.1030 Other Provisions

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed at 32 Ill. Reg. 6659, effective April 2, 2008; amended at 32 Ill. Reg. 15017, effective September 8, 2008; amended at 35 Ill. Reg. 4278, effective March 1, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART C: MERIT AND FITNESS

**Section 420.300 Application and Examination**

a) Examinations:

1) The Director of Personnel shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

2) In lieu of announcing or conducting examinations, the Director of Personnel may accept the results of competitive examinations conducted by any established merit system subject to the Director of Personnel's

determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

3) Entrance examination shall mean the examination that resulted in the initial appointment of an applicant to a position in the Office of the Secretary of State.

4) The Director of Personnel may rank applicants participating in competitive examinations on the basis of numeric or category ratings. When numeric ratings are used, applicants will be ranked from the highest passing numeric score to the lowest passing numeric score. When category ratings are used, applicants will be ranked by categories such as excellent, well-qualified and qualified.

b) Examination − Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Secretary of State, provide economical administration, and be generally convenient for applicants. The Director of Personnel may cancel or postpone examinations at any time.

c) Veterans' Preference: Preference in entrance examinations shall be granted to qualified persons who, while citizens of the United States, were members of the Armed Forces of the United States or the armed forces of allies of the United States in times of hostilities with a foreign country (as set forth in the Merit Employment Code Section 10b.7) and to certain other persons as set forth in this Section. To be eligible, an applicant must have proof of his/her service or discharge under honorable conditions. Preference shall be granted as follows:

1) Three points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States, in the Illinois National Guard, or any reserve component of the Armed Forces of the United States and:

A) Served for at least 6 months and has been discharged under honorable conditions, or

B) Has been discharged on the ground of hardship, or

C) Was released from active duty because of a service connected disability.

2) Five points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States during time periods of hostility or who, as members of the Illinois National Guard or any reserve component of the Armed Forces of the United States, were called into active duty during time periods of hostility and served under one or more of the following conditions:

A) The veteran served a total of at least 6 months, or

B) The veteran served for the duration of the hostilities regardless of the length of engagement, or

C) The veteran was discharged on the basis of hardship, or

D) The veteran was released from active duty because of a service connected disability.

3) Ten points or equivalent credit shall be added to the entrance examination grade for veterans who are currently receiving compensation from the United States Veterans' Administration or from such allied country for war service connected disabilities, or if the veteran is a recipient of the Purple Heart.

4) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category. Such preference may be disregarded if, during the interview process, an applicant fails to meet the minimum standards set prior to the interview.

5) A surviving unremarried spouse of a veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois shall be entitled to the same preference to which the veteran would have been entitled under this Section.

6) Ten points or equivalent credit shall be added to the examination score for one parent of an unmarried veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois. The first parent to receive an appointment in an Illinois merit system shall be the parent entitled to the preference.

d) Public Notice of Examinations: The Director of Personnel shall publicly announce examinations at least two weeks in advance of the final date the examination will be given, except as otherwise noted. Announcements may be advertised through the press, radio or other media. Announcements shall be posted in a conspicuous place in the Department of Personnel in both Chicago and Springfield. Announcements shall specify the date and manner in which an application for examination shall be made. In place of individual announcements, the Director of Personnel may announce the examination process and testing locations and times by various means, including, but not limited to, using the Secretary of State's website, a brochure or a pamphlet.

e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director of Personnel shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

f) Test Ratings − Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of the final earned rating or of the failure to attain a place on the list.

g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

1) No applicant may retake a test or tests included within an examination until 14 calendar days have elapsed.

2) In all cases of retaking examinations, the most recent passing score obtained on the retake shall be used to determine the candidate's rank on

the eligible list, unless the previous passing score is higher, in which case the higher passing score shall prevail.

3) Examination results are valid for 12 months from the original date of examination. An examination shall not be regraded more than 12 months after the original test date. Regraded examinations shall expire on the same date as the original examination.

h) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Secretary of State removing examination materials from the premises at which examinations are being administered or stored, in any manner whatsoever, shall be subject to prosecution and/or discipline up to and including discharge if the individual is an employee of the Office of the Secretary of State.

i) Admission to Examinations: All persons who meet requirements established by the Director of Personnel may be admitted to competitive examinations and may be lawfully appointed to the position. Following are the only criteria by which the Director of Personnel may reject the application of any person for admission to a test or decline to test or certify for employment:

1) subsequent to participating in the examination, the applicant is found to lack the qualifications prescribed for admission to the test as announced in the public notice;

2) the applicant is physically unfit to perform effectively the duties of the class;

3) the applicant has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;

4) the applicant has made false statements of any material fact or has practiced deception or fraud in the application or test;

5) the applicant does not meet the United States Citizenship and Immigration Services regulations for permanent employment;

6) the applicant is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in

examinations; or

7) the applicant has been convicted of a crime relevant to the duties and responsibilities of the class of the examination he/she is taking or the position to which he/she is being hired.

j) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director of Personnel and only when there are fewer than three qualified residents of Illinois available, including statewide candidates or candidates on the eligibility list for the geographical area in which the position is located.

k) Linguistic Requirements: The Director of Personnel may establish linguistic options when it appears that this would benefit the operation of the office by increasing communication with those served by the Office of the Secretary of State.

l) Authorization of Investigation: The Director of Personnel shall, when a position is to be filled, require that an applicant seeking employment with the Office of the Secretary of State authorize an investigation to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions.

m) Confidentiality: Any information concerning criminal convictions obtained by the Director of Personnel shall be confidential. No information obtained from such investigation may be placed in any automated information system. No information may be transmitted to anyone within or outside the Office of the Secretary of State, except as needed for the purposes set forth in subsection (l). Any violation of this subsection shall result in disciplinary action and possible civil action.

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

**Section 420.330 Intermittents**

a) Intermittent Positions: The Director of Personnel shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions, but intermittent employees may substitute for absent employees. Appointments will be made to

intermittent positions in the same manner as appointments to other permanent positions.

b) Limitations on Intermittent Employees: An intermittent employee will be subject to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C:

1) Intermittents will work 800-1500 hours per year (12 month period).

A) If, as a result of timekeeping error or omission in reporting hours worked, it is determined that an intermittent employee worked more than 1500 hours in the prescribed 12 month period, the employee shall immediately be placed in inactive status until the commencement of the next 12 month period, and the hours worked in the next 12 month period shall be reduced by the excess hours from the previous 12 month period.

B) Intermittent employees offered less than 800 hours of work in any prescribed 12 month period shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions.

2) There may~~shall~~ not be more than a 10% variance in hours scheduled from the current~~original in-hire~~ work schedule of employees in the same title and organizational unit in any 12-month period, unless approved by the Director of Personnel. Intermittent employees whose schedules vary more than 10% may grieve or appeal the schedule changes. An effort will be made to balance the hours worked among intermittent employees of the same title within the same organizational unit.

3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7½ hours being equivalent to one day.

4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.

5) Employees refusing to be scheduled 3 times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given

24 hour notice of scheduling, unless proof of illness or death in the family is presented.

c) Nothing in this Section shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event a reorganization temporarily precludes full compliance with this Section, management shall have 6 months in which to revise its schedules in order to bring the schedules into compliance.

d) An annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 140.80 | Amendment |
| 140.82 | Amendment |
| 140.84 | Amendment |

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: April 27, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking 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: July 22, 2011; 35 Ill. Reg. 12202

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

11) Differences Between Proposal and Final Version:

In Section 140.84 (b) and (c), language was added to clarify that the assessment implemented by this rulemaking cannot be billed or passed on to any resident of a nursing home operated by the same provider, and that providers may request an extension of time to pay the assessment for a given month if problems related to State cash flow prevented the provider from receiving Medicaid reimbursement from the State for the month.

Changes to Section 140.84(c)(2) state that the Department will establish an electronic system for reporting and billing by July 1, 2013, and that the assessment cannot be collected until the Department verifies in writing to all affected long-term care providers that the payment methodology and other components of the assessment have received federal approval.

Added language to Section 140.84(d)(4) states that penalties for failure to submit reports required by this rulemaking will not be imposed after July 1, 2013, if the Department does not have an electronic reporting system in place by that date.

Added language to Section 140.84(e)(4) states that hypothetical annualized occupied bed projections based upon geographic location and facility will be used to determine annual assessment amounts for certain providers.

Added language to Section 140.84(e)(6) states that the Department will, upon requests, share information on outstanding assessments and penalties owed by a facility with a potential buyer of the facility.

Throughout this rulemaking, references to the assessment have been added after references to an existing license fee already paid by nursing homes where similar procedures apply to both. Changes in wording and formatting were also 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 rulemaking replace any emergency amendments currently in effect? No

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

| Sections Numbers: | Proposed Action: | Illinois Register Citation: |
|---|---|---|
| 140.462 | Amendment | 35 Ill. Reg. 11126; August 29, 2011 |
| 140.1300 | New Section | 35 Ill. Reg. 19368; December 2, 2011 |
| 140.1310 | New Section | 35 Ill. Reg. 19368; December 2 2011 |
| 140.1320 | New Section | 35 Ill. Reg. 19368; December 2, 2011 |
| 140.1330 | New Section | 35 Ill. Reg. 19368; December 2, 2011 |

15) Summary and Purpose of Amendments: As a result of Public Act 96-1530, these proposed amendments extend the hospital assessment by one year, through state fiscal year 2014, initiate a nursing home occupied bed tax of $6.07 per day per occupied bed, and clarify that delay of payment requests need to be received prior to assessment due dates for all provider funds.

The nursing home occupied bed tax increases annual revenue by approximately $145 million. As a result of negotiations between the long term care provider industry, the Department and members of the Nursing Home Safety Task Force, $20 million of the

nursing facility tax collected will be used for the purposes of enforcement of nursing home standards, support of the ombudsman program, and efforts to expand home and community-based services. Additionally, the remaining revenue will be applied towards enhanced nursing home payments also adopted in rulemaking under 89 Ill. Adm. Code 147.150 in the amount of $225 million.

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

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
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140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Suspension or Barring
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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| 140.101 | Transplants (Recodified) |
| 140.102 | Heart Transplants (Recodified) |
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| 140.203 | Limits on Length of Stay by Diagnosis (Recodified) |
| 140.300 | Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified) |
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill.

Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of

150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December

19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897,

effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective

August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010;

amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012.

SUBPART C: PROVIDER ASSESSMENTS

**Section 140.80 Hospital Provider Fund**

a) Purpose and Contents

1) The Hospital Provider Fund (Fund) was created in the State Treasury on February 3, 2004 (see 305 ILCS 5/5A-8). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and 305 ILCS 5/5A-4 and 12.

3) The Fund shall consist of:

A) All monies collected or received by the Department under subsection (b) of this Section;

B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;

C) Any interest or penalty levied in conjunction with the administration of the Fund;

D) Monies transferred from another fund in the State treasury;

E) All other monies received for the Fund from any other source, including interest earned on those monies.

b) Provider Assessments

1) An annual assessment on hospital inpatient services is imposed on each hospital provider in an amount equal to the hospital's occupied bed days multiplied by $84.19 for State fiscal years 2004 and 2005, if the payment methodologies required under 305 ILCS 5/5A-12 and the waiver created under 42 CFR 433.68 are approved with an effective date prior to July 1, 2004; or the assessment will be imposed for fiscal year 2005 only, if the payment methodologies required under 305 ILCS 5/5A-12 and the waiver created under 42 CFR 433.68 are approved with an effective date on or after July 1, 2004. The Department shall use the number of occupied bed days as reported, by February 3, 2004 (the date of enactment of Public Act 93-0659), by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health to calculate the hospital's annual assessment. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals or if there are data errors in the reported sum of a hospital's occupied bed days as determined by the Department, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

2) Subject to the provisions of 305 ILCS 5/5A-3 and 5A-10, for the privilege of engaging in the occupation of hospital provider, beginning August 1, 2005, an annual assessment is imposed on each hospital provider for State fiscal years 2006, 2007 and 2008, in an amount equal to 2.5835 percent of the hospital provider's adjusted gross hospital revenue for inpatient services and 2.5835 percent of the hospital provider's adjusted gross hospital revenue for outpatient services. If the hospital provider's adjusted gross hospital revenue is not available, then the Department may obtain the hospital provider's adjusted gross hospital revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

3) Subject to Sections 5A-3 and 5A-10 of the Public Aid Code, for State fiscal years 2009 through 2014~~2013~~, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to $218.38 multiplied by the difference of the hospital's occupied bed days

less the hospital's Medicare bed days. For State fiscal years 2009 through 2014~~2013~~, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

c) Payment of Assessment Due

1) For State fiscal years through 2008, the annual assessment shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year on the 14th business day of September, December, March and May. The assessment imposed by Section 5A-2 for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payments of an assessment shall be due and payable, however, until after:

A) The Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year, have been approved by CMS and any waiver necessary under 42 CFR 433.68 has been granted by CMS; and

B) For State fiscal years through 2008, the hospital has received payments required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year. For State fiscal year 2009 and each subsequent State fiscal year, the Comptroller has issued payments required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year.

2) Assessment payments postmarked on the due date will be considered as paid on time. Upon notification to the Department of approval of the payment methodologies to hospitals required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, and any waiver necessary under 42 CFR 433.68 has been granted by the CMS, all installments otherwise due prior to the date of notification shall be due and payable to the Department upon written direction from the Department and the receipt of the payments required under Section 5A-12, 5A-12.1 or 5A-12.2.

3) Any assessment amount that is due and payable to the Department more frequently than once per calendar quarter shall be remitted to the Department by the hospital provider by means of electronic funds transfer. The Department may provide for remittance by other means if the amount due is less than $10,000 or electronic funds transfer is unavailable for this purpose.

4) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Notice Requirements, Penalty, and Maintenance of Records

1) The Department shall send a notice of assessment to every hospital provider subject to an assessment under subsection (b) of this Section, except that no notice shall be sent until the Department receives written notice that the payment methodologies to hospitals required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2 have been approved and the waiver under 42 CFR 433.68 has been granted by CMS.

2) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, a separate notice shall be sent for each hospital.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b) of this Section, the assessment for the State fiscal year in which the

cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) of this Section by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate or maintain a hospital, the person shall pay the assessment for the year as adjusted (to the extent not previously paid).

2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b) of this Section, upon notice by the Department, shall pay the assessment under subsection (d) of this Section as computed by the Department in installments on the due dates stated on the notices and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment notice. For State fiscal years 2006 through 2008, in determining the annual assessment amount for the provider, the Department shall develop hypothetical adjusted gross hospital revenue for the hospital's first full fiscal year, which may be based on the annualization of the provider's actual revenues for a portion of the year, or revenues of a comparable hospital for the year, including revenues realized by a prior hospital provider of the same hospital during the year. For State fiscal years 2009 through 2014~~2013~~, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2005, the assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Department. The assessment determination made by the Department is final.

3) Partial Calendar Year Operation Adjustment. For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the State fiscal year shall be annualized based on the provider's actual adjusted gross hospital revenue information for the portion of the reporting period the hospital was operational (dividing adjusted gross hospital revenue by the number of days the hospital was in operation and then multiplying the amount by 365). Adjusted gross hospital revenue information reported by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.

4) Change in Ownership and/or Operators. The full quarterly installment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

f) Penalties

1) Any hospital that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to five percent of the amount of the installment not paid on or before the due date, plus five percent of the portion thereof remaining unpaid on the last day of each monthly period thereafter, not to exceed 100 percent of the installment amount not paid on or before the due date. Waiver due to reasonable cause may include but is not limited to:

A) provider has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs.

B) provider can demonstrate to the Department's satisfaction that a payment was made prior to the due date.

C) provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.

2) Within 30 days after the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any interest and penalties, is satisfied or until a reasonable

repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) of this Section will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Medicaid Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Hospitals
The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:

1) The State delays payments to hospitals due to problems related to State cash flow; or

2) A cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.

h) Delayed Payment – Individual Hospitals
In addition to the provisions of subsection (g) of this Section, the Department may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment

arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c) of this Section. The request must be received by the Department prior to the due date of the assessment.

1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:

A) The provider has experienced an emergency that necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2) of this Section would impose severe and irreparable harm to the clients served. Circumstances that may create such emergencies include, but are not limited to, the following:

i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;

ii) Cash flow problems encountered by a provider that are unrelated to Department technical system problems and that result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.

B) The provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:

i) A hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital (DSH) under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(5); or qualifies as a Medicare DSH hospital under the current federal guidelines.

ii) A government-owned facility that meets the cash flow

criterion under subsection (h)(1)(A)(ii) of this Section.

iii) A hospital that has filed for Chapter 11 bankruptcy and that meets the cash flow criterion under subsection (h)(1)(A)(ii) of this Section.

C) The provider must ensure that~~file~~ a delay of payment request, as defined under subsection (h)(3)(A) of this Section, is received by the Department prior to the payment due date, and the request must include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

i) The ratio of current assets divided by current liabilities is greater than 2.0.

ii) Cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation.

D) The provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.

E) The provider must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

i) Specific reasons for institution of the delayed payment provisions;

ii) Specific dates on which payments must be received and the

amount of payment that must be received on each specific date described;

iii) The interest or a statement of interest waiver as described in subsection (h)(5) of this Section that shall be due from the provider as a result of institution of the delayed payment provisions;

iv) A certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;

v) A certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and

vi) Such other terms and conditions that may be required by the Department.

2) A hospital that does not meet the above criteria may request a delayed payment schedule. The Department may approve the request, notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, providers must ensure~~submit~~ their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received by the date designated by the Department. Providers will be notified, in writing, as to the due dates for submitting delay of payment requests. Requests must be complete and contain all required

information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:

i) An explanation of the circumstances creating the need for the delayed payment provisions;

ii) Supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C) of this Section, a denial of application to borrow the assessment as defined in subsection (h)(1)(D) of this Section and an explanation of the risk of irreparable harm to the clients; and

iii) Specification of the specific arrangements requested by the provider.

B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) of this Section may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) of this Section, such penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) of this Section. The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C) of this Section, is 1.5 or less and the hospital meets the criteria in subsections (h)(1)(A) and (B) of this Section. Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) of this Section.

6) Subsequent Delayed Payment Arrangements. Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4) of this Section shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
The Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Department shall administer and enforce 305 ILCS 5/5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 and collect the assessments and penalty assessments imposed under 305 ILCS 5/5A-2 and 4. The Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties, and rights:

1) The Department may initiate either administrative or judicial proceedings, or both, to enforce the provisions of 305 ILCS 5/5A-1, 2, 3, 4, 5, 7, 8, 10 and 12. Administrative enforcement proceedings initiated shall be governed by the Department's rules at 89 Ill. Adm. Code 104.200 through 104.330. Judicial enforcement proceedings initiated shall be governed by the rules of procedure applicable in the courts of this State.

2) No proceedings for collection, refund, credit, or other adjustment of an

assessment amount shall be issued more than three years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Department and the hospital provider before the expiration of this limitation period.

3) Any unpaid assessment under 305 ILCS 5/5A-2 shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of the real property and improvements, the machinery and equipment, or the furniture or fixtures of any hospital that is subject to the provisions of 305 ILCS 5/5A-1, 2, 3, 4, 5, 7, 8, 10 and 12, the seller or transferor shall pay the Department the amount of any assessment, assessment penalty, and interest (if any) due from it under 305 ILCS 5/5A-2 and 4 up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of such asset shall be liable for the amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Department a certificate showing that such assessment, penalty, and interest have been paid or a certificate from the Department showing that no assessment, penalty, or interest is due from the seller or transferor under 305 ILCS 5/5A-2, 4 and 5.

4) Payments under 305 ILCS 5/5A-4 are not subject to the Illinois Prompt Payment Act. Credits or refunds shall not bear interest.

5) In addition to any other remedy provided for and without sending a notice of assessment liability, the Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Department to the hospital provider.

j) Exemptions

The following classes of providers are exempt from the assessment imposed under 305 ILCS 5/5A-4 unless the exemption is adjudged to be unconstitutional or otherwise invalid:

1) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.

2) A hospital provider that is a county with a population of less than 3,000,000 or a township, municipality, hospital district, or any other local governmental unit.

3) For State fiscal years 2004 through 2014~~2013~~, a hospital provider, described in section 1903(w)(3)(F) of the Social Security Act, whose hospital does not charge for its services is exempt from the assessment imposed by Section 5A-2 of the Public Aid Code.

4) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a psychiatric hospital.

5) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a rehabilitation hospital.

6) For State fiscal years 2004 and 2005, a hospital provider whose hospital is not a psychiatric hospital, rehabilitation hospital, or a children's hospital and has an average length of inpatient stay greater than 25 days.

k) Nothing in 305 ILCS 5/5A-4 shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before February 3, 2004.

l) Definitions.
As used in this Section, unless the context requires otherwise:

1) "Adjusted gross hospital revenue for inpatient services" means inpatient gross revenue less Medicare gross inpatient revenue, which shall be determined using the most recent data available from each hospital's 2003 Medicare cost report as contained in the HCRIS file for the quarter ending December 31, 2004, without regard to any subsequent adjustments or changes to that data.

2) "Adjusted gross hospital revenue for outpatient services" means outpatient gross revenue less Medicare gross outpatient revenue, which shall be

determined using the most recent data available from each hospital's 2003 Medicare cost report as contained in the HCRIS file for the quarter ending December 31, 2004, without regard to any subsequent adjustments or changes to such data.

3) "CMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

4) "Department" means the Illinois Department of Healthcare and Family Services.

5) "Fund" means the Hospital Provider Fund.

6) "HCRIS" means the federal Centers for Medicare and Medicaid Services Healthcare Cost Report Information System.

7) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.

8) "Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

9) "Inpatient Gross Revenue" means total inpatient gross revenue, as reported on the HCRIS Worksheet C, Part 1, Column 6, Line 101, less the sum of the following lines (including any subset lines of these lines):

A) Line 34: Skilled Nursing Facility.

B) Line 35: Other Nursing Facility.

C) Line 35.01: Intermediate Care Facility for the Mentally Retarded.

D) Line 36: Other Long Term Care.

E) Line 45: PBC Clinical Laboratory Services – Program Only.

F) Line 60: Clinic.

G) Line 63: Other Outpatient Services.

H) Line 64: Home Program Dialysis.

I) Line 65: Ambulance Services.

J) Line 66: Durable Medical Equipment – Rented.

K) Line 67: Durable Medical Equipment – Sold.

L) Line 68: Other Reimbursable.

10) "Medicare bed days" means, for each hospital, the sum of the number of days that each bed was occupied by a patient who was covered by Title XVIII of the Social Security Act, excluding days attributable to the routine services provided to persons receiving skilled or intermediate long term care services. Medicare bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

11) "Medicare Gross Inpatient Revenue" means the sum of the following:

A) The sum of the following lines from the HCRIS Worksheet D-4, Column 2 (excluding the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit or swing beds):

i) Line 25: Adults and Pediatrics.

ii) Line 26: Intensive Care Unit.

iii) Line 27: Coronary Care Unit.

iv) Line 28: Burn Intensive Care Unit.

v) Line 29: Surgical Intensive Care Unit.

vi) Line 30: Other Special Care Unit.

B) From Worksheet D-4, Column 2, the amount from Line 103 less the sum of Lines 60, 63, 64, 66, 67 and 68 (and any subset lines of these lines).

C) The amount from Worksheet D-6, Part 3, Column 3, Line 53.

12) "Medicare Gross Outpatient Revenue" means the amount from the HCRIS Worksheet D, Part V, Line 101, Columns 5, 5.01, 5.02, 5.03 and 5.04 less the sum of Lines 45, 60, 63, 64, 65, 66 and 67 (and any subset lines of these lines).

13) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds, excluding beds classified as long term care beds and assessed a licensed bed fee during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

14) "Outpatient Gross Revenue" means the amount from the HCRIS Worksheet C, Part I, Column 7, Line 101 less the sum of lines 45, 60, 63, 64, 65, 66, 67 and 68 (and any subset lines of these lines).

(Source: Amended at 36 Ill. Reg. 7010, effective April 27, 2012)

**Section 140.82 Developmentally Disabled Care Provider Fund**

a) Purpose and Contents

1) The Developmentally Disabled Care Provider Fund was created in the State Treasury on July 1, 1992, July 14, 1993 and July 1, 1995 (see 305 ILCS 5/5C-7). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and 305 ILCS 5/5C-2 and 7.

3) The Fund shall consist of:

A) All monies collected or received by the Department under subsection (b) of this Section;

B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;

C) Any interest or penalty levied in conjunction with the administration of the Fund;

D) All other monies received for the Fund from any other source, including interest earned thereon; and

E) All monies transferred from the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund.

b) Provider Assessments
Beginning on July 1, 1993, an assessment is imposed upon each developmentally disabled care provider in an amount equal to six percent, or the maximum allowed under federal regulation, whichever is less, of its adjusted gross developmentally disabled care revenue for the prior State fiscal year. The revenue for each year will be reported on the Developmentally Disabled Care Provider Tax form to be filed by a date designated by the Department. The Department reserves the right to audit the reported data. ~~Effective January 1, 2008, the tax rate, allowed under federal regulation at 42 CFR 433.68(f)(3)(i), is 5.5 percent.~~

c) Payment of Assessment Due

1) The assessment described in subsection (b) of this Section shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year, on September 30, December 31, March 31, and May 31 of the year, modified to accommodate weekends and holidays. Providers will be notified, in writing, of the due dates. Assessment

payments postmarked on the due date will be considered paid on time.

2) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Reporting Requirements, Penalty, and Maintenance of Records

1) After June 30 of each State fiscal year, and on or before September 30 of the succeeding State fiscal year, every developmentally disabled care provider subject to an assessment under subsection (b) of this Section shall file a report with the Department. The report shall be on a form prepared by the Department. The report shall include the adjusted gross developmentally disabled care revenue from the State fiscal year just ended and shall be utilized by the Department to calculate the assessment for the State fiscal year commencing on the preceding July 1. If a developmentally disabled care provider operates or maintains more than one developmentally disabled care facility, a separate report shall be filed for each facility. In the case of a developmentally disabled care provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.

2) If the developmentally disabled care provider fails to file its report for a State fiscal year on or before the due date of the report, there shall, unless waived by the Department for reasonable cause, be added to the assessment imposed in subsection (b) of this Section a penalty assessment equal to 25 percent of the assessment imposed for the year.

3) Every developmentally disabled care provider subject to an assessment under subsection (b) of this Section shall keep records and books that will permit the determination of adjusted gross developmentally disabled care revenue on a State fiscal year basis. All such books and records shall be maintained for a minimum of three years following the filing date of the assessment report and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

4) Amended Assessment Reports. With the exception of amended

assessment reports filed in accordance with subsection (d)(5) or (6) of this Section, an amended assessment report must be filed within 30 calendar days after the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual assessment amount through a written notification from the Department. Penalties may be applied to the amount underpaid due to a filing error.

5) Submission of Financial Audit Statements. All developmentally disabled care providers are required to submit a copy of all financial statements audited by an external, independent auditor to the Department within 30 days after the close of such externally performed financial audits. If the provider's year end does not coincide with the June 30 ending date for the assessment report, the provider must submit all financial audits covering the tax report period. An amended assessment report must accompany such external financial audit statements if the data submitted on the initial tax report changes based upon the findings of such external financial audits and as indicated in the audited external financial statements. Penalties may be applied to the amount underpaid due to a filing error.

6) Reconsideration of Adjusted Tax. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the assessment was due, changes the assessment liability of a developmentally disabled care provider, the developmentally disabled care provider may request a review or reconsideration of the adjusted assessment within 30 days after the Department's notification of the change in assessment liability. Requests for reconsideration of the assessment adjustment shall not be considered if such requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. For a developmentally disabled care provider who ceases to conduct, operate, or maintain a facility for which the person is subject to assessment under subsection (b) of this Section, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by

multiplying the assessment computed under subsection (d) of this Section by a fraction, the numerator of which is the number of months in the year during which the provider conducts, operates, or maintains the facility and the denominator of which is 12. The person shall file a final, amended report with the Department not more than 30 calendar days after the cessation, reflecting the adjustment, and shall pay with the final report the assessment for the year as so adjusted, to the extent not previously paid.

2) Commencing of business during the fiscal year in which the assessment is being paid. A developmentally disabled care provider who commences conducting, operating, or maintaining a facility for which the person is subject to assessment under subsection (b) of this Section shall file an initial return for the State fiscal year in which the commencement occurs within 30 calendar days thereafter and shall pay the assessment under subsection (d) of this Section as computed by the Department in equal installments on the due date of the initial assessment determination and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment determination. In determining the annual assessment amount for the provider the Department shall develop hypothetical annualized revenue projections based upon geographic location, facility size and patient case mix. The assessment determination made by the Department is final.

3) Partial Fiscal Year Operation Adjustment. For a developmentally disabled care provider that did not conduct, operate, or maintain a facility throughout the entire fiscal year reporting period, the assessment for the following State fiscal year shall be annualized based on the provider's actual developmentally disabled care revenue for the portion of the reporting period the facility was operational (dividing adjusted developmentally disabled care revenue by the number of months the facility was in operation and then multiplying that amount by 12). Developmentally disabled care revenue realized by a prior provider from the same facility during the fiscal year shall be used in the annualization equation, if available.

4) Change in Ownership and/or Operators. The full quarterly assessment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that

may have accrued against the amount) rests on the developmentally disabled care provider currently operating or maintaining the developmentally disabled care facility regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

f) Penalties

1) Any facility that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to five percent of the amount of the installment not paid on or before the due date, plus five percent of the portion thereof remaining unpaid on the last day of each monthly period thereafter, not to exceed 100 percent of the installment amount not paid on or before the due date. Reasonable cause may include but is not limited to:

A) a provider who has not been delinquent on payment of an assessment due within the last three calendar years from the time the delinquency occurs;

B) a provider who can demonstrate to the Department's satisfaction that a payment was made prior to the due date; or

C) that the provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.

2) Within 30 days after the due date, the Department may begin recovery actions against delinquent facilities participating in the Medicaid Program. Payments may be withheld from the facility until the entire provider assessment, including any penalties, is satisfied, or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached, or if the facility fails to comply with an agreement the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a

portion thereof from the provider's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) of this Section will continue to accrue during the recoupment process. Recoupment proceedings against the same facility two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

3) If the facility does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months of the assessment due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Facilities
The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of facilities when:

1) the State delays payments to facilities due to problems related to State cash flow; or

2) a cash flow bond pool's or any other group financing plans' requests from providers for loans are in excess of its scheduled proceeds such that a significant number of facilities will be unable to obtain a loan to pay the assessment.

h) Delayed Payment – Individual Facilities
In addition to the provisions of subsection (g) of this Section, the Department may delay assessments for individual facilities that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c) of this Section. The request must be received by the Department prior to the date of the assessment.

1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions shall be made only to qualified facilities who meet all of the following requirements:

A) the facility has experienced an emergency which necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1), (f)(2) and (f)(3) of this Section would impose severe and irreparable harm to the clients served. Circumstances that may create such emergencies include, but are not limited to, the following:

i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the facility's ability to provide further services to clients is severely impaired;

ii) cash flow problems encountered by a facility that are unrelated to Department technical system problems and that result in extensive financial problems to a facility adversely impacting on its ability to serve its clients.

B) the facility serves a significant number of clients under the Medical Assistance Program. Significant in this instance means:

i) 85 percent or more of their residents must be eligible for public assistance;

ii) a government-owned facility, that meets the cash flow criteria under subsection (h)(1)(A)(ii) of this Section.

iii) a provider who has filed for Chapter 11 bankruptcy that meets the cash flow criterion under subsection (h)(1)(A)(ii) of this Section.

C) the facility must ensure that~~file~~ a delay of payment request, as defined in subsection (h)(3)(A) of this Section, is received by the Department prior to the payment due date, and the request must

include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

i) the ratio of current assets divided by current liabilities is greater than 2.0;

ii) cash, short-term investments and long-term investments equal or exceed the total of accrued wages payable and the assessment payment. Long-term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation;

iii) cash or other assets have been distributed during the previous 90 days to owners or related parties in an amount equal to or exceeding the assessment payment for dividends, salaries in excess of those allowable under Section 140.541 or payments for purchase of goods or services in excess of cost as defined in Section 140.537.

D) the facility, with the exception of government owned facilities, must show evidence of denial of an application to borrow the assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.

E) the facility must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

i) specific reasons~~reason(s)~~ for institution of the delayed payment provisions;

ii) specific dates on which payments must be received and the amount of payment that must be received on each specific

date described;

iii) the interest or a statement of interest waiver as described in subsection (h)(5) of this Section that shall be due from the facility as a result of institution of the delayed payment provisions;

iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;

v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and

vi) such other terms and conditions that may be required by the Department.

2) A facility that does not meet the criteria listed in subsection (h)(1) may request a delayed payment schedule. The Department may approve the request, notwithstanding the facility not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the facility. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, facilities must ensure that~~submit~~ their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received by the due date designated by the Department. Providers will be notified, in writing, of the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for

filing a delayed payment request. All telefax requests must be followed up with original written requests postmarked no later than the date of the telefax. The request must include:

i) an explanation of the circumstances creating the need for the delayed payment provisions;

ii) supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the clients; and

iii) specification of the specific arrangements requested by the facility.

B) The facility shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the facility for all approved requests. The agreement must be signed by the administrator, owner or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) of this Section may be waived upon approval of the facility's request for institution of delayed payment provisions. In the event a facility's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) of this Section, such penalties shall be permanently waived for the subject quarter unless the facility fails to meet all of the terms and conditions of the agreement. In the event the facility fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) of this Section. The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C) of this Section, is 1.5 or less and the facility meets the criteria in subsections (h)(1)(A) and (B) of

this Section. Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) of this Section.

6) Subsequent Delayed Payment Arrangements. Once a facility has requested and received approval for delayed payment arrangements, the facility shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delay of payment agreement. The waiver of penalties described in subsection (h)(4) of this Section shall not apply to a facility that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
The Department shall administer and enforce 305 ILCS 5/5C-6 and collect the assessments, interest, and penalty assessments imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").

j) Nothing in 305 ILCS 5/5C shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before July 1, 1995.

k) Definitions

1) "Adjusted gross developmentally disabled care revenue" means the developmentally disabled care provider's total revenue for inpatient residential services, less contractual allowances and discounts on patients' accounts, but does not include non-patient revenue from sources such as contributions, donations or bequests, investments, day training services, television and telephone service, rental of facility space, or sheltered care revenue. Adjusted gross developmentally disabled care revenue must be reported on an accrual basis for the tax reporting period. All patient revenue accrued during the tax reporting period must be included even though reimbursement may occur after the tax reporting period. Patient revenue must be reported on a basis that is consistent with methods used on the facility's last two cost reports.

2) "Contractual Allowance" means the difference between charges at established rates and the amount estimated to be paid by third party payors or patients, as appropriate, pursuant to agreements/contracts with the developmentally disabled care provider; courtesy and policy discounts provided to employees, medical staff and clergy; and charity care, but "contractual allowance" does not mean any Provider Participation fees/taxes paid to the Department.

3) "Department" means the Illinois Department of Healthcare and Family Services.

4) "Developmentally disabled care facility" means an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act, whether public or private and whether organized for profit or not-for-profit, but shall not include any facility operated by the State.

5) "Developmentally disabled care provider" means a person conducting, operating, or maintaining a developmentally disabled care facility. For this purpose, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

6) "Facility" means all intermediate care facilities as defined under "Developmentally disabled care facility" (subsection (k)(4)).

7) "Fund" means the Developmentally Disabled Care Provider Fund.

(Source: Amended at 36 Ill. Reg. 7010, effective April 27, 2012)

**Section 140.84 Long Term Care Provider Fund**

a) Purpose and Contents

1) The Long Term Care Provider Fund was created in the State Treasury on July 1, 1992, July 14, 1993 and July 1, 1995 (see 305 ILCS 5/5B-8).

Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and 305 ILCS 5/5B-2 and 8.

3) The Fund shall consist of:

A) All monies collected or received by the Department under subsection (b) of this Section;

B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;

C) Any interest or penalty levied in conjunction with the administration of the Fund;

D) All other monies received for the Fund from any other source, including interest earned thereon; and

~~E) All monies transferred from the Medicaid Long Term Care Provider Participation Fee Trust Fund; and~~

E~~F~~) All monies transferred from the Tobacco Products Tax Act.

b) License Fee and Provider Assessment
Beginning on July 1, 1993, a nursing home license fee is imposed upon each nursing home provider in an amount equal to $1.50 for each licensed nursing bed day for the calendar quarter in which the payment is due. All nursing beds subject to licensure under the Nursing Home Care Act or the Hospital Licensing Act, with the exception of swing-beds, as defined in subsection (k)(8) of this Section will be used to calculate the licensed nursing bed days for each quarter. This license fee shall not be billed or passed on to any resident of a nursing home operated by the nursing home provider. Changes in the number of licensed nursing beds will be reported to the Department quarterly, as described in subsection (d)(1) of this Section. The Department reserves the right to audit the reported data. Beginning July 1, 2011, an assessment is imposed upon each long term care provider in an

amount equal to $6.07 times the number of occupied bed days due and payable each month. This assessment shall be construed as a tax, but shall not be billed or passed on to any resident of a nursing home operated by the nursing home provider.

c) Payment of License Fee and Assessment Due

1) The license fee described in subsection (b) of this Section shall be due and payable in quarterly installments, on September 10, December 10, March 10, and June 10 of the year, modified to accommodate weekends and holidays. Providers will be notified, in writing, of the quarterly due dates. License fee payments postmarked on the due date will be considered as paid on time.

2) The assessment described in subsection (b) of this Section shall be due and payable monthly, on the last State business day of the month for occupied bed days reported for the preceding third month prior to the month in which the tax is payable and due. A facility that has its payments from the State delayed, due to problems related to State cash flow, may request an extension on the due date for payment pursuant to subsection (b) of this Section and shall pay each extended assessment payment within 30 days after each reimbursement for services by the Department.

A) The Department shall provide for an electronic submission process for each long term care facility to report the number of occupied bed days of the long term care facility for the reporting period and other reasonable information the Department requires for the administration of its responsibilities. To the extent practicable, the Department shall coordinate the assessment reporting requirements with other reporting required of long term care facilities.

B) Beginning July 1, 2013, a separate electronic submission shall be completed for each long term care facility in this State operated by a long term care provider. The Department shall prepare an assessment, based on the reported occupied beds, and will bill the facility stating the amount due and payable each month and submit it to each long term care facility via an electronic process. Each assessment payment shall be accompanied by a copy of the assessment bill sent to the long term care facility by the

Department.

C) The provider assessment imposed by this Section shall not be due and payable until after the Department notifies the long term care providers, in writing, that the payment methodologies to long term care providers required under Section 5-5.4 of the Public Aid Code have been approved and the waivers under 42 CFR 433.68, if necessary, have been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

3~~2~~) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

4~~3~~) County nursing homes directed and maintained pursuant to Section 5-1005 of the Counties Code may meet their license fee or assessment obligation by the county government certifying to the Department that county expenditures have been obligated for the operation of the county nursing home in an amount at least equal to the amount of the license fee or assessment. County governments wishing to provide such certification must:

A) Sign a certification form certifying that the funds represent expenditures eligible for federal financial participation under Title XIX of the Social Security Act (42 USC 1396), and that these funds are not federal funds, or are federal funds authorized by federal law to be used to match other federal funds;

B) Submit the certification document to the Department once a year along with a copy of that portion of the county budget showing the funds appropriated for the operation of the county nursing home. These documents must be submitted within 30 days after the final approval of the county budget;

C) Submit the monthly claim form in the amount of the rate established by the Department minus any third party liability amount. This amount will be reduced by an amount determined by the amount certified and the number of months remaining in the

fiscal year, prior to payment because a certification statement was provided in lieu of an actual license fee or assessment payment; and

D) Make records available upon request to the Department and/or the United States Department of Health and Human Services pertaining to the certification of county funds.

d) Reporting Requirements, Penalty, and Maintenance of Records

1) On or before the due dates described in subsection (c)(1) of this Section, each nursing home provider subject to a license fee under subsection (b) of this Section shall file a report with the Department reflecting any changes in the number of licensed nursing beds occurring during the reporting quarter. The report shall be on a form prepared by the Department. The changes will be reported quarterly and shall be submitted with the revised quarterly license fee payment. For the purpose of calculating the license fee described in subsection (b) of this Section, all changes in licensed nursing beds will be effective upon approval of the change by the Illinois Department of Public Health. Documentation showing the change in licensed nursing beds, and the date the change was approved by the Illinois Department of Public Health, must be submitted to the Department of Healthcare and Family Services~~Public Aid~~ with the licensed nursing bed change form. ~~If a nursing home provider operates or maintains more than one nursing home, a separate report shall be filed for each facility. In the case of a nursing home provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.~~

2) After December 31 of each year, and on or before March 31 of the succeeding year, every long term care provider subject to assessment under subsection (c)(2) of this Section shall file a report with the Department. The report shall be in a form and manner prescribed by the Department and shall state the revenue received by the long term care provider, reported in such categories as may be required by the Department, and other reasonable information the Department requires for the administration of its responsibilities.

3) If a provider operates or maintains more than one nursing home, a separate report shall be filed for each facility. In the case of a provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice president, secretary or treasurer or by its properly authorized agent.

4~~2~~) If the ~~nursing home~~ provider fails to file its report for a State fiscal year on or before the due date of the report, there shall, unless waived by the Department for reasonable cause, be added to the license fee or assessment imposed in subsection (b) of this Section a penalty fee equal to 25 percent of the assessment or license fee imposed for the year. After July 1, 2013, no penalty will be assessed if the Department has not established a process for the electronic submission of information as it pertains to the assessment.

5~~3~~) Every ~~nursing home~~ provider subject to a license fee or assessment under subsection (b) of this Section shall keep records and books that will permit the determination of licensed nursing bed days on a quarterly basis and occupied beds on a monthly basis. All such books and records shall be maintained for a minimum of three years following the filing date of each report~~the license fee report~~ and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

6~~4~~) Amended License Fee and Assessment Reports. With the exception of amended license fee or assessment reports filed in accordance with this subsection (d)(6~~5~~)~~ of this Section~~, an amended license fee report or monthly assessment report must be filed within 30 calendar days after the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual license fee or assessment amount through a written notification from the Department. Penalties may be applied to the amount underpaid due to a filing error.

7~~5~~) Reconsideration of Adjusted License Fee or Assessment. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the ~~assessment~~ license fee or assessment was due, changes the license fee or assessment

liability of a ~~nursing home~~ provider, the ~~nursing home~~ provider may request a review or reconsideration of the adjusted license fee or assessment within 30 days after the Department's notification of the change in license fee or assessment liability. Requests for reconsideration of the license fee or assessment adjustment shall not be considered if those~~such~~ requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the period~~quarter~~ in which the license fee or assessment is being paid and the closure date has been set. A ~~nursing home~~ provider who ceases to conduct, operate, or maintain a facility for which the person is subject to the license fee or assessment imposed under subsection (b) of this Section, and for which the closure date for the facility has been set, shall file a final report with the Department on or before the due date for the period~~quarter~~ in which the closure is to occur. The report will reflect the adjusted number of days the facility is open during the reporting period~~quarter~~ and shall be submitted with the final quarterly license fee or monthly assessment payment. Example: A facility is set to close on September 24. On or before the due date for the reporting quarter of July 1 through September 30, the facility will submit a final report reflecting 86 days of operation (July 1 through September 24) and the corresponding quarterly license fee payment.

2) Cessation of business after the monthly or quarterly due date. A ~~nursing home~~ provider who ceases to conduct, operate, or maintain a facility for which the person is subject to the license fee or assessment imposed under subsection (b) of this Section, and for which closure occurs after the due date for the reporting period~~quarter~~, but prior to the last day of the reporting period~~quarter~~, shall file an amended final report with the Department within 30 days after the closure date. The amended report will reflect the number of days the facility was operational during the reporting period~~quarter~~ and the revised license fee or assessment amount. Upon verifying the data submitted on the amended report, the Department will issue a refund for the amount overpaid. Example: On December 10 a facility pays the license fee for 92 days covering the reporting quarter of October 1 through December 31. The facility closes on December 27. An

amended report reflecting 88 days, the actual number of days the facility was operational during the quarter (October 1 through December 27) must be filed with the Department.

3) Cessation of business prior to the monthly or quarterly due date. A ~~nursing home~~ provider who ceases to conduct, operate, or maintain a facility for which the person is subject to the license fee or assessment imposed under subsection (b) of this Section, and for which closure occurs prior to the due date for the reporting period~~quarter~~, shall file a final report with the Department within 30 days after the closure date. The final report will reflect the number of days the facility was operational during the reporting period~~quarter~~ and the corresponding final license fee and assessment amount. Closure dates will be verified with the Department of Public Health, and if necessary adjustments will be made to the final license fee and assessment due. Example: Facility closes on January 17. On or before February 17, the facility must file a final report for the reporting quarter of January 1 through March 31. The report would reflect 17 days of operation (January 1 through January 17) during the quarter and must be accompanied by the final license fee payment for the facility.

4) Commencing of business during the fiscal year in which the license fee or assessment is being paid. A ~~nursing home~~ provider who commences conducting, operating, or maintaining a facility for which the person is subject to the license fee or assessment imposed under subsection (b) of this Section shall file an initial report for the reporting period~~quarter~~ in which the commencement occurs within 30 calendar days thereafter and shall pay the license fee and assessment under subsection (c~~d~~) of this Section. In determining the annual assessment amount for the provider, the Department shall develop hypothetical annualized occupied bed projections based upon geographic location and facility. The assessment determination made by the Department is final.

5) Change in Ownership and/or Operators. The full monthly/quarterly assessment/license fee must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment/license fee amount (including past due assessment/license fees and any interest or penalties that may have accrued against the amount) rests on the ~~nursing home~~ provider currently operating or maintaining the nursing facility regardless if these amounts were incurred by the current

owner or were incurred by previous owners. Collection of delinquent assessment/license fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment/license fee liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

6) Upon request, the Department will share with a potential buyer of a facility information on outstanding assessments and penalties owed by that facility.

f) Penalties

1) Any ~~nursing home~~ provider that fails to pay the full amount of a license fee or assessment~~an installment~~ when due, or fails to report a change in licensed nursing beds approved by the Department of Public Health prior to the due date of the license fee or assessment~~installment~~, shall be charged, unless waived by the Department for reasonable cause, a penalty equal to five percent of the amount of the license fee or assessment~~installment~~ not paid on or before the due date, plus five percent of the portion thereof remaining unpaid on the last day of each monthly period thereafter, not to exceed 100 percent of the installment or assessment amount not paid on or before the due date. Reasonable cause may include but is not limited to:

A) a provider who has not been delinquent on payment of a license fee or~~an~~ assessment due, within the last three calendar years from the time the delinquency occurs;

B) a provider who can demonstrate to the Department's satisfaction that a payment was made prior to the due date; or

C) that the provider is a new owner/operator and the late payment occurred in the reporting period~~quarter~~ in which the new owner/operator assumed control of the facility.

2) Within 30 days after the due date, the Department may begin recovery actions against delinquent ~~nursing home~~ providers participating in the Medicaid Program. Payments may be withheld from the provider until the

entire license fee or assessment, including any penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached, or if a provider fails to comply with an agreement, the Department reserves the right to recover any outstanding license fee, assessment, interest and penalty by recouping the amount or a portion thereof from the provider's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) of this Section will continue to accrue during the recoupment process. Recoupment proceedings against the same ~~nursing home~~ provider two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

3) If the ~~nursing home~~ provider does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the license fee or assessment due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Facilities
The Department may establish delayed payment of fees/assessment and/or waive the payment of interest and penalties for groups of facilities when:

1) the State delays payments to facilities due to problems related to State cash flow; or

2) a cash flow bond pool's or any other group financing plans' requests from providers for loans are in excess of its scheduled proceeds such that a significant number of facilities will be unable to obtain a loan to pay the license fee.

h) Delayed Payment – Individual Facilities
In addition to the provisions of subsection (g) of this Section, the Department may delay license fees or assessments for individual facilities that are unable to make

timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar period or month~~quarter~~ following the quarter in which the license fee or the assessment payment was to have been received by the Department as described in subsection (c) of this Section. The Department may not deny a request for delay of payment of the assessment imposed in subsection (b) of this Section if the provider has not been paid due to problems related to State cash flow for services provided during the month in which the assessment is levied. The request must be received by the Department prior to the due date of the assessment.

1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions shall be made only to qualified facilities who meet all of the following requirements:

A) the facility has experienced an emergency that~~which~~ necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1), (f)(2) and (f)(3) of this Section would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:

i) Department system errors (either automated system or clerical) that~~which~~ have precluded payments, or that~~which~~ have caused erroneous payments such that the facility's ability to provide further services to clients is severely impaired;

ii) cash flow problems encountered by a facility that~~which~~ are unrelated to Department technical system problems and which result in extensive financial problems to a facility adversely impacting on its ability to serve its clients.

B) the facility serves a significant number of clients under the Medical Assistance Program. Significant in this instance means:

i) 85 percent or more of their residents must be eligible for public assistance;

ii) a government-owned facility, which meets the cash flow criterion under subsection (h)(1)(A)(ii) of this Section;~~.~~

iii) a provider who has filed for Chapter 11 bankruptcy, which meets cash flow criterion under subsection (h)(1)(A)(ii) of this Section.

C) the facility must ensure that~~file~~ a delay of payment request, as defined under subsection (h)(3)(A) of this Section, is received by the Department and the request must include a Cash Position Statement that~~which~~ is based upon current assets, current liabilities and other data for a date which is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of license fee or assessment payments will be denied if any of the following criteria are met:

i) the ratio of current assets divided by current liabilities is greater than 2.0;

ii) cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the license fee payment. Long term investments that~~which~~ are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation;

iii) cash or other assets has been distributed during the previous 90 days to owners or related parties in an amount equal to or exceeding the license fee or assessment payment for dividends, salaries in excess of those allowable under Section 140.541 or payments for purchase of goods or services in excess of cost as defined in Section 140.537.

D) the facility, with the exception of government owned facilities, must show evidence of denial of an application to borrow license fee or assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90

days old or less.

E) the facility must sign an agreement with the Department that~~which~~ specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

i) specific reasons~~reason(s)~~ for institution of the delayed payment provisions;

ii) specific dates on which payments must be received and the amount of payment which must be received on each specific date described;

iii) the interest or a statement of interest waiver as described in subsection (h)(5) of this Section that shall be due from the facility as a result of institution of the delayed payment provisions;

iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;

v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and

vi) such other terms and conditions that may be required by the Department.

2) A facility that does not meet the above criteria may request a delayed payment schedule, prior to the due date. The Department may approve the request, notwithstanding the facility not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the facility. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, facilities must ensure~~submit~~ their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received by the due date designated by the Department. Providers will be notified, in writing, of the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:

i) an explanation of the circumstances creating the need for the delayed payment provisions;

ii) supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C) of this Section; a denial of application to borrow the license fee or assessment as defined in subsection (h)(1)(D) of this Section and an explanation of the risk of irreparable harm to the clients; and

iii) specification of the specific arrangements requested by the facility.

B) The facility shall be notified by the Department, in writing prior to the license fee or assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the facility for all approved requests. The agreement must be signed by the administrator, owner or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and

(f)(2) of this Section may be waived upon approval of the facility's request for institution of delayed payment provisions. In the event a facility's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) of this Section, the~~such~~ penalties shall be permanently waived for the subject quarter or month as it pertains to assessment, unless the facility fails to meet all of the terms and conditions of the agreement. In the event the facility fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) of this Section. The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C) of this Section, is 1.5 or less and the facility meets the criteria in subsections (h)(1)(A) and (B) of this Section. Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) of this Section.

6) Subsequent Delayed Payment Arrangements. Once a facility has requested and received approval for delayed payment arrangements, the facility shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delay of payment agreement. The waiver of penalties described in subsection (h)(4) of this Section shall not apply to a facility that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
The Department shall administer and enforce 305 ILCS 5/5B-7, and collect the license fees, assessments, interest, and penalty fees imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").

j) Nothing in 305 ILCS 5/5B shall be construed to prevent the Department from

collecting all amounts due under this Section pursuant to an assessment imposed before July 1, 1995.

k) Definitions
As used in this Section, unless the context requires otherwise:

1) "Department" means the Illinois Department of Healthcare and Family Services~~Public Aid~~.

2) "Fund" means the Long Term~~Long-Term~~ Care Provider Fund.

3) "Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

4) "Licensed nursing bed days" means, with respect to a nursing home provider, the sum for all nursing beds, with the exception of swing-beds, as described in subsection (k)(11~~8~~) of this Section, of the number of days during a calendar quarter on which each bed is covered by a license issued to that provider under the Nursing Home Care Act or the Hospital Licensing Act.

5) "Long term care facility" means a nursing facility, whether public or private and whether organized for profit or not-for-profit, that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act or the MR/DD Community Care Act, including a county nursing home directed and maintained under Section 5-1005 of the Counties Code, and a part of a hospital in which skilled or intermediate long term care services within the meaning of Title XVIII or XIX of the Social Security Act are provided; except that the term "long term care facility" does not include a facility operated by a State agency or operated solely as an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act.

6) "Long term care provider" means a person licensed by the Department of Public Health to operate and maintain a skilled nursing or intermediate long term care facility or a hospital provider that provides skilled or intermediate long term care services within the meaning of Title XVII or XIX of the Social Security Act. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

7~~5~~) "Nursing home" means a skilled nursing or intermediate long term~~long-term~~ care facility, whether public or private and whether organized for profit or not-for-profit, that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act, including a county nursing home directed and maintained under Section 5-1005 of the Counties Code; and a part of a hospital in which skilled or intermediate long-term care services within the meaning of Title XVIII or XIX of the Social Security Act are provided. However, the term "nursing home" does not include a facility operated solely as an intermediate care facility for the mentally retarded within the meaning on Title XIX of the Social Security Act.

8~~6~~) "Nursing home provider" means a person licensed by the Department of Public Health to operate and maintain a skilled nursing or intermediate long term~~long-term~~ care facility which charges its residents, a third party payor, Medicaid, of Medicare for skilled nursing or intermediate long term~~long-term~~ care services; or a hospital provider that provides skilled or intermediate long term~~long-term~~ care services within the meaning of Title XVIII or XIX of the Social Security Act.

9) "Occupied bed days" shall be computed separately for each long term care facility operated or maintained by a long term care provider, and means the sum, for all beds, of the number of days during the month on which each bed was occupied by a resident, other than a resident for whom Medicare Part A is primary payer.

10~~7~~) "Person" means, in addition to natural persons, any political subdivision of the State, municipal corporation, individual, firm, partnership,

corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

11~~8~~) "Swing-beds" means those beds for which a hospital provider has been granted an approval from the federal Health Care Financing Administration to provide post-hospital extended care services (42 CFR 409.30, October 1, 1991) and be reimbursed as a swing-bed hospital (42 CFR 413.114, October 1, 1991).

(Source: Amended at 36 Ill. Reg. 7010, effective April 27, 2012)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 147.205 | Amendment |
| 147.355 | New Section |

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: April 27, 2012

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 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: November 18, 2011; 35 Ill. Reg. 19015

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

11) Differences Between Proposal and Final Version:

Text has been added to Section 147.355(a) explaining how funds will be allocated to different types of exceptional care reimbursements.

In Section 147.355(b)(9), clarifying language states that no less than one licensed respiratory care practitioner must be on site or on call 24 hours a day as determined by the needs and number of residents, and that a pulmonologist or physician experienced in the management of ventilator care shall direct the plan for ventilator-dependent residents on no less than a biweekly basis.

New text in Section 147.355(b)(10) has been added with more detailed ventilator care protocols addressing ventilator-associated pneumonia, weaning from ventilators, pain management, pressure ulcers, immobility, and social isolation. Additional areas for HFS compliance review of ventilator care have also been added in subsection (b)(11).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

New text in Section 147.355(c)(1) states that the enhanced traumatic brain injury (TBI) payment is in lieu of the former MDS 2.0 rate and add-on payment. Throughout subsection (c), additional staffing and documentation requirements and assessment criteria for TBI have been added.

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 amendments currently in effect? No

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

15) Summary and Purpose of Amendment: The proposed amendment for Section 147.205 changes the current ventilator reimbursement process that will be superseded by the new Section 147.355. Section 147.355, which implements a provision in Public Act 96-1530, requires the Department to allocate at least $8 million of the funds collected from the long term care assessment tax to reimburse nursing facilities for services provided to residents with exceptional needs. The act defines exceptional needs as ventilator care, tracheotomy care, bariatric care, complex wound care and traumatic brain injury care.

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

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007; emergency amendment at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 3114, effective February 13, 2008; emergency suspension withdrawn in part at 32 Ill. Reg. 4399, effective February 26, 2008 and 32 Ill. Reg. 4402, effective March 11, 2008 and 32 Ill. Reg. 9765, effective June 17, 2008; amended at 32 Ill. Reg. 8614, effective May 29, 2008; amended at 33 Ill. Reg. 9337, effective July 1, 2009; emergency amendment at 33 Ill. Reg. 14350, effective October 1, 2009, for a maximum of 150 days; emergency amendment modified in response to the objection of the Joint Committee on Administrative Rules at 34 Ill. Reg. 1421, effective January 5, 2010, for the remainder of the 150 days; emergency expired February 27, 2010; amended at 34 Ill. Reg. 3786, effective March 14, 2010; amended at 35 Ill. Reg. 19514, effective December 1, 2011; amended at 36 Ill. Reg. 7077, effective April 27, 2012.

**Section 147.205 Reimbursement for Ventilator Dependent Residents**

a) Pursuant to Public Act 96-473, effective October 1, 2009, Department of Healthcare and Family Services (HFS) shall begin paying nursing facilities for ventilator dependent residents through a system separate from the Minimum Data Set (MDS) based reimbursement methodology. For purposes of this Section, ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices.

b) Payment shall be made for each individual resident receiving ventilator services through the Medicaid Management Information System (MMIS). The rate shall include the facility specific support, capital and nursing components plus the geographic area average ventilator minutes from the MDS and $150 supply cost.

c) Other services coded by a facility on the MDS for a ventilator dependent resident shall continue to be applied toward the nursing component of the nursing facility rate.

d) Staffing

1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health (DPH) in 77 Ill. Adm. Code 300.1240 or 250.910(e) and 250.910(f)(1), as appropriate). Additional RN staff may be determined necessary by HFS, based on HFS' review of the ventilator services.

2) A minimum of the required number of LPN staff (as required by DPH in 77 Ill. Adm. Code 300.1230, 300.1240 or 250.910(e) and 250.910(f)(1), as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week.

3) A certified respiratory therapy technician or registered respiratory therapist shall be available at the facility or on call 24 hours a day.

4) A certified respiratory therapist shall evaluate and document the respiratory status of the ventilator resident on a weekly basis.

5) At least one of the full-time licensed nursing staff members must have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons.

6) All staff caring for ventilator dependent residents must have documented in-service training in ventilator care prior to providing that care. In-service training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent persons. In-service training documentation shall include name and qualification of the in-service director, duration of presentation, content of presentation and signature and position description of all participants.

e) Physical Plant
The Provider shall have and maintain physical plant adaptations to accommodate the necessary equipment, such as, an emergency electrical backup system.

f) Notification to HFS
A provider shall notify HFS, in writing, when a ventilator dependent resident is admitted and discharged from the facility. Notification in either instance shall occur within five days after the admission or discharge. Discharge is defined as the resident leaving the facility with no intention of returning. It does not mean an admission to a hospital.

g) Accessibility
The provider must make accessible to HFS and/or DPH all provider, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of ventilator services.

h) Pursuant to Section 5-5.4(4) of the Public Aid Code, payment for ventilator services has been incorporated into Section 147.355 that covers payment for exceptional need categories, including ventilator care, identified in that Section.

(Source: Amended at 36 Ill. Reg. 7077, effective April 27, 2012)

**Section 147.355 Reimbursement for Residents with Exceptional Needs**

a) Pursuant to Public Act 96-1530, effective January 1, 2012, the Department of Healthcare and Family Services (HFS) shall allocate at least $8 million of the funds collected from the assessment identified in 89 Ill. Adm. Code 140.84 to develop and make enhanced payments to nursing facilities for services provided to residents with exceptional needs. For purposes of this Section, an exceptional need means ventilator care, tracheotomy care, bariatric care, complex wound care and traumatic brain injury (TBI) care. The break-out of the spending will be $2 million each for ventilator care and TBI as scored under the Minimum Data Set (MDS) 3.0, and $4 million for tracheotomy care, bariatric care, complex wound care and TBI supply costs as scored under the MDS 2.0.

b) Ventilator Care

1) Ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices.

2) In order for an applicable rate to be assigned to a ventilator dependent resident, a nursing facility shall notify the Department using a Department designated form that includes a physician order sheet that identifies the need and delivery of ventilator services. A facility shall also use the designated form to notify the Department when a resident is no longer receiving ventilator services. The following criteria shall be met in order for a facility to qualify for ventilator care reimbursement.

3) A facility shall establish admission criteria to ensure the medical stability of patients prior to transfer from an acute care setting.

4) Facilities shall be equipped with technology that enables them to meet the respiratory therapy, mobility and comfort needs of their patients.

5) Clinical assessment of oxygenation and ventilation-arterial blood gases or other methods of monitoring carbon dioxide and oxygenation shall be available on-site for the management of residents.

6) Emergency and life support equipment, including mechanical ventilators, shall be connected to electrical outlets with back-up generator power in the event of a power failure.

7) Ventilators shall be equipped with internal batteries to provide a short back-up system in case of a total loss of power.

8) An audible, redundant ventilator alarm systems shall be required to alert caregivers of a ventilator malfunction, failure or resident disconnect. A back-up ventilator shall be available at all times.

9) Staffing

A) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health (DPH)

in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1), as appropriate). Additional RN staff may be determined necessary by HFS, based on the HFS review of the ventilator services.

B) A minimum of the required number of LPN staff (as required by DPH in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910(e) and (f)(1), as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week.

C) No less than one licensed respiratory care practitioner licensed in Illinois shall be available at the facility or on call 24 hours a day to provide care, monitor life support systems, administer medical gases and aerosol medications, and perform diagnostic testing as determined by the needs and number of the residents being served by a facility. The practitioner shall evaluate and document the respiratory status of a ventilator resident on no less than a weekly basis.

D) A pulmonologist, or physician experienced in the management of ventilator care, shall direct the plan of care for ventilator residents on no less than a biweekly basis.

E) At least one of the full-time licensed nursing staff members shall have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a licensed respiratory care practitioner or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals.

F) All staff caring for ventilator dependent residents shall have documented in-service training in ventilator care prior to providing that care. In-service training shall be conducted at least annually by a licensed respiratory care practitioner or qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals. Training shall include, but is not limited to, status and needs of the resident, infection control techniques, communicating with the ventilator resident, and assisting the resident with activities. In-service training documentation shall include name and qualification of the in-service director, duration

of the presentation, content of presentation, and signature and position description of all participants.

10) Facilities shall be required to have established protocols on the following areas:

A) Pressure Ulcers. A facility shall have established policies and procedures on assessing, monitoring and prevention of pressure ulcers, including development of a method of monitoring the occurrence of pressure ulcers. Staff shall receive in-service training on those areas.

i) Documentation shall support that the resident has been assessed quarterly for his or her risk for developing pressure ulcers.

ii) Interventions for pressure ulcer prevention shall be in place that include, but are not limited to, a turning and repositioning schedule, use of pressure reducing devices, hydration and nutritional interventions and daily skin checks.

B) Pain. A facility shall have established policies and procedures on assessing the occurrence of pain, including development of a method of monitoring the occurrence of pain. Staff shall receive in-service training on this area.

i) Documentation shall support that resident has been assessed quarterly for the presence of pain and the risk factors for developing pain.

ii) Documentation shall support that an effective pain management regime is in place for the resident.

C) Immobility. A facility shall have established policies and procedures to assess the possible effects of immobility and risk for developing infections. These shall include, but not be limited to, range of motion techniques, contracture risk, proper hand washing techniques, aseptic technique in delivering care to a resident and

proper care of the equipment and supplies. Staff shall receive in-service training on those areas.

i) Documentation shall support that the resident's risk for contractures were assessed quarterly and interventions are in place to reduce the risk.

ii) Documentation shall support that the resident was given oral care every shift to reduce the risk of infection.

D) Social Isolation. A facility shall have a method of assessing a resident's risk for social isolation. Intervention shall be in place to involve a resident in activities when possible.

E) Ventilator Weaning. A facility shall have a method or routinely assessing a resident's weaning potential and interventions shall be implemented as needed.

11) HFS staff shall conduct on-site visits on a random and targeted basis to ensure both facility and resident compliance with identified requirements. All records shall be accessible to determine that the needs of a resident are being met and to determine the appropriateness of ventilator services. In addition to the requirements of this subsection (b)(11), HFS review shall include, but not be limited to, the following:

A) Ventilator Associated Pneumonia;

B) Ventilator Weaning;

C) Length of Stay and Hospital Discharge;

D) Length of Stay and Discharge Destination; and

E) Length of Stay and Death.

12) The enhanced payment shall be added to the rate determined by MDS 2.0:

A) Payment shall be made for each individual resident receiving ventilator services;

B) A rate for ventilator services shall be set based on geographic area for all facilities within that area; and

C) The rate shall include the facility specific support, capital and nursing components plus the geographic area average ventilator minutes from the MDS and $174 supply costs.

c) TBI

1) Any facility meeting the criteria set forth in this subsection (c) for TBI care serving individuals shall receive the enhanced TBI reimbursement rate identified. This rate is in lieu of the rate received under MDS 2.0 reimbursement, and the TBI add-on shall no longer apply.

2) TBI is a nondegenerative, noncongenital insult to the brain from an external mechanical force, possibly leading to permanent or temporary impairment of cognitive, physical and psychosocial functions, with an associated diminished or altered state of consciousness.

3) The following criteria shall be met in order for a facility to qualify for TBI reimbursement:

A) The facility shall have policies and procedures for care of the residents with TBI and associated behaviors that include, but are not limited to, monitoring for behaviors, identification and reduction of agitation, safe and effective interventions for behaviors, and assessment of risk factors for behaviors related to safety of residents, staff and others.

B) The facility shall have staff to complete the required physical (PT), occupational (OT) or speech (ST) therapy, as needed. Additionally, a facility shall have staffing sufficient to meet the behavior, physical and psychosocial needs of the resident.

C) Staff caring for a TBI resident shall receive in-service training for the care of a TBI resident and dealing with behavior

issues, identifying and reducing agitation, and rehabilitation for the TBI resident. In-service training shall be conducted at least annually. In-service documentation shall include name and qualifications of the in-service director, duration of the presentation, content of presentation, and signature and position description of each participants.

D) The facility environment shall be such that it is aimed at reducing distractions for the TBI resident during activities and therapies. This shall include, but not be limited to, avoiding overcrowding, loud noises, lack of privacy, seclusion and social isolation.

E) Care plans on all residents shall address the physical, behavioral and psychosocial needs of the TBI residents. Care plans shall be individualized to meet the resident's needs and shall be revised as necessary.

F) The facility shall use the Rancho Los Amigos Cognitive Scale (Rancho) to determine the level of cognitive functioning. The assessment shall be completed quarterly by a trained rehabilitation registered nurse. Based on the level of functioning, and the services and interventions implemented, a resident will fall into one of three tiers of payments, tier 3 being the highest reimbursement. By completing a Department designated form, facilities will be responsible for notifying the Department of the applicable tier into which a resident falls.

G) Documentation found elsewhere in the resident records shall support the scoring on the Rancho assessment, as well as the delivery of coded interventions.

4) Admission Criteria

A) Documentation by a neurologist that the resident has a TBI diagnosis on the MDS 3.0 (I5500=1) that meets the RAI requirements for coding. In addition, documentation from the neurologist shall identify that the resident has the ability to benefit from rehabilitation and a potential for independent living.

B) Documentation that the resident was assessed using the Rancho Los Amigos Cognitive Assessment and scored a Level IV-X. Residents scoring a Level I, II or III on the Rancho assessment shall not be eligible for TBI reimbursement.

C) Documentation that the resident is medically stable and has been assessed for potential behaviors and safety risk to self, staff and others.

5) Tier I requirements are as follows:

A) The payment amount is $264.17 per day, and shall not exceed six months.

B) The resident must have previously scored in Tier II or Tier III.

C) Includes residents who have received intensive rehabilitation and are preparing for discharge to the community. The resident shall receive instructions focusing on independent living skills, prevocational training and employment support.

D) Resident scores a Level VIII-X on the Rancho Los Amigos Cognitive Scale (Purposeful, Appropriate, and stand-by assistance to Modified Independence).

E) No behaviors or behaviors present, but less than 4 days (E0200A-C<2 AND E0500A-C=0 AND E0800=2 and E1000A+B=0 on the MDS 3.0).

F) Cognitive-Brief Interview for Mental Status (BIMS) is 13-15 (Cognitively intact, C0500 on MDS 3.0).

G) Activities of daily living (ADL) functioning. All ADL tasks shall be coded less than 3 (Section G on MDS 3.0).

H) An assessment shall be completed to identify the resident's needs and risk factors related to independent living. This assessment shall include, but is not limited to, physical

development and mobility, communication skills, cognition level, food preparation and eating behaviors, personal hygiene/grooming, health/safety issues, social/behavioral issues, ADL potential with household chores, transportation, vocational skills and money management.

I) Discharge potential. There is an active discharge plan in place (Q0400A=1 on MDS 3.0) or referral has been made to the local contact agency (Q0600=1 on MDS 3.0). There shall be weekly documentation by a licensed social worker related to discharge potential and progress.

6) Tier II requirements are as follows:

A) The payment amount is $486.49 per day, and shall not exceed 12 months.

B) Includes residents who have reached a plateau in rehabilitation ability, but still require services related to the TBI. Resident must have previously scored in Tier III.

C) Resident scores a Level IV-VII on the Rancho Los Amigos Cognitive Scale (Confusion, may or may not be appropriate).

D) Cognition. BIMS is less than 13 (C0500 on MDS 3.0) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3 on MDS 3.0).

E) Resident has behaviors (E0300=1 or E1000=1 on MDS 3.0) and these behaviors impact resident (E0500A-C=1) or impact others (E0600A-C=1). Behaviors shall be tracked daily and interventions implemented as needed. There shall be documentation of weekly meetings with interdisciplinary staff to discuss behaviors, effectiveness of interventions and implementation of revisions as necessary.

F) ADL function (Section G on MDS 3.0) 3 or more ADLs requires limited or extensive assistance.

G) Resident is on 2 or more of the following restoratives: Bed Mobility (O0500D=1 on MDS 3.0), Transfer (O0500E=1 on MDS 3.0), Walking (O0500F=1 on MDS 3.0), Dressing/Grooming (O0500G=1 on MDS 3.0), Eating (O0500H=1 on MDS 3.0) or Communication (O0500J=1 on MDS 3.0).

H) Resident receives either Psychological (O0400E2>1 on MDS 3.0) or Recreational Therapy (O0400F2>1 on MDS 3.0) at least two or more days a week.

I) Documentation shall support that a one-on-one meeting with a licensed social worker is held at least twice a week to discuss potential needs, goals and any behavior issues.

J) At least quarterly oversight of plan of care by a neurologist.

K) Documentation that the resident has received instruction and training that includes, but is not limited to, behavior modification, anger management, time management, goal setting, life skills and social skills.

7) Tier III requirements are as follows.

A) The payment amount is $767.46 per day and shall not exceed nine months.

B) The injury resulting in a TBI diagnosis must have occurred within the prior six months to score in Tier III.

C) Includes the acutely diagnosed resident with high rehabilitation needs.

D) Resident scores a Level IV-VII on the Rancho LOS Amigos Cognitive Scale.

E) Cognition-BIMS is less than 13 (C0500 on the MDS 3.0) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3 on MDS 3.0).

F) Documentation shall support that the facility is monitoring behaviors and has implemented interventions to identify the risk factors for behaviors and to reduce the occurrence of behaviors.

G) Resident receives Rehabilitation Therapy (PT, OT or ST) at least 500 minutes per week and at least 1 rehab discipline 5 days/week (O400 on MDS 3.0). The therapy shall meet the RAI guidelines for coding.

H) The facility shall have trained rehab staff on site working with the resident on a daily basis. This shall include a trained rehab nurse and rehab aides.

I) Documentation shall support that there are weekly meetings of the interdisciplinary team to discuss the resident's rehab progress and potential.

J) Resident receives Psychological Therapy (O0400E2>1 on MDS 3.0) at least 2 days per week.

K) There shall be documentation to support monthly oversight by a neurologist.

d) Other Exceptional Need Services

1) Facilities scoring tracheotomy care, bariatric care, complex wound care and TBI on MDS 2.0 shall receive an additional add-on for supply costs associated with providing those services.

2) Following are the per diem add-ons for the four services identified in subsection (d)(1).

A) Tracheotomy Care – $8.80

B) Bariatric Care – $1.00

C) Complex Wound Care – $8.80

D) TBI – $8.80

(Source: Added at 36 Ill. Reg. 7077, effective April 27, 2012)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Foreclosure Prevention Program

2) Code Citation: 47 Ill. Adm. Code 385

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 385.101 | New Section |
| 385.102 | New Section |
| 385.103 | New Section |
| 385.104 | New Section |
| 385.105 | New Section |
| 385.106 | New Section |
| 385.107 | New Section |
| 385.108 | New Section |
| 385.109 | New Section |
| 385.110 | New Section |
| 385.111 | New Section |
| 385.112 | New Section |
| 385.201 | New Section |
| 385.202 | New Section |
| 385.301 | New Section |
| 385.302 | New Section |
| 385.303 | New Section |
| 385.304 | New Section |
| 385.305 | New Section |
| 385.306 | New Section |
| 385.307 | New Section |
| 385.308 | New Section |
| 385.309 | New Section |

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.30(a) of the Illinois Housing Development Act [20 ILCS 3805/7.30(a)]

5) Effective Date of Rules: April 30, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

8) A copy of the adopted rule is on file at the Illinois Housing Development Authority, located at 401 N. Michigan Ave., Ste. 700, Chicago, IL 60611, and is available for public inspection.

9) Notice of Proposed Published in the Illinois Register: December 30, 2011; 35 Ill. Reg. 20988

10) Has JCAR issued a Statement of Objection to this amendment: No

11) Difference between Proposal and Final Version: Various grammatical and technical changes were made at JCAR's request.

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? Yes

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

15) Summary and Purpose of Rules: The rules are established to implement the program rules for the Foreclosure Prevention Program under the Save Our Neighborhoods Act of 2010. The purpose of these rules is to create uniform procedures in order to operate the Program.

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

Arthur J. Murphy III
Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 385
FORECLOSURE PREVENTION PROGRAM

SUBPART A: GENERAL RULES

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385.101 Authority
385.102 Purpose and Objectives
385.103 Definitions
385.104 Compliance with Federal and State Law
385.105 Forms and Procedures for the Program
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385.107 Authority Administrative Expenses
385.108 Amendment
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SUBPART B: DISTRIBUTION OF FUNDS

Section
385.201 Grants to Administering Agencies
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SUBPART C: GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND COUNSELING AGENCIES

Section
385.301 Community-Based Organizations Eligibility
385.302 Counseling Agencies Eligibility
385.303 Eligible Uses of Grant Funds
385.304 Application Cycle
385.305 Application Requirements
385.306 Review of Applications
385.307 Grant Administration

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

385.308 Funding of Grants
385.309 Reporting Requirements

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.30(a) of the Illinois Housing Development Act [20 ILCS 3805/7.30(a)].

SOURCE: Adopted by emergency rulemaking at 35 Ill. Reg. 20742, effective December 12, 2011; adopted at 36 Ill. Reg. 7094, effective April 30, 2012.

SUBPART A: GENERAL RULES

**Section 385.101 Authority**

The Illinois Housing Development Authority is the designated administrator for the Foreclosure Prevention Program in Illinois, which was established by Section 7.30 of the Illinois Housing Development Act [20 ILCS 3805/7.30], effective October 1, 2010. This Part is authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.30(a) of the Illinois Housing Development Act [20 ILSC 3805/7.30(a)].

**Section 385.102 Purpose and Objectives**

The purpose of the Program is to use moneys appropriated from the Foreclosure Prevention Program Fund, and any other funds appropriated for this purpose, to support housing counseling and foreclosure prevention outreach. Under the Program, the Authority will make grants to the Counseling Agencies and the Community-Based Organizations for Eligible Uses, and will make distributions to the City for Eligible Uses.

**Section 385.103 Definitions**

The following terms used in this Part shall have the following definitions:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Administering Agency" or "Administering Agencies": The Community-Based Organizations and the Counseling Agencies.

"Agency" or "Agencies": The Authority or the City.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

"Applicant": A prospective Administering Agency making an Application for a Grant.

"Application": An application to an Agency on the Agency's form for a Grant completed by a prospective Administering Agency.

"Appropriation": The annual Appropriation of funds from the Foreclosure Prevention Fund, to the Illinois Department of Revenue for the Authority, by the Illinois General Assembly for the Program and any other funds appropriated for this purpose.

"Attorney General": The Attorney General of the State.

"Auditor General": The Auditor General of the State.

"Authority": The Illinois Housing Development Authority.

"City": The City of Chicago.

"Commitment": A contract executed by an Agency and an Administering Agency under which the Agency agrees to make a Grant to the Administering Agency. Each Commitment shall contain a provision to the effect that the Authority shall not be obligated to provide funds under the Commitment if the Authority has not received sufficient funds from an Appropriation.

"Community-Based Organization": A not-for-profit entity that provides educational and financial information to residents of a community through in-person contact. A Community-Based Organization does not include a not-for-profit corporation or other entity or person that provides legal representation or advice in a civil proceeding or court-sponsored mediation services, or a governmental agency.

"Computer and Equipment Expenses": Computer and equipment costs incurred by an Administering Agency or the City, as applicable, in connection with the administration of the Grant.

"Counseling Agencies": Shall have the meaning set forth in Section 385.302.

"Eligible Uses": Shall have the meaning set forth in Section 385.303.

"Foreclosure Prevention Fund": Fund created in the State treasury for the collection of a fee of $50 paid by a plaintiff at the time of a filing of a foreclosure complaint in connection with residential real estate.

"Foreclosure Prevention Outreach Program": A program developed by a Community-Based Organization that includes in-person contact with residents to provide pre-purchase and post-purchase home ownership counseling and education about the foreclosure process and the options of a mortgagor in a foreclosure proceeding, as well as programs developed by the Authority or Community-Based Organization in conjunction with a State or federally chartered financial institution.

"General Operational Expenses": Operational costs incurred by an Administering Agency or the City in connection with the administration of the Grant.

"Grant": The portion of the Appropriation granted by an Agency to the Administering Agencies for Eligible Uses under the Program.

"Housing Counseling": In-person counseling provided by a counselor employed by a Counseling Agency to all homeowners, or documented telephone counseling if a hardship would be imposed on one or more homeowners. A hardship shall exist in instances in which the homeowner is confined to his or her home due to medical condition, as verified in writing by a physician, or the homeowner resides 50 miles or more from the nearest approved Counseling Agency. In instances of telephone counseling, the homeowner must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"HUD": The U.S. Department of Housing and Urban Development.

"Program": The Foreclosure Prevention Program authorized by Section 7.30 of the Act.

"State": The State of Illinois.

"Statewide Activities": Shall have the meaning set forth in Section 385.303(c).

"Technical Assistance": Costs incurred by an Administering Agency or the City, as applicable, for:

planning for Foreclosure Prevention Outreach Program or Housing Counseling; or

assistance with an Application.

**Section 385.104 Compliance with Federal and State Law**

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal and State law.

**Section 385.105 Forms and Procedures for the Program**

The Authority may prepare, use, prescribe, supplement, and amend such forms, agreements, and other documents and procedures as may be necessary to implement the Program. With respect to the distribution of 25% of funds from annual Appropriations to the City, the City may prepare, use, prescribe, supplement, and amend such forms, agreements, and other documents and procedures as may be necessary to implement the Program.

**Section 385.106 Fees and Charges**

An Agency shall not charge an application fee for the Program.

**Section 385.107 Authority Administrative Expenses**

The Authority shall be entitled to deduct from each Appropriation, prior to any distribution of funds under the Program and prior to making any Grants, an amount not to exceed 8% of each Appropriation for expenses associated with the administration of the Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the Program; expenses incurred in performing outreach activities and providing technical assistance to the Administering Agencies; the use of the Authority's equipment for Program purposes; the cost of office space and utilities incurred in connection with the Program; and any other expenses incurred in the administration of the Program. The Authority shall maintain a detailed accounting of its administrative expenses, which shall be available to the public for review. Notwithstanding the 8% cap on Authority deductions, in the event neither a Counseling Agency nor a Community-Based Organization is able to administer all or a portion of the Statewide Activities, the Authority may oversee and implement the Statewide Activities directly and shall be entitled to a dollar for dollar reimbursement from the Foreclosure Prevention Fund

of any costs and expenses incurred in connection with the administration of all or any portion of the Statewide Activities exclusive of the 8% cap.

**Section 385.108 Amendment**

This Part may be supplemented, amended, or repealed by the Authority from time to time and in a manner consistent with the Illinois Administrative Procedure Act [5 ILCS 100], this Part, the Act, and other applicable laws. This Part shall not constitute or create any contractual rights.

**Section 385.109 Severability**

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart to which the judgment is rendered.

**Section 385.110 Gender and Number**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 385.111 Non-Discrimination**

The Administering Agencies and the City shall comply with the applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and the regulations promulgated under that Act, the Fair Housing Act (42 USC 3601), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Illinois Environmental Barriers Act [410 ILCS 25], the Illinois Accessibility Code (71 Ill. Adm. Code 400), and all other applicable State and federal law concerning discrimination and fair housing.

**Section 385.112 Titles and Captions**

Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

SUBPART B: DISTRIBUTION OF FUNDS

**Section 385.201 Grants to Administering Agencies**

The Authority shall distribute funds from annual Appropriations in accordance with the following priorities:

a) To the Authority for its administrative expenses.

b) After distributing the amount listed in subsection (a), but subject to Section 385.202, the Authority shall make Grants as follows:

1) 25% of the moneys remaining in the Foreclosure Prevention Fund that have been appropriated shall be used to make Grants to the Counseling Agencies that provide for Housing Counseling located outside the City.

2) 25% of the moneys remaining in the Foreclosure Prevention Fund that have been appropriated shall be used to make Grants to the Community-Based Organizations located outside of the City for Foreclosure Prevention Outreach Programs.

3) 25% of the moneys remaining in the Foreclosure Prevention Fund that have been appropriated shall be used to make Grants to the Community-Based Organizations located within the City for Foreclosure Prevention Outreach Programs.

**Section 385.202 Distribution of Funds to the City of Chicago**

After distributing the amount listed in Section 385.201(a) of this Part, the Authority shall distribute 25% of the moneys remaining in the Foreclosure Prevention Fund that have been appropriated to the City.

a) City Administrative Expenses. The City shall be entitled to deduct from each distribution from the Authority, prior to making any Grants to the Counseling Agencies or support of foreclosure prevention programs administered by the City, an amount not to exceed 8% of the distribution from the Authority for General Operational Expenses, Computer and Equipment Expenses and Technical Assistance associated with the administration of the Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the Program; expenses incurred in performing outreach activities and providing technical assistance to the Counseling Agencies; the use of the City's equipment for Program purposes; the cost of office space and utilities incurred in connection with the Program; and any other expenses incurred in the

administration of the Program. The City shall maintain a detailed accounting of its administrative expenses, which shall be available to the public for review.

b) Eligible City Activities. Eligible activities by the City under the Program are as follows:

1) making Grants to the Counseling Agencies located within the City for Housing Counseling; and

2) supporting, subject to Section 385.303(b), foreclosure prevention counseling programs administered by the City.

SUBPART C: GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND COUNSELING AGENCIES

**Section 385.301 Community-Based Organizations Eligibility**

a) The Community-Based Organizations are generally eligible to submit an Application for funding if they provide:

1) pre-purchase and post-purchase home ownership counseling;

2) education about the foreclosure process and the options of a homeowner in a foreclosure proceeding; and

3) foreclosure prevention programs in conjunction with the Authority or a State or federally chartered financial institution.

b) The Community-Based Organizations must agree to the terms and conditions of the Program in order to be eligible.

**Section 385.302 Counseling Agencies Eligibility**

The Counseling Agencies are generally eligible to submit an Application for funding if they have been certified as a housing counseling agency by HUD. The Counseling Agencies are eligible for funding if they are certified prior to their application for funding under the Program and committed to participation in the Program. The Counseling Agencies must agree to the terms and conditions of the Program in order to be eligible.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

**Section 385.303 Eligible Uses of Grant Funds**

a) Eligible Uses of Grant Funds by the Administering Agencies.

1) Eligible uses of Grant funds by the Administering Agencies under the Program shall be:

A) Computer and Equipment Expenses;

B) General Operational Expenses;

C) pre-purchase Housing Counseling;

D) post-purchase Housing Counseling;

E) foreclosure education;

F) foreclosure prevention outreach programs in conjunction with the Authority or a State or federally chartered financial institution;

G) counselor training;

H) training of an Administering Agency's employees;

I) capacity building that increases an Administering Agency's capacity to provide Foreclosure Prevention Outreach Programs and Housing Counseling;

J) Technical Assistance;

K) advertising and marketing of the Program, and any other housing counseling activity as may be approved by the Authority.

2) No Administering Agency shall receive Grant funds for Computer and Equipment Expenses, General Operational Expenses and Technical Assistance in an amount greater than 10% of the Grant funds granted to an Administering Agency during the term of the Administering Agency's Grant.

b) Eligible Uses of Grant Funds by the City: Eligible uses of Grant funds supporting foreclosure prevention programs administered by the City under the Program shall be:

1) pre-purchase home ownership counseling;

2) post-purchase home ownership counseling;

3) foreclosure education;

4) foreclosure prevention outreach programs in conjunction with the Authority or a State or federally chartered financial institution; and

5) counselor training.

c) Eligible Uses for Statewide Activities. Eligible uses of Grant funds supporting Statewide Activities shall include, but shall not be limited to:

1) organizing regional homeownership, Housing Counseling and foreclosure prevention outreach fairs and events, including the promotion of these events;

2) the creation and dissemination of radio and print advertising;

3) the creation and dissemination of posters, flyers and information materials;

4) establishing and operating a toll-free helpline to connect residents of the State;

5) the creation and use of internet resources; and

6) any other similar activities approved by the Authority that are deemed necessary to help ensure the success of the Program on a statewide basis.

**Section 385.304 Application Cycle**

An Agency will supply interested Applicants with an Application. Applications under the Program will be accepted periodically until the Appropriation is disbursed.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

**Section 385.305 Application Requirements**

Each Application shall include the information required by this Section, provided that those requirements are included in the Application to be completed by the Administering Agency, and any additional information the Agency may require to promote efficient Program administration and quality of performance. The Authority reserves the right to bifurcate its Applications as needed in connection with the different components of the Program.

a) Qualifications. Each Applicant shall document qualifications to complete the Program activities, including, with respect to a Counseling Agency, evidence that it is a HUD certified housing counseling agency.

b) Number of Foreclosures. Each Applicant shall document the number of foreclosures filed, present employment data and any known future job layoffs in the Administering Agency's service area.

c) Applicant's Capacity. Each Applicant shall document its capacity and prior experiences to administer Housing Counseling and Foreclosure Prevention Outreach Programs.

d) Capacity Building. Each Applicant shall document how capacity will be expanded to meet the need for Housing Counseling and Foreclosure Prevention Outreach Programs in response to subsection (b).

e) Activities to be Undertaken. Each Applicant shall list which Eligible Uses are to be undertaken with Program funds, including without limitation those activities outlined in Section 385.303 and under the rest of this Part.

f) Time for Expending. Each Applicant shall include a budget and timeline schedule for performing the eligible activities outlined in the Application.

g) Marketing and Outreach Capacity. Each Applicant shall document its capacity and prior experiences to the sole satisfaction of the Authority to undertake and administer all or a portion of the Statewide Activities as set forth in the applicable Application.

**Section 385.306 Review of Applications**

a) Application Screening. An Agency shall screen all Applications to confirm that all elements of the Application package have been addressed. Applicants may be notified of deficiencies in Applications and may, at the option of the Agency, be given the opportunity to correct those deficiencies. Completed Applications will be reviewed and evaluated by Agency staff in accordance with criteria in subsections (b) through (e).

b) Basic Eligibility Evaluation. Each Application will be reviewed to assure compliance with Sections 385.301 and 385.302.

c) Willingness to Perform. The Administering Agency must commit to remain ready, willing and able to perform Foreclosure Prevention Outreach Programs, Housing Counseling and Statewide Activities as applicable throughout the Grant term.

d) Costs. The Administering Agency must demonstrate that the costs identified in the Application are eligible Program costs under Section 385.303.

e) Capacity. The Applicant must demonstrate that the proposed activities identified in the Application can be accomplished.

**Section 385.307 Grant Administration**

a) Commitment. Each Administering Agency shall enter into a Commitment with the Agency that is making its Grant; the Grant may be less than the amount requested in the Application. The term of Commitment shall be up to one year, subject to the availability of funds from an Appropriation, and may be renewed for one additional year at the discretion of the Agency.

b) Record Retention. Each Administering Agency shall maintain records in connection with the Grant under the Administering Agency's Commitment for five years after the date of termination of the Commitment.

c) Monitoring. An Agency, the Auditor General and the Attorney General shall have the right to monitor all Administering Agency books and records relating to the implementation of the Program by an Agency. Each Administering Agency shall make all records relating to its Grant available for inspection, examination and copying by an Agency, the Auditor General and the Attorney General upon reasonable prior notice, as an Agency, the Auditor General or the Attorney

General may reasonably require. The required documentation may include but is in no way limited to a copy of the Administering Agency's Application to an Agency; all records relating to the eligible uses of Grant funds under the Program as set forth in Section 385.303; and any other documentation required by an Agency, the Auditor General and the Attorney General.

**Section 385.308 Funding of Grants**

Subject to the terms of the applicable Commitment with an Administering Agency and the related documents evidencing the Grant, an Agency shall provide funds to the Administering Agencies when the Appropriation is made available and as set forth in Section 385.303.

**Section 385.309 Reporting Requirements**

a) Administering Agency. Each Administering Agency shall provide reports to the Agency that made the Grant, on forms provided by the Authority, at the end of each quarter of the term of its Commitment. The Administering Agency shall identify, at a minimum, the number of households that attended pre-purchase home ownership counseling, post-purchase home ownership counseling, foreclosure education, and foreclosure prevention outreach programs; the number of existing counselors who attended training; the number of Administering Agencies who attended training; the number of new counselors hired to increase an Administering Agency's capacity; the expenditures incurred for Technical Assistance; and the expenditures incurred for Computer and Equipment Expenses and General Operational Expenses. In the event an Administering Agency administers all or a portion of the Statewide Activities, the Administering Agency shall identify, at a minimum, the costs and expenses incurred in connection with the administration of the Statewide Activity.

b) City. If the City uses the Grant proceeds to support foreclosure prevention counseling programs administered by the City, the City shall provide quarterly reports to the Authority. The City shall identify, at a minimum, the number of households that attended pre-purchase home ownership counseling, post-purchase home ownership counseling, foreclosure education, and Foreclosure Prevention Outreach Programs; the number of existing counselors who attended training; the number of City's employees who attended training; the number of new counselors hired to increase the City's capacity; the expenditures incurred for Technical Assistance; and the expenditures incurred for Computer and Equipment Expenses and General Operational Expenses.

c) Authority. In the event the Authority administers all or a portion of the Statewide Activities, the Authority shall maintain a detailed accounting of its costs and expenses in connection with the administration of Statewide Activity, which shall be available to the public for review.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 611.102 | Amend |
| 611.130 | Amend |
| 611.611 | Amend |
| 611.612 | Amend |
| 611.645 | Amend |
| 611.680 | Repealed |
| 611.720 | Amend |
| 611.APPENDIX F | Amend |

4) Statutory authority: 415 ILCS 5/7.2, 17.5, and 27

5) Effective date of amendments: April 25, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. The current amendments revise existing incorporations by reference and add several new incorporations by reference to correspond with USEPA's summary approvals of new alternative equivalent analytic methods and corrections to previously approved alternative equivalent analytic methods.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted April 19, 2012 in docket R12-4, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in the Illinois Register: February 24, 2012; 36 Ill. Reg. 2656

10) Has JCAR issued a statement of objections to this rulemaking? No

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of April 19, 2012 in docket R12-4 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated February 2, 2012, in docket R12-4. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to corrections and minor stylistic revisions, most of which were suggested by JCAR staff. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the February 24, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of April 19, 2012 in docket R12-4, as indicated in item 11 above. See the April 19, 2012 opinion and order in docket R12-4 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and purpose of amendments: The following briefly describes the subjects and issues involved in the docket R12-4 rulemaking, which amends only Part 611. A comprehensive description is contained in the Board's opinion and order of February 2,

2012, proposing amendments in docket R12-4, which opinion and order is available from the address below.

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

| | |
|---|---|
| R12-4 | Federal SDWA amendments that occurred during the period January 1, 2011 through June 30, 2011. |

The R12-4 docket amends rules in Part 611 only. The following table briefly summarizes the federal action in the update period:

| | |
|---|---|
| June 24, 2011 (76 Fed. Reg. 37014) | USEPA approved alternative testing methods for use in demonstrating compliance with the drinking water standards. USEPA added 11 alternative methods for analyzing various inorganic and organic chemical parameters and one radionuclide. USEPA included corrections to the listings for two earlier-approved alternative methods. |

Tables appear in the Board's opinion and order of April 19, 2012 in docket R12-4 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the April 19, 2012 opinion and order in docket R12-4.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

16) Information and questions regarding these adopted amendments shall be adopted to: Please reference consolidated docket R12-4 and direct inquiries to the following person:

Michael J. McCambridge

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6924

Request copies of the Board's opinion and order of April 19, 2012 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012.

SUBPART A: GENERAL

**Section 611.102 Incorporations by Reference**

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"AMI Turbiwell Method" means "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," available from NEMI or from SWAN Analytische Instrumente AG.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from Millipore Corporation, Technical Services Department.

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.

"Chromocult® Method" means "Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"Determination of Inorganic Oxyhalide" means "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," available from NTIS.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

"E*Colite Test" means "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," available from Charm Sciences, Inc. and USEPA, Water Resource Center.

"EC-MUG" means "Method 9221 F: Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia coli Procedure (Proposed)," available from American Public Health Association and American Waterworks Association.

"EML Procedures Manual" means "EML Procedures Manual, HASL 300," available from USDOE, EML.

"Enterolert" means "Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," available from American Society for Microbiology.

"Georgia Radium Method" means "The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge(Li) Detectors," Revision 1.2, December 2004, available from the Georgia Tech Research Institute.

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Filtration and Disinfection" means "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," March 1991, available from USEPA, NSCEP.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"Hach SPDANS 2 Method 10225" means "Hach Company SPADNS 2 (Arsenic-free) Fluoride Method 10225 − Spectrophotometric Measurement of Fluoride in Water and Wastewater," available from the Hach Co.

"Hach TNTplus 835/836 Method 10206" means "Hach Company TNTplus

835/836 Nitrate Method 10206 − Spectrophotometric Measurement of Nitrate in Water and Wastewater," available from the Hach Co.

"ITS Method D99-003" means Method D99-003, Revision 3.0, "Free Chlorine Species ($HOCl^-$ and $OCl^-$) by Test Strip," available from Industrial Test Systems, Inc.

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, available from NTIS.

"m-ColiBlue24 Test" means "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," available from USEPA, Water Resource Center and Hach Company.

"Method ME355.01" means "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," available from NEMI or from H&E Testing Laboratory.

"Mitchell Method M5271" means "Determination of Turbidity by Laser Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Mitchell Method M5331" means "Determination of Turbidity by LED Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Modified Colitag™ Method" means "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water," available from NEMI and CPI International.

"NA-MUG" means "Method 9222 G: Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures," available from American Public Health Association and American Waterworks Association.

"NCRP Report Number 22" means "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," available from NCRP.

"New Jersey Radium Method" means "Determination of Radium 228 in

Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

"OI Analytical Method OIA-1677" means "Method OIA-1677, DW Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," available from ALPKEM, Division of OI Analytical.

"ONPG-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 18th, 19th, 20th, or 21st ed., from American Public Health Association and the American Water Works Association.

"Orion Method AQ4500" means "Determination of Turbidity by LED Nephelometry," available from Thermo Scientific.

"Palintest ChloroSense" means "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," available from NEMI or Palintest Ltd.

"Palintest Method 1001" means "Method Number 1001," available from Palintest, Ltd. or the Hach Company.

"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

"Readycult® 2000" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.0, available from EMD Chemicals Inc.

"Readycult® 2007" means "Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.1, available from EMD Chemicals Inc.

"SimPlate Method" means "IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

~~"Systea Easy (1-Reagent)" means "Systea Easy (1-Reagent) Nitrate Method," available from NEMI or Systea Scientific LLC.~~

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," available from the American Public Health Association or the American Waterworks Association.

"Standard Methods Online" means the website maintained by the Standard Methods Organization (at www.standardmethods.org) for purchase of the latest versions of methods in an electronic format.

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Systea Easy (1-Reagent)" means "Systea Easy (1-Reagent) Nitrate Method," available from NEMI or Systea Scientific LLC.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

"USEPA Asbestos Method 100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Method 100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganic Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples,"

August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976. Available from NTIS.

"USEPA Method 1600" means "Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," available from USEPA, Water Resource Center.

"USEPA Method 1601" means "Method 1601: Male-specific ($F^+$) and Somatic Coliphage in Water by Two-step Enrichment Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1602" means "Method 1602: Male-specific ($F^+$) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1604" means "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," available from USEPA, Water Resource Center.

"USEPA NERL Method 200.5 (rev. 4.2)" means Method 200.5, Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma − Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 415.3 (rev. 1.1)" means Method 415.3, Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, February 2005,

EPA 600/R-05/055. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 415.3 (rev. 1.2)" means Method 415.3, Revision 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, August 2009, EPA 600/R-09/122. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 549.2" means Method 549.2, Revision 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997. Available from USEPA, Office of Research and Development.

"USEPA OGWDW Methods" means the methods listed as available from the USEPA, Office of Ground Water and Drinking Water (Methods 302.0, 317.0 (rev. 2.0), 326.0 (rev. 1.0), 327.0 (rev. 1.1), 334.0, 515.4 (rev. 1.0), 524.3 (rev. 1.0), 531.2 (rev. 1.0), 552.3 (rev. 1.0), 557, 1622 (99), 1622 (01), 1622 (05), 1623 (99), 1623 (01), and 1623 (05)). Available from NTIS; USEPA, NSCEP; or USEPA, OGWDW.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991) (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0)); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement I," July 1990 (Methods 547, 550, and 550.1); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement II," August 1992 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0)); and "Methods for the Determination of Organic Compounds in Drinking Water − Supplement III," August 1995 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0)). Available from NTIS; USEPA, NSCEP; or USEPA, EMSL.

"USEPA Organic and Inorganic Methods" means "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water,

Volume 1," EPA 815/R-00/014, PB2000-106981, August 2000. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Procedures" means "Radiochemistry Procedures Manual," EPA 520/5-84/006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS and USEPA, NSCEP.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory − Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

b) The Board incorporates the following publications by reference:

ALPKEM, Division of OI Analytical, P.O. Box 9010, College Station, TX 77842-9010, telephone: 979-690-1711, Internet: www.oico.com.

"Method OIA-1677 DW, Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," EPA 821/R-04/001, January 2004 (referred to as "OI Analytical Method OIA-1677"), referenced in Section 611.611.
BOARD NOTE: Also available online for download from www.epa.gov/waterscience/methods/method/cyanide/1677-2004.pdf.

APHA. American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 202-777-2742.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed."). See the methods listed separately for the same references under American Waterworks Association.

American Society for Microbiology, 1752 N Street N.W., Washington, DC 20036, 202-737-3600:

"Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," Applied and Environmental Microbiology, Oct. 1996, vol. 62, no. 10, p. 3881 (referred to as "Enterolert"), referenced in Section 611.802.

BOARD NOTE: At the table to 40 CFR 141.402(c)(2), USEPA approved the method as described in the above literature review. The method itself is embodied in the printed instructions to the proprietary kit available from IDEXX Laboratories, Inc. (accessible on-line and available by download from www.asm.org, as "Enterolert™ Procedure"). ASTM approved the method as "Standard Test Method for Enterococci in Water Using Enterolert™," which is available in two versions from ASTM: ASTM Method D6503-99 (superceded) and ASTM Method D6503-99. While it is more conventional to incorporate the method as presented in the kit instructions or as approved by ASTM by reference, the Board is constrained to incorporate the version that appears in the technical literature by reference, which is the version that USEPA has explicitly approved.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303-794-7711).

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method," S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988), referenced in Appendix D to this Part.

"Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 303, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 304, Radium in Water by Precipitation, referenced in Section 611.720.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 306, Tritium in Water, referenced in Section 611.720.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-$^{3}$H B, Tritium in Water, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium in Water by Precipitation, referenced in Section 611.720.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic

Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-$CN^-$ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-$CN^-$ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-$CN^-$ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$CN^-$ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-$ClO_2$ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-$ClO_2$ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-$ClO_2$ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-$F^-$ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-$F^-$ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$F^-$ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-$F^-$ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-$H^+$ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-$NO_2^-$ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ D**,** Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$O_3$ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity

(Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-$^{3}$H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate

Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter

Procedure, referenced in Section 611.531.

Method 9223, Chromogenic Substrate Coliform Test (Proposed) (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526~~,~~ and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

"Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame

Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric

Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Sections 611.381 and 611.531.

Method 4500-$ClO_2$ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-$ClO_2$ D, Chlorine Dioxide, DPD Method, referenced in Sections 611.381 and 611.531.

Method 4500-$ClO_2$ E, Chlorine Dioxide, Amperometric Method II, referenced in Sections 611.381 and 611.531.

Method 4500-$CN^-$ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-$CN^-$ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-$CN^-$ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$CN^-$ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-$F^-$ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-$F^-$ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$F^-$ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-$F^-$ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-$H^+$ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-$NO_2^-$ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$O_3$ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Section 611.381.

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-$^{3}$H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526 and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

"Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-$CN^-$ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-$CN^-$ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$CN^-$ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-$ClO_2$ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-$ClO_2$ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-$ClO_2$ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-$F^-$ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-$F^-$ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-$F^-$ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-$F^-$ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-$H^+$ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-$NO_2^-$ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$NO_3^-$ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-$O_3$ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

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Method 7500-$^{3}$H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

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Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Sections 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

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Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.381.

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Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

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Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

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Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

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Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

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BOARD NOTE: See the Board note appended to Standard Methods Online in this Section about methods that appear in Standard Methods, 21st ed. which USEPA has cited as available from Standard Methods Online.

BOARD NOTE: Individual Methods from Standard Methods are available online from Standard Methods Online.

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1999 (referred to as "m-ColiBlue24 Test"), referenced in Section 611.802 (also available from USEPA, Water Resource Center).

"Fluoride, USEPA SPADNS 2 Method 10225," revision 2.0, January 2011 (referred to as "Hach SPADNS 2 Method 10225"), referenced in Section 611.611.

"Hach Company TNTplus 835/836 Nitrate Method 10206 – Spectrophotometric Measurement of Nitrate in Water and Wastewater," revision 2.0, January 2011 (referred to as "Hach TNTplus 835/836 Method 10206"), referenced in Section 611.611.

IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092 (800-321-0207).

"IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," November 2000 (referred to as "SimPlate method"), referenced in Section 611.531.

Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.

Method D99-003, Revision 3.0, "Free Chlorine Species ($HOCl^-$ and $OCl^-$) by Test Strip," November 21, 2003 (referred to as "ITS Method D99-003"), referenced in Section 611.381.

Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218 (414-358-4200).

"Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," Revision 2.1, November 30, 2000 (referred to as "QuikChem Method 10-204-00-1-X"), referenced in Section 611.611.

Leck Mitchell, PhD, PE, 656 Independence Valley Dr., Grand Junction, CO 81507. See also NEMI.

Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531.

Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 (800-654-5476).

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test"), referenced in Section 611.526.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301-657-2652).

NCRP Report Number 22, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, June 5, 1959, referenced in Section 611.101.

NEMI. National Environmental Method Index (on-line at www.nemi.gov).

AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009. See also SWAN Analytische Instrumente AG.

Method ME355.01, Revision 1, "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," May 2009, referenced in Section 611.611. See also H&E Testing Laboratory.

Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE.

Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE

Modified Colitag™ Method, "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water (ATP D05-0035)," August 2009, referenced in Sections 611.526 and 611.802. See also CPI International, Inc.

Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also Thermo Scientific.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009 (referred to as "Palintest ChloroSense"), referenced in Sections 611.381 and 611.531. See also Palintest.

"Systea Easy (1-Reagent) Nitrate Method," referenced in Section 611.611. See also Systea Scientific, LLC.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (734-769-8010).

NSF Standard 61, section 9, November 1998, referenced in Sections 611.126 and 611.356.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703-487-4600 or 800-553-6847).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, Revision B, EPA 821/B-94/005, Doc. No. 94-104774, referenced in Section 611.645. See also USEPA, NSCEP.

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"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for

Occupational Exposure," NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce, referenced in Section 611.330.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA, referenced in Section 611.720.

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA 600/4-83-043, September 1983, Doc. No. PB83-260471, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," EPA 600/R-94-134, June 1994, Doc. No. PB94-201902, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, Doc. No. PB94-121811, referenced in Sections 611.381, 611.531, and 611.611. (Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also USEPA, NSCEP.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples − Supplement I," May 1994, EPA 600/R-94-111, Doc. No. PB95-125472, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also USEPA, NSCEP.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, Doc. No. PB84-128677 ~~(Methods 150.1, 150.2, and 245.2 only.)~~, referenced in Section 611.611. (Methods 150.1, 150.2, and 245.2 only.) See also USEPA, NSCEP.

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), Doc. No. PB253258, March 1976, referenced in Section 611.720.

USEPA OGWDW Methods, Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, Doc. No. PB2003-107402, referenced in Sections 611.381 and 611.382. See also USEPA, NSCEP and USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, Doc. No. PB2000-106981, referenced in Section 611.381. (For methods 300.1 (rev. 1.0) and 321.8 (rev. 1.0).) See also USEPA, NSCEP.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, Doc. No. PB91-231480, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement I," July 1990, EPA 600/4-90/020, Doc. No. PB91-146027, referenced in Section 611.645 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement II," August 1992, EPA 600/R-92/129, Doc. No. PB92-207703, referenced in Sections 611.381 and 611.645. (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); and "Methods for the Determination of Organic Compounds in Drinking Water − Supplement III," August 1995, EPA 600/R-95/131, Doc. No. PB95-261616, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only.) See also USEPA, EMSL and USEPA, NSCEP.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980, Doc. No. PB80-224744, referenced in Section 611.720 (Methods 900.0, 901.0, 901.1, 902.0, 903.0, 903.1, 904.0, 905.0, 906.0, 908.0, 908.1). See also USEPA, NSCEP.

USEPA Radiochemical Analyses, "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917, referenced in Section 611.720. (Pages 1-5, 19-32, 33-48, 65-73, 87-91, and 92-95 only.)

USEPA Radiochemistry Procedures, "Radiochemistry Procedures Manual," EPA 520/5-84-006, August 1984, Doc. No. PB84-215581 (referred to as ""), referenced in Section 611.720. (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04 only.)

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," EPA 600/R-94/173, October 1994, Doc. No. PB95-104766, referenced in Sections 611.531, 611.611, and 611.645. See also USEPA, NSCEP.

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2011~~2010~~): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm under the document designation "600R94173."

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

"Determination of Radium 228 in Drinking Water," August 1990 (referred to as "New Jersey Radium Method"), referenced in Section 611.720.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

"Determination of Ra-226 and Ra-228 (Ra-02)," January 1980, Revised June 1982 (referred to as "New York Radium Method"), referenced in Section 611.720.

Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY (800-835-9629).

Palintest Method 1001, "Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999, referenced in Section 611.611.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009, referenced in Sections 611.381 and 611.531. See also NEMI.

Standard Methods Online, available online from the Standard Methods Organization at www.standardmethods.org.

Method 3113 B-04, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B-04, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 6610 B-04, Carbamate Pesticides, High-Performance Liquid Chromatographic Method, referenced in Section 611.645.

Method 9230 B-04, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

BOARD NOTE: Where, in appendix A to subpart C of 40 CFR 141 (2011), USEPA has authorized use of an approved alternative method from Standard Methods Online, and that version of the method appears also in Standard Methods, 21st ed., the Board cites

only to Standard Methods, 21st ed. for that method. The methods that USEPA listed as available from Standard Methods Online, and which are listed above as in Standard Methods, 21st edition, are the following: 4500-P E-99 and~~,~~ 4500-P F-99; (for orthophosphate); 4500-$SO_4^{-2}$ C-97, 4500-$SO_4^{-2}$ D-97, 4500-$SO_4^{-2}$ E-97, and 4500-$SO_4^{-2}$ F-97 (for sulfate);~~,~~ 6640 B-01 (for 2,4-D, 2,4,5-TP (silvex) (dalapon, dinoseb, pentachlorophenol, and picloram); 5561 B-00 (for glyphosate);~~,~~ and 9223 B-97 (for E. coli). Since each method is the same version from both sources, the Board views a copy from Standard Methods Online as equivalent to a copy from Standard Methods Online, even though the Board does not also cite to Standard Methods Online. The Board intends that use of the version of the method that is incorporated by reference is acceptable from either source~~ is acceptable~~.

SWAN Analytische Instrumente AG, Studbachstrasse 13, CH-8340, Hinwil, Switzerland.

AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009, referenced in Section 611.531. See also NEMI.

Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419 (336-632-6000).

"Atrazine in Drinking Water by Immunoassay," February 2001 (referred to as "Syngenta AG-625"), referenced in Section 611.645.

Systea Scientific LLC, 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

Systea Easy (1-Reagent), "Systea Easy (1-Reagent) Nitrate Method,~~,~~" February 2009, referenced in Section 611.611. See also NEMI.

Thermo Scientific, 166 Cummings Center, Beverly, MA 01915~~.~~ (www.thermo.com).

Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also NEMI.

USDOE, EML. United States Department of Energy, Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621.

"EML Procedures Manual," HASL 300, 27th Edition, Volume 1, 1990 (referred to as "EML Procedures Manual (27th ed.)"), referenced in Section 611.720.

"EML Procedures Manual," HASL 300, 28th ed., 1997 (referred to as "EML Procedures Manual (28th ed.)"), referenced in Section 611.720.

USEPA, EMSL. United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, OH 45268 (513-569-7586).

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976, referenced in Section 611.720. See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement I," July 1990, EPA 600/4-90/020, referenced in Sections 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev.

1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, NSCEP.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," referenced in Section 611.720. See also NTIS.

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from http://www.epa.gov/nscep/).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA 821/B-94/005, referenced in Section 611.645. See also NTIS.

Guidance Manual for Filtration and Disinfection, "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources," March 1991, EPA 570/3-91-001, referenced in Section 611.111.

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, EPA 600/4-83-043, referenced in Section 611.611. See also NTIS.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, EPA 600/R-94-134, referenced in Section 611.611. See also NTIS.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, referenced in Sections 611.381, 611.531, and 611.611. (Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also NTIS.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples − Supplement I," May 1994, EPA 600/R-94-111, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also NTIS.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, referenced in Section 611.611. (Methods 150.1, 150.2, and 245.2 only.) See also NTIS.

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection," September 2009, EPA 815/B-09/014, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 317.0, rev. 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," July 2001, EPA 815/B-01/001, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 326.0, rev. 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, referenced in Sections 611.381 and 611.382. See also NTIS and USEPA, OGWDW.

USEPA OGWDW Methods, Method 327.0, rev. 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," May 2005, EPA 815/R-05/008, referenced in Sections 611.381 and 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 531.2, rev. 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf"), referenced in Section 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 552.3, rev. 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-Liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381, 611.382, and 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 1622 (01), "Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, referenced in Section 611.1007. See also USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, referenced in Section 611.381. (Methods 300.1 (rev. 1.0) and 321.8 (rev. 1.0) only.) See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039, referenced in Sections 611.645 and

611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement I," July 1990, EPA 600/4-90/020, referenced in Section 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water − Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, EMSL.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," August 1980, EPA 600/4-80/032, referenced in Section 611.720. (For methods 900.0, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1 only.) See also NTIS.

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," October 1994, EPA 600/R-94/173, referenced in Sections 611.531, 611.611, and 611.645. See also NTIS.

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2011~~2007~~): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm under the document designation "600R94173."

USEPA, OGWDW. United States Environmental Protection Agency, ~~USEPA,~~ Office of Ground Water and Drinking Water (accessible on-line and available by download from http://www.epa.gov/safewater/methods/).

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection," September 2009, EPA 815/B-09/014, referenced in Section 611.381. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 317.0, rev. 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," USEPA, July 2001, EPA 815/B-01/001, referenced in Section 611.381. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 326.0, rev. 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," USEPA, June 2002, EPA 815/R-03/007, referenced in Section 611.381. See also NTIS and USEPA, NSCEP.

USEPA OGWDW Methods, Method 327.0, rev. 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815/R-05/008, referenced in Sections 611.381 and 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," USEPA, August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 515.4, rev. 1.0, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," April 2000, EPA 815/B-00/001 (document file name "met515_4.pdf"), referenced in Section 611.645.

USEPA OGWDW Methods, Method 524.3, rev. 1.0, "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry," June 2009, EPA 815/B-09/009 (referred to as "Method 524.3 (rev. 1.0)"), referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 531.2, rev. 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf"), referenced in Section 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 552.3, rev. 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," USEPA, July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (05), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/001, referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1622 (01), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, referenced in Section 611.1007. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (99), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 1999, EPA 821/R-99/001, referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (05), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/002, referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1623 (01), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/025, referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (99), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," January 1999, EPA 821/R-99/006, referenced in Sections 611.1007.

BOARD NOTE: Many of the above-listed documents available from the USEPA, Office of Ground Water and Drinking Water are also listed as available from NTIS.

USEPA, ORD. USEPA, Office of Research and Development, National Exposure Research Laboratory, Microbiological & Chemical Exposure Assessment Research Division (accessible on-line and available by download from http://www.epa.gov/nerlcwww/ordmeth.htm).

USEPA NERL Method 200.5, rev. 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma − Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115, referenced in Sections 611.611 and 611.612.

USEPA NERL Method 415.3, rev. 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," February 2005, EPA 600/R-05/055, referenced in Section 611.381.

USEPA NERL Method 415.3, rev. 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source

Water and Drinking Water," February 2005, EPA 600/R-09/122, referenced in Section 611.381.

USEPA NERL Method 549.2, rev. 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997.

USEPA Water Resource Center (RC-4100T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460:

E*Colite Test, "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998, referenced in Section 611.802. See also Charm Sciences, Inc.

m-ColiBlue24 Test, "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, rev. 2, August 17, 1999, referenced in Section 611.802. See also The Hach Company.

USEPA Method 1600, "EPA Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," September 2002, EPA 821/R-02/022 is an approved variation of Standard Methods, Method 9230 C, "Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques" (which has not itself been approved for use by USEPA) (accessible on-line and available by download from http://www.epa.gov/nerlcwww/1600sp02.pdf), referenced in Section 611.802.

USEPA Method 1601, "Method 1601: Male-specific ($F^+$) and Somatic Coliphage in Water by Two-step Enrichment Procedure," April 2001, EPA 821/R-01/030 (accessible on-line and available by download from http://www.epa.gov/nerlcwww/1601ap01.pdf), referenced in Section 611.802.

USEPA Method 1602, "Method 1602: Male-specific ($F^+$) and Somatic Coliphage in Water by Single Agar Layer (SAL)

Procedure," April 2001, EPA 821/R-01/029 (accessible on-line and available by download from http://www.epa.gov/nerlcwww/1602ap01.pdf), referenced in Section 611.802.

USEPA Method 1604, "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," September 2002, EPA 821/R-02/024 (accessible on-line and available by download from http://www.epa.gov/nerlcwww/1604sp02.pdf), referenced in Section 611.802.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Methods available upon request by method number from "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory − Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993, or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85, referenced in Section 611.611.

I-1601-85, referenced in Section 611.611.

I-1700-85, referenced in Section 611.611.

I-2598-85, referenced in Section 611.611.

I-2601-90, referenced in Section 611.611.

I-2700-85, referenced in Section 611.611.

I-3300-85, referenced in Section 611.611.

Methods available upon request by method number from "Methods

for Determination of Radioactive Substances in Water and Fluvial Sediments," Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey," 1997.

R-1110-76, referenced in Section 611.720.

R-1111-76, referenced in Section 611.720.

R-1120-76, referenced in Section 611.720.

R-1140-76, referenced in Section 611.720.

R-1141-76, referenced in Section 611.720.

R-1142-76, referenced in Section 611.720.

R-1160-76, referenced in Section 611.720.

R-1171-76, referenced in Section 611.720.

R-1180-76, referenced in Section 611.720.

R-1181-76, referenced in Section 611.720.

R-1182-76, referenced in Section 611.720.

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 (800-252-4752 or 508-482-2131, fax: 508-482-3625).

"Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011"), referenced in Section 611.611.

c) The Board incorporates the following federal regulations by reference:

40 CFR 3.2 (2011~~2010~~) (How Does This Part Provide for Electronic Reporting?), referenced in Section 611.105.

40 CFR 3.3 (2011~~2010~~) (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

40 CFR 3.10 (2011~~2010~~) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

40 CFR 3.2000 (2011~~2010~~) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

40 CFR 136.3(a) (2011~~2010~~), referenced in Section 611.1004.

Appendix B to 40 CFR 136 (2011~~2010~~), referenced in Sections 611.359, 611.609, and 611.646.

40 CFR 142.20(b)(1) (2011~~2010~~), referenced in Section 611.112.

d) This Part incorporates no later amendments or editions.

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

**Section 611.130 Special Requirements for Certain Variances and Adjusted Standards**

a) Relief from the fluoride MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) of this Section for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as

an alternative means of significantly reducing the level of fluoride, according to a definite schedule:

i) A modification of lime softening;

ii) Alum coagulation;

iii) Electrodialysis;

iv) Anion exchange resins;

v) Well field management;

vi) The use of alternative sources of raw water; and

vii) Regionalization; and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) of this Section is technically feasible and would result in a significant reduction in fluoride.

4) Best available technology for fluoride reduction is as follows:

A) Activated alumina absorption centrally applied; and

B) Reverse osmosis centrally applied.

BOARD NOTE: Subsection (a) derived from 40 CFR 142.61 (2011~~2003~~).

b) Relief from an IOC, VOC, or SOC MCL.

1) In granting to a supplier that is a CWS or NTNCWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any IOC, listed in Section 611.301, the supplier must have first applied the best available technology

(BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (IOCs) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a), for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b).

2) The Board may require any of the following as a condition for relief from an MCL listed in Section 611.301 or 611.311:

A) That the supplier continue to investigate alternative means of compliance according to a definite schedule; and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) of this Section is technically feasible.

BOARD NOTE: Subsection (b) derived from 40 CFR 142.62(a) through (e)(2011~~2003~~).

c) Conditions requiring use of bottled water, a point-of-use treatment device, or a point-of-entry treatment device. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, a point-of-entry treatment device, or a point-of-use treatment device to avoid an unreasonable risk to health, limited as provided in subsections (d) and (e) of this Section.

1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, a point-of-entry treatment device, a point-of-use treatment device, or other means to avoid an unreasonable risk to health.

2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water, a point-of-use treatment device, or other means, but not a point-of-entry treatment device, to avoid an unreasonable risk to health.

3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use a point-of-entry treatment device to avoid an unreasonable risk to health.

BOARD NOTE: Subsection (c) derived from 40 CFR 142.62(f) (2011~~2003~~).

d) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311 or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections (d)(1), (d)(2), (d)(3), and (d)(6) or (d)(4), (d)(5), and (d)(6) of this Section.

1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection (d).

2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.

3) The supplier must annually provide the results of the monitoring program to the Agency.

4) The supplier must receive a certification from the bottled water company

as to each of the following:

A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;

B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (g)(3);

C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 165.110,~~103.35,~~ 110, and 129.

5) The supplier must provide the certification required by subsection (d)(4) of this Section to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.

6) The supplier must assure the provision of sufficient quantities of bottled water to every affected person supplied by the supplier via door-to-door bottled water delivery.

BOARD NOTE: Subsection (d) derived from 40 CFR 142.62(g) (2011~~2003~~).

e) Use of a point-of-entry treatment device. Before the Board grants any PWS a variance or adjusted standard from any NPDWR that includes a condition requiring the use of a point-of-entry treatment device, the supplier must demonstrate to the Board each of the following:

1) That the supplier will operate and maintain the device;

2) That the device provides health protection equivalent to that provided by central treatment;

3) That the supplier will maintain the microbiological safety of the water at all times;

4) That the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;

5) That the operation and maintenance of the device will account for any

potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contactor disinfection, and heterotrophic plate count monitoring;

6) That buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and

7) That the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Subsection (e) derived from 40 CFR 142.62(h) (2011~~2003~~).

f) Relief from the maximum contaminant levels for radionuclides ~~(effective December 8, 2003)~~.

1) Relief from the maximum contaminant levels for combined radium-226 and radium-228, uranium, gross alpha particle activity (excluding radon and uranium), and beta particle and photon radioactivity.

A) Section 611.330(g) sets forth what USEPA has identified as the best available technology (BAT), treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption.

B) In addition to the technologies listed in Section 611.330(g), Section 611.330(h) sets forth what USEPA has identified as the BAT, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption to small drinking water systems, defined here as those serving 10,000 persons or fewer, as shown in the second table set forth at Section 611.330(h).

2) The Board will require a CWS supplier to install and use any treatment technology identified in Section 611.330(g), or in the case of small water systems (those serving 10,000 persons or fewer), listed in Section 611.330(h), as a condition for granting relief equivalent to a federal section 1415 variance or a section 1416 exemption, except as provided in subsection (f) (3) of this Section. If, after the system's installation of the treatment technology, the system cannot meet the MCL, that system will be eligible for relief.

3) If a CWS supplier can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment technologies identified in this Section would only achieve a de minimus reduction in the contaminant level, the Board may issue a schedule of compliance that requires the system being granted relief equivalent to a federal section 1415 variance or a section 1416 exemption to examine other treatment technologies as a condition of obtaining the relief.

4) If the Agency determines that a treatment technology identified under subsection (f)(3) of this Section is technically feasible, it may request that the Board require the supplier to install and use that treatment technology in connection with a compliance schedule issued pursuant to Section 36 of the Act [415 ILCS 5/36]. The Agency's determination must be based upon studies by the system and other relevant information.

5) The Board may require a CWS to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330, to avoid an unreasonable risk to health.

6) A CWS supplier that uses bottled water as a condition for receiving relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330 must meet the requirements specified in either subsections (d)(1) through (d)(3) or (d)(4) through (d)(6) of this Section.

7) A CWS supplier that uses point-of-use or point-of-entry devices as a condition for obtaining relief equivalent to a federal section 1415 variance or a section 1416 exemption from the radionuclides NPDWRs must meet

the conditions in subsections (e)(1) through (e)(6) of this Section.

BOARD NOTE: Subsection (f) derived from 40 CFR 142.65 (2011~~2003~~).

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.611 Inorganic Analysis**

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

a) Analysis for the following contaminants must be conducted using the following methods or an alternative method approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102.

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium by USEPA Environmental Metals Method 200.7, sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; and lead by ASTM Method D3559-96 D or D3559-03 D unless multiple in-furnace depositions are made.

1) Alkalinity.

A) Titrimetric.

i) ASTM Method D1067-92 B, ~~or~~ D1067-02 B, or D1067-06 B; ~~o~~r

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 2320 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

B) Electrometric titration: USGS Methods, Method I-1030-85.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2320 B as an approved alternative method for alkalinity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1067-06 B and Standard Methods Online, Method 3113 B-04 as approved alternative methods for alkalinity in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

2) Antimony.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, hydride technique: ASTM Method D3697-92, D3697-02, or D3697-07.

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev.2.2).

D) Atomic absorption, furnace technique: ~~Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.~~

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113B and USEPA NERL Method 200.5 as approved alternative methods

for antimony in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3697-07 as an approved alternative method for antimony in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908. USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for antimony in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

3) Arsenic.

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by Method 200.8, the arsenic must be in the pentavalent state to provide uniform signal response. For direct analysis of arsenic with Method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/ℓ of sodium hypochlorite.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

C) Atomic absorption, furnace technique.

i) ASTM Method D2972-97 C, D2972-03 C, or D2972-08 C; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

D) Atomic absorption, hydride technique.

i) ASTM Method D2972-97 B, D2972-03 C, or D2972-08 B; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3114 B; or~~.~~

iii) Standard Methods Online, Method 3114 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3114 B USEPA NERL Method 200.5 as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D2972-08 B and C as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 and Method 3114 B-04 as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

4) Asbestos: Transmission electron microscopy: USEPA Asbestos Method-100.1 or USEPA Asbestos Method-100.2.

5) Barium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, or 21st ed., Method 3111 D.

D) Atomic absorption, furnace technique: ~~Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.~~

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 D, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for barium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for barium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

6) Beryllium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique.

i) ASTM Method D3645-97 B, D3645-03 B, or D3645-08 B; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for beryllium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3645-08 B as an approved alternative method for beryllium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for beryllium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

7) Cadmium.

A) Inductively coupled plasma arc furnace: USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4).

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique: ~~Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.~~

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for cadmium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method

3113 B-04 as an approved alternative method for cadmium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

8) Calcium.

A) EDTA titrimetric.

i) ASTM Method D511-93 A, D511-03 A, or D511-09 A; or

ii) Standard Methods, 18th or 19th ed., Method 3500-Ca D or Standard Methods, 20th or 21st ed., Method 3500-Ca B.

B) Atomic absorption, direct aspiration.

i) ASTM Method D511-93 B, D511-03 B, or D511-09 B; or

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3111 B.

C) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

D) Ion chromatography: ASTM Method D6919-03 or D6919-09.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Ca B and USEPA NERL Method 200.5 as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added ASTM Method D6919-09 as an

approved alternative method for calcium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

9) Chromium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique: ~~Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.~~

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as ~~an~~ approved alternative methods~~method~~ for chromium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for chromium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

10) Copper.

A) Atomic absorption, furnace technique.

i) ASTM Method D1688-95 C, D1688-02 C, or D1688-07 C; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

B) Atomic absorption, direct aspiration.

i) ASTM Method D1688-95 A, D1688-02 A, or D1688-07 A; or

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3111 B.

C) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

D) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as an approved alternative method for copper in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D1688-07 A and C as approved alternative methods for copper in

appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for copper in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

11) Conductivity; Conductance.

A) ASTM Method D1125-95(1999) A; or

B) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 2510 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2510 B as an approved alternative method for conductivity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

12) Cyanide.

A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed., Method 4500-$CN^-$ C), followed by spectrophotometric, amenable.

i) ASTM Method D2036-98 B or 2036-06 B; or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$CN^-$ G.

B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed., Method 4500-$CN^-$ C), followed by spectrophotometric, manual.

i) ASTM Method D2036-98 A or D2036-06 A;

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$CN^-$ E; or

iii) USGS Methods, Method I-3300-85.

C) Spectrophotometric, semiautomated: USEPA Environmental Inorganic Methods, Method 335.4 (rev. 1.0).

D) Selective electrode: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$CN^-$ F.

E) UV/Distillation/Spectrophotometric: Kelada 01.

F) Microdistillation/Flow Injection/Spectrophotometric: QuickChem 10-204-00-1-X.

G) Ligand exchange and amperometry.

i) ASTM Method D6888-03.

ii) OI Analytical Method OIA-1677 DW.

H) Gas chromatography-mass spectrometry headspace: Method ME355.01.

BOARD NOTE: USEPA added ASTM Method D2036-06 A and Standard Methods, 21st ed., Methods 4500-$CN^-$E, F, and G as approved alternative methods for cyanide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Method ME355.01 as an approved alternative method for cyanide in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

13) Fluoride.

A) Ion Chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03; ~~or~~

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B; or~~.~~

iv) Hach SPADNS 2 Method 10225.

B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$F^-$ B and D.

C) Manual electrode.

i) ASTM Method D1179-93 B, D1179-99 B, or D1179-04 B; or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$F^-$ C.

D) Automated electrode: Technicon Methods, Method 380-75WE.

E) Automated alizarin.

i) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$F^-$ E; or

ii) Technicon Methods, Method 129-71W.

F) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00 (2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500-$F^-$ B, C, D, and E and ASTM Method D1179-04 B as approved alternative methods for fluoride in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Hach SPADNS 2 Method 10225 as an approved alternative method for fluoride in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

14) Lead.

A) Atomic absorption, furnace technique.

i) ASTM Method D3559-96 D, D3559-03 D, or D3559-08 D; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Differential Pulse Anodic Stripping Voltammetry: Palintest Method 1001.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for lead in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3559-08 D as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

15) Magnesium.

A) Atomic absorption.

i) ASTM Method D511-93 B, D511-03 B, or D511-09 B; or

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3111 B.

B) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

C) Complexation titrimetric.

i) ASTM Method D511-93 A, D511-03 A, or D511-09 A; or

ii) Standard Methods, 18th or 19th ed., Method 3500-Mg E or Standard Methods, 20th or 21st ed., Method 3500-Mg B.

D) Ion chromatography: ASTM Method D6919-03 or D6919-09.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Mg B and USEPA NERL Method 200.5 as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added ASTM Method D6919-09 as an approved alternative method for magnesium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

16) Mercury.

A) Manual cold vapor technique.

i) USEPA Environmental Metals Methods, Method 245.1 (rev. 3.0);

ii) ASTM Method D3223-97 or D3223-02; or

iii) Standard Methods, 18th, 19th, or 21st ed., Method 3112 B.

B) Automated cold vapor technique: USEPA Inorganic Methods, Method 245.2.

C) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3112 B as an approved alternative method for mercury in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

17) Nickel.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, or 21st ed., Method 3111 B.

E) Atomic absorption, furnace technique: ~~Standard Methods, 18th, 19th, or 21st ed., Method 3113 B.~~

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for nickel in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for nickel in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

18) Nitrate.

A) Ion chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03;

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B; or

iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

i) USEPA Environmental Inorganic Methods, Method 353.2 (rev. 2.0);

ii) ASTM Method D3867-90 A; or

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_3^-$ F.

C) Ion selective electrode.

i) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_3^-$ D; or

ii) Technical Bulletin 601.

D) Manual cadmium reduction.

i) ASTM Method D3867-90 B; or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_3^-$ E.

E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

F) Reduction-colorimetric: Systea Easy (1-Reagent).

G) Direct colorimetric: Hach TNTplus 835/836 Method 10206.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500-$NO_3^-$ D, E, and F as approved alternative methods for nitrate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Systea Easy (1-Reagent) as an approved alternative method for nitrate in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348). USEPA added Hach TNTplus 835/836 Method 10206 as an approved alternative method for nitrate in

appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

19) Nitrite.

A) Ion chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03;

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B; or

iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

i) USEPA Environmental Inorganic Methods, Method 353.2 (rev. 2.0);

ii) ASTM Method D3867-90 A; or

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_3^-$ F.

C) Manual cadmium reduction.

i) ASTM Method D3867-90 B; or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_3^-$ E.

D) Spectrophotometric: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$NO_2^-$ B.

E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

F) Reduction-colorimetric: Systea Easy (1-Reagent).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B, 4500-$NO_3^-$ E and F; and 4500-$NO_2^-$ B as approved alternative methods for nitrite in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Systea Easy (1-Reagent) as an approved alternative method for nitrite in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348).

20) Orthophosphate (unfiltered, without digestion or hydrolysis).

A) Automated colorimetric, ascorbic acid.

i) USEPA Environmental Inorganic Methods, Method 365.1 (rev. 2.0); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-P F.

B) Single reagent colorimetric, ascorbic acid.

i) ASTM Method D515-88 A; or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-P E.

C) Colorimetric, phosphomolybdate: USGS Methods, Method I-1601-85.

D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods, Method I-2601-90.

E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods, Method I-2598-85.

F) Ion Chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03; or

iii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4110 B.

G) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for orthophosphate to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00(2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B, 4500-P E and F as approved alternative methods for orthophosphate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

21) pH: electrometric.

A) USEPA Inorganic Methods, Method 150.1 or Method 150.2;

B) ASTM Method D1293-95 or D1293-99; or

C) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 4500-$H^+$ B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-$H^+$ B as an approved alternative method for pH in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

22) Selenium.

A) Atomic absorption, hydride.

i) ASTM Method D3859-98 A, D3859-03 A, or D3859-08 A; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3114 B; or~~.~~

iii) Standard Methods Online, Method 3114 B-09.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique.

i) ASTM Method D3859-98 B, D3859-03 B, or D3859-08 B; ~~or~~

ii) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or~~.~~

iii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3114 B and USEPA NERL Method 200.5 as approved alternative methods for selenium in appendix A to subpart C of 40 CFR

141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3859-08 A and B as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 and Method 3114 B-09 as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

23) Silica.

A) Colorimetric, molybdate blue: USGS Methods, Method I-1700-85.

B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods, Method I-2700-85.

C) Colorimetric: ASTM Method D859-94, D859-00, or D859-05.

D) Molybdosilicate: Standard Methods, 18th or 19th ed., Method 4500-Si D or Standard Methods, 20th or 21st ed., Method 4500-$SiO_2$ C.

E) Heteropoly blue: Standard Methods, 18th or 19th ed., Method 4500-Si E or Standard Methods, 20th or 21st ed., Method 4500-$SiO_2$ D.

F) Automated method for molybdate-reactive silica: Standard Methods, 18th or 19th ed., Method 4500-Si F or Standard Methods, 20th or 21st ed., Method 4500-$SiO_2$ E.

G) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 3120 B.

H) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added ASTM Method D859-05, Standard Methods, 21st ed.; Methods 3120 B and 4500-$SiO_2$ C, D, and E; and USEPA NERL Method 200.5 as approved alternative methods for silica in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

24) Sodium.

A) Inductively coupled plasma: USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4).

B) Atomic absorption, direct aspiration: Standard Methods, 18th, 19th, or 21st ed., Method 3111 B.

C) Ion chromatography: ASTM Method D6919-03 or D6919-09.

D) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA~~USPEA~~ NERL Method 200.5 as approved alternative methods for sodium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D6919-09 as an approved alternative method for sodium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

25) Temperature; thermometric: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 2550.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2550 as an approved alternative method for temperature in appendix A to subpart C on June 3, 2008 (at 73 Fed. Reg. 31616).

26) Thallium.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

b) Sample collection for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4° C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 are followed.

1) Antimony.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

2) Arsenic.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

3) Asbestos.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

4) Barium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

5) Beryllium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

6) Cadmium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

7) Chromium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

8) Cyanide.

A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

9) Fluoride.

A) Preservative: None.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within one month.

10) Mercury.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

11) Nickel.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

12) Nitrate, chlorinated.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

13) Nitrate, non-chlorinated.

A) Preservative: Concentrated sulfuric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

14) Nitrite.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

15) Selenium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

16) Thallium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

c) Analyses under this Subpart N must be conducted by laboratories that received approval from USEPA or the Agency. The Agency must certify laboratories to conduct analyses for antimony, arsenic (effective January 23, 2006), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:

1) It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and

2) It achieves quantitative results on the analyses within the following acceptance limits:

A) Antimony: ± 30% at greater than or equal to 0.006 mg/ℓ.

B) Arsenic: ± 30% at greater than or equal to 0.003 mg/ℓ.

C) Asbestos: 2 standard deviations based on study statistics.

D) Barium: ± 15% at greater than or equal to 0.15 mg/ℓ.

E) Beryllium: ± 15% at greater than or equal to 0.001 mg/ℓ.

F) Cadmium: ± 20% at greater than or equal to 0.002 mg/ℓ.

G) Chromium: ± 15% at greater than or equal to 0.01 mg/ℓ.

H) Cyanide: ± 25% at greater than or equal to 0.1 mg/ℓ.

I) Fluoride: ± 10% at 1 to 10 mg/ℓ.

J) Mercury: ± 30% at greater than or equal to 0.0005 mg/ℓ.

K) Nickel: ± 15% at greater than or equal to 0.01 mg/ℓ.

L) Nitrate: ± 10% at greater than or equal to 0.4 mg/ℓ.

M) Nitrite: ± 15% at greater than or equal to 0.4 mg/ℓ.

N) Selenium: ± 20% at greater than or equal to 0.01 mg/ℓ.

O) Thallium: ± 30% at greater than or equal to 0.002 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.23(k) and appendix A to 40 CFR 141 (2011~~2010~~).

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

**Section 611.612 Monitoring Requirements for Old Inorganic MCLs**

a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

3) This subsection (a)(3) corresponds with 40 CFR 141.23(1)(3), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.

4) This subsection (a)(4) corresponds with 40 CFR 141.23(1)(4) ,which authorizes the state to determine compliance and initiate enforcement

action. This statement maintains structural consistency with USEPA rules.

b) If the result of an analysis made under subsection (a) of this Section indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must report to the Agency within seven days and initiate three additional analyses at the same sampling point within one month.

c) When the average of four analyses made pursuant to subsection (b) of this Section, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier must notify the Agency and give notice to the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.

d) This subsection (d) corresponds with 40 CFR 141.23(o), which pertains to monitoring for the repealed old MCL for nitrate. This statement maintains structural consistency with USEPA rules.

e) This subsection (e) corresponds with 40 CFR 141.23(p), which pertains to the use of existing data up until a date long since expired. This statement maintains structural consistency with USEPA rules.

f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102, or alternative methods approved by the Agency pursuant to Section 611.480.

1) Fluoride: The methods specified in Section 611.611(c) must apply for the purposes of this Section.

2) Iron.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, or 21st ed.;

ii) Method 3113 B, 18th, 19th, or 21st ed.;

iii) Method 3120 B, 18th, 19th, 20th, or 21st ed.

B) Standard Methods Online, Method 3113 B-04.

C~~B~~) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4); or

ii) Method 200.9 (rev. 2.2).

D~~C~~) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for iron in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for iron in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

3) Manganese.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, or 21st ed.;

ii) Method 3113 B, 18th, 19th, or 21st ed.; or

iii) Method 3120 B, 18th, 19th, 20th, or 21st ed.

B) Standard Methods Online, Method 3113 B-04.

C~~B~~) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4);

ii) Method 200.8 (rev. 5.3); or

iii) Method 200.9 (rev. 2.2).

D~~C~~) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for manganese in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for manganese in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

4) Zinc.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, or 21st ed.; or

ii) Method 3120 B, 18th , 19th, 20th, or 21st ed.

B) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4); or

ii) Method 200.8 (rev. 5.3).

C) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for zinc in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

BOARD NOTE: The provisions of subsections (a) through (e) of this Section derive from 40 CFR 141.23(l) through (p) (2011~~2010~~). Subsections (f)(2) through (f)(4) of this Section relate exclusively to additional State requirements. The Board retained subsection (f) of this Section to set forth methods for the inorganic contaminants for which there is a State-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) and appendix A to subpart C of 40 CFR 141 (2011~~2010~~), for secondary MCLs.

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.645 Analytical Methods for Organic Chemical Contaminants**

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential must be conducted using the methods listed in this Section. ~~All methods are from USEPA Organic Methods, unless otherwise indicated.~~ All methods are incorporated by reference in Section 611.102. Other required analytical test procedures germane to the conduct of these analyses are contained in the USEPA document, "Technical Notes of Drinking Water Methods," incorporated by reference in Section 611.102.

a) Volatile Organic Chemical Contaminants (VOCs).

| Contaminant | Analytical Methods |
|---|---|
| Benzene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Carbon tetrachloride | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and~~,~~ 551.1 (rev. 1.0) |
| Chlorobenzene | USEPA Organic Methods, Methods |

| | |
|---|---|
| | 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,2-Dichlorobenzene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,4-Dichlorobenzene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,2-Dichloroethane | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| cis-Dichloroethylene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| trans-Dichloroethylene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Dichloromethane | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,2-Dichloropropane | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Ethylbenzene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Styrene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |

| | |
|---|---|
| Tetrachloroethylene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0)and~~,~~ 551.1 (rev. 1.0) |
| 1,1,1-Trichloroethane | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and~~,~~ 551.1 (rev. 1.0) |
| Trichloroethylene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and~~,~~ 551.1 (rev. 1.0) |
| Toluene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,2,4-Trichlorobenzene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,1-Dichloroethylene | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| 1,1,2-Trichloroethane | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Vinyl chloride | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |
| Xylenes (total) | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1);~~,~~ USEPA OGWDW Methods, Method 524.3 (rev. 1.0) |

BOARD NOTE: USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for all of the VOCs in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

b) Synthetic Organic Chemical Contaminants (SOCs).

| Contaminant | Analytical Methods |
|---|---|
| 2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin) | Dioxin and Furan Method 1613 (rev. B) |
| 2,4-D | USEPA Organic Methods, Methods 515.2 (rev. 1.1), 555 (rev. 1.0), and 515.1 (rev. 4.0);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Method 515.4 (rev. 1.0);~~,~~ ASTM Method D5317-93 or D5317-98; Standard Methods, 21st ed., Method 6640 B |
| 2,4,5-TP (Silvex) | USEPA Organic Methods, Methods 515.2 (rev. 1.1), 555 (rev. 1.0), and 515.1 (rev. 4.0);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Method 515.4 (rev. 1.0);~~,~~ ASTM Method D5317-93 or D5317-98; Standard Methods, 21st ed., Method 6640 B |
| Alachlor | USEPA Organic Methods, Methods 505 (rev. 2.1)[1], 507 (rev. 2.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Atrazine | USEPA Organic Methods, Methods 505 (rev. 2.1)[1], 507 (rev. 2.1), 508.1 (rev. 2.1), 525.2 (rev. 2.0), and 551.1 (rev. 1.0);~~,~~ Syngenta AG-625[2] |
| Benzo(a)pyrene | USEPA Organic Methods, Methods 525.2 (rev. 2.0), 550, and 550.1 |

| | |
|---|---|
| Carbofuran | USEPA Organic Methods, Methods 531.1 (rev. 3.1);~~,~~ USEPA OGWDW Methods, Method 531.2 (rev. 1.0);~~,~~ Standard Methods, 18th ed. Supplement, 19th ed., or 20th ed., Method 6610;~~ or~~ Standard Methods, 21st ed., Method 6610 B;~~ or~~ Standard Methods Online, Method 6610 B-04 |
| Chlordane | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.1), and 525.2 (rev. 2.0) |
| Dalapon | USEPA Organic Methods, Methods 515.1 (rev. 4.0), 552.1 (rev. 1.0), and 552.2 (rev. 1.0);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Methods 515.4 (rev. 1.0), 552.3 (rev. 1.0), and 557;~~ and~~ Standard Methods, 21st ed., Method 6640 B |
| Di(2-ethylhexyl)adipate | USEPA Organic Methods, Methods 506 (rev. 1.1) and~~,~~ 525.2 (rev. 2.0) |
| Di(2-ethylhexyl)phthalate | USEPA Organic Methods, Methods 506 (rev. 1.1) and~~,~~ 525.2 (rev. 2.0) |
| Dibromochloropropane (DBCP) | USEPA Organic Methods, Methods 504.1 (rev. 1.1), USEPA OGWDW Methods, Methods~~Method~~ 524.3 (rev. 1.0) and~~,~~ 551.1 (rev. 1.0) |
| Dinoseb | USEPA Organic Methods, Methods 515.1 (rev. 4.0) and~~,~~ 515.2 (rev. 1.1);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Methods~~Method~~ 515.4 (rev. 1.0) and~~,~~ 555 (rev. 1.0); Standard Methods, 21st ed., Method 6640 B |
| Diquat | USEPA NERL Method 549.2 (rev. 1.0) |

| | |
|---|---|
| Endothall | USEPA Organic Methods, Method 548.1 (rev. 1.0) |
| Endrin | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Ethylene dibromide (EDB) | USEPA Organic Methods, Method 504.1 (rev. 1.1);~~,~~ USEPA OGWDW Methods, Methods~~Method~~ 524.3 (rev. 1.0) and~~,~~ 551.1 (rev.1.0) |
| Glyphosate | USEPA Organic Methods, Method 547;~~,~~ Standard Methods, 18th ed., 19th ed., ~~or~~ 20th, or 21st ed., Method 6651 B |
| Heptachlor | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Heptachlor Epoxide | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev.1.0) |
| Hexachlorobenzene | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Hexachlorocyclopentadiene | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Lindane | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Methoxychlor | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |

| | |
|---|---|
| Oxamyl | USEPA Organic Methods, Method 531.1 (rev. 3.1); USEPA OGWDW Methods, Method 531.2 (rev. 1.0); Standard Methods, 18th ed. Supplement, 19th ed.~~,~~ or 20th ed. Method 6610; Standard Methods, 21st ed., Method 6610 B;~~ or~~ Standard Methods Online, Method 6610 B-04 |
| PCBs (measured for compliance purposes as decachlorobiphenyl) | USEPA Organic Methods, Method 508A (rev. 1.0) |
| PCBs (qualitatively identified as Aroclors) | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), and 525.2 (rev. 2.0) |
| Pentachlorophenol | USEPA Organic Methods, Methods 515.1 (rev. 4.0), 515.2 (rev. 1.1), 525.2 (rev. 2.0), and 555 (rev. 1.0);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Method 515.4 (rev. 1.0);~~,~~ ASTM Method D5317-93 or D5317-98 (2003); Standard Methods, 21st ed., Method 6640 B |
| Picloram | USEPA Organic Methods, Methods 515.1 (rev. 4.0), 515.2, (rev. 1.1) and 555 (rev. 1.0);~~,~~ USEPA Organic and Inorganic Methods, Method 515.3 (rev. 1.0);~~,~~ USEPA OGWDW Methods, Method 515.4 (rev. 1.0);~~,~~ ASTM Method D5317-93 or D5317-98 (2003); Standard Methods, 21st ed., Method 6640 B |
| Simazine | USEPA Organic Methods, Methods 505 (rev. 2.1)[1], 507 (rev. 2.1), 508.1 (rev. 2.0), 525.2 (rev. 2.0), and 551.1 (rev. 1.0) |
| Toxaphene | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 2.1), 508.1 (rev. 2.0), and 525.2 (rev. 2.0) |

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 6610 B and Standard Methods Online, Method 6610 B-04 as approved alternative methods for carbofuran and oxamyl on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for dibromochloropropane and ethylene dibromide in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA approved Standard Methods, 21st ed., Method 6640 B and Standard Methods Online, Method 6640 B-01 and USEPA OGWDW Methods, Method 557 as approved alternative methods for dalapon in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295). USEPA added Standard Methods, 21st ed., Method 6640 B as an approved alternative method for 2,4-D, 2,4,5-TP (Silvex), dinoseb, pentachlorophenol, and picloram in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, Online, Method 6640 B-01 as an approved alternative method for 2,4-D, 2,4,5-TP (Silvex), dalapon, dinoseb, pentachlorophenol, and picloram and in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). Since the version of Method 6640-B that appears in Standard Methods Online is the same as that which appears in Standard Methods, 21st ed., the Board has cited only to Standard Methods, 21st ed. USEPA added Standard Methods, 21st ed., Method 6651 B as an approved alternative method for glyphosate in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods Online, Method 6651 B-00 as an approved alternative method for glyphosate in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). Since the version of Method 6651 B that appears in Standard Methods Online is the same as that which appears in Standard Methods, 21st ed., the Board has cited only to Standard Methods, 21st ed.

c) Total Trihalomethanes (TTHMs).

| Contaminant | Analytical Methods |
|---|---|
| Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential | USEPA Organic Methods, Methods 502.2 (rev. 2.1) and~~,~~ 524.2 (rev. 4.1)~~,~~; USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and~~,~~ 551.1 (rev. 1.0) |

BOARD NOTE: USEPA added USEPA OGWDW Method 524.3 (rev. 1.0) as an alternative method for total trihalomethane in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348).

d) State-Only MCLs (for which a method is not listed in subsections (a) through (c) of this Section ~~above~~).

| Contaminant | Analytical Methods |
|---|---|
| Aldrin | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), and 525.2 (rev. 2.0) |
| DDT | USEPA Organic Methods, Methods 505 (rev. 2.1) and~~,~~ 508 (rev. 3.1) |
| Dieldrin | USEPA Organic Methods, Methods 505 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), and 525.2 (rev. 2.0) |

e) The following footnotes are appended to method entries in subsections (a) and (b) of this Section:

[1] denotes that, for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

[2] denotes that Syngenta Method AG-625 may not be used for the analysis of atrazine in any system where chlorine dioxide is used for drinking water treatment. In samples from all other systems, any result for atrazine generated by Syngenta Method AG-625 that is greater than one-half the maximum contaminant level (MCL) (in other words, greater than 0.0015mg/ℓ or 1.5 µg/ℓ) must be confirmed using another approved method for this contaminant and should use additional volume of the original sample collected for compliance monitoring. In instances where a result from Syngenta Method AG-625 triggers such confirmatory testing, the confirmatory result is to be used to determine compliance.

BOARD NOTE: Derived from 40 CFR 141.24(e) and appendix A to subpart C of 40 CFR 141 (2011)~~(2010), as amended at 74 Fed. Reg. 38348 (August 3, 2009) and 75 Fed. Reg. 32295 (June 8, 2010)~~.

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.680 Sampling, Analytical, and other Requirements (Repealed)**

~~a) Required monitoring.~~

~~1) A CWS supplier that serves a population of 10,000 or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process must analyze for TTHMs in accordance with this Subpart P.~~

~~2) For the purpose of this Subpart P, the minimum number of samples required to be taken by the supplier must be based on the number of treatment plants used by the supplier. However, the Agency shall, by a SEP issued pursuant to Section 611.110, provide that multiple wells drawing raw water from a single aquifer be considered one treatment plant for determining the minimum number of samples.~~

~~3) All samples taken within an established frequency must be collected within a 24-hour period.~~

~~b) A CWS supplier that serves 10,000 or more individuals.~~

~~1) For a CWS supplier utilizing surface a water source in whole or in part, and for a CWS supplier utilizing only a groundwater source, except as provided in Section 611.683, analyses for TTHMs must be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples must be taken at locations within the distribution system reflecting the maximum residence time (MRT) of the water in the system. The remaining 75 percent must be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter must be arithmetically averaged and reported to the Agency within 30 days after the supplier's receipt of such results. All samples collected must be used in the computation of the average, unless the analytical~~

~~results are invalidated for technical reasons. Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.~~

~~2)~~ ~~Upon application by a CWS supplier, the Agency must, by a SEP issued pursuant to Section 611.110, reduce the monitoring frequency required by subsection (b)(1) to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the MRT of the water in the system, if the Agency determines that the data from at least one year of monitoring in accordance with subsection (b)(1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.~~

~~3)~~ ~~If at any time during which the reduced monitoring frequency prescribed under this subsection (b) applies, the results from any analysis exceed 0.10 mg/ℓ TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the CWS supplier makes any significant change to its source of water or treatment program, the supplier must immediately begin monitoring in accordance with the requirements of subsection (b)(1), which monitoring must continue for at least one year before the frequency may be reduced again. The Agency must, by a SEP issued pursuant to Section 611.110, require monitoring in excess of the minimum frequency where it is necessary to detect variations of TTHM levels within the distribution system.~~

~~BOARD NOTE: Subsections (a) and (b) of this Section are derived from 40 CFR 141.30(a) and (b) (2010), modified to remove the limitation regarding addition of disinfectant.~~

~~c)~~ ~~Surface water sources for a CWS supplier that serves fewer than 10,000 individuals. Suppliers must have submitted at least one initial sample per treatment plant for analysis or analytical results from a certified laboratory for MRT concentration taken between May 1, 1990, and October 31, 1990. After written request by the supplier and the determination by the Agency that the results of the sample indicate that the CWS supplier is not likely to exceed the MCL, the CWS must continue to submit one annual sample per treatment plant for analysis or analytical results from a certified laboratory to the Agency taken between May 1 and October 31 of succeeding years. If the sample exceeds the MCL, the CWS must submit to the Agency samples in accordance with the sampling frequency specified in subsection (b) of this Section.~~

~~BOARD NOTE: This is an additional State requirement.~~

~~d) Groundwater sources for a CWS supplier that serves fewer than 10,000 individuals. Suppliers are not required to submit samples for THM analysis under this Subpart P.~~

~~BOARD NOTE: This is an additional State requirement.~~

(Source: Repealed at 36 Ill. Reg. 7110, effective April 25, 2012)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.720 Analytical Methods**

a) The methods specified below, or alternative methods approved by the Agency pursuant to Section 611.480, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.

1) Gross Alpha and Beta.

A) Standard Methods.

i) Method 302, 13th ed.; or

ii) Method 7110 B, 17th, 18th, 19th, 20th, or 21st ed.;

B) USEPA Interim Radiochemical Methods: pages 1-3;

C) USEPA Radioactivity Methods, Method 900.0;

D) USEPA Radiochemical Analyses: pages 1-5;

E) USEPA Radiochemistry Procedures, Method 00-01; or

F) USGS Methods, Method R-1120-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7110 B as an approved alternative method for gross alpha and beta in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

2) Gross Alpha.

A) Standard Methods, 18th, 19th, 20th, or 21st ed., Method 7110 C; or

B) USEPA Radiochemistry Procedures, Method 00-02.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7110 C as an approved alternative method for gross alpha in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

3) Radium-226.

A) ASTM Methods.

i) Method D2460-97 or D2460-07; or

ii) Method D3454-97 or D3454-05;

B) New York Radium Method;

C) Standard Methods.

i) Method 304, 13th ed.;

ii) Method 305, 13th ed.;

iii) Method 7500-Ra B, 17th, 18th, 19th, 20th, or 21st ed.; or

iv) Method 7500-Ra C, 17th, 18th, 19th, 20th, or 21st ed.;

D) EML Procedures Manual (27th or 28th ed.), Method Ra-04;

E) USEPA Interim Radiochemical Methods: pages 13-15 or 16-23;

F) USEPA Radioactivity Methods, Methods 903.0, 903.1;

G) USEPA Radiochemical Analyses, pages 19-32;

H) USEPA Radiochemistry Procedures, Method Ra-03 or Ra-04; or

I) USGS Methods.

i) Method R-1140-76; or

ii) Method R-1141-76.

J) Georgia Radium Method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7500-Ra B and C as approved alternative methods for radium-226 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D2460-07 and D3454-05 as approved alternative methods for radium-226 in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

4) Radium-228.

A) Standard Methods, 17th, 18th, 19th, 20th, or 21st ed., Method 7500-Ra D;

B) New York Radium Method;

C) USEPA Interim Radiochemical Methods, pages 24-28;

D) USEPA Radioactivity Methods, Method 904.0;

E) USEPA Radiochemical Analyses, pages 19-32;

F) USEPA Radiochemistry Procedures, Method Ra-05;

G) USGS Methods, Method R-1142-76;

H) New Jersey Radium Method; or

I) Georgia Radium Method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-Ra D as an approved alternative method for radium-228 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

5) Uranium.

A) Standard Methods, 17th, 18th, 19th, 20th, or 21st ed., Method 7500-U C;

B) Standard Methods, 20th ed., Method 3125;

C) ASTM Methods.

i) Method D2907-97;

ii) Method D3972-97 or D3972-02;

iii) Method D5174-97, D5174-02, ~~or~~ D5174-07, or D3972-09; or

iv) Method D5673-03 or Method 5673-05;

D) USEPA Radioactivity Methods, Methods 908.0, 908.1;

E) USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3);

F) USEPA Radiochemical Analyses, pages 33-48;

G) USEPA Radiochemistry Procedures, Method 00-07;

H) EML Procedures Manual (27th or 28th ed.), Method U-02 or U-04; or

I) USGS Methods.

i) Method R-1180-76;

ii) Method R-1181-76; or

iii) Method R-1182-76.

BOARD NOTE: If uranium (U) is determined by mass, a conversion factor of 0.67 pCi/µg of uranium must be used. This conversion factor is based on the 1:1 activity ratio of $^{234}U$ and $^{238}U$ that is characteristic of naturally occurring uranium.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-U C and ASTM D5673-05 as approved alternative methods for uranium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D5174-07 as an approved alternative method for uranium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295). USEPA added ASTM Method D3972-09 as an approved alternative method for uranium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014).

6) Radioactive Cesium.

A) ASTM Methods.

i) Method D2459-72; or

ii) Method D3649-91, D3649-98a, or D3649-06;

B) Standard Methods.

i) Method 7120, 19th, 20th, or 21st ed.; or

ii) Method 7500-Cs B, 17th, 18th, 19th, 20th, or 21st ed.;

C) EML Procedures Manual (27th or 28th ed.), Method 4.5.2.3;

D) USEPA Interim Radiochemical Methods, pages 4-5;

E) USEPA Radioactivity Methods, Methods 901.0, 901.1;

F) USEPA Radiochemical Analyses, pages 92-95; or

G) USGS Methods.

i) Method R-1110-76; or

ii) Method R-1111-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120 and 7500-Cs B as approved alternative methods for radioactive cesium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3649-06 as an approved alternative method for radioactive cesium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

7) Radioactive Iodine.

A) ASTM Methods.

i) D3649-91, D3649-98a, or D3649-06; or

ii) D4785-93, D4785-98, or D4785-08;

B) Standard Methods.

i) Method 7120, 19th, 20th, or 21st ed.;

ii) Method 7500-I B, 17th, 18th, 19th, 20th, or 21st ed.;

iii) Method 7500-I C, 17th, 18th, 19th, 20th, or 21st ed.; or

iv) Method 7500-I D, 17th, 18th, 19th, 20th, or 21st ed.;

C) EML Procedures Manual (27th or 28th ed.), Method 4.5.2.3;

D) USEPA Interim Radiochemical Methods, pages 6-8 or 9-12;

E) USEPA Radiochemical Analyses, pages 92-95; or

F) USEPA Radioactivity Methods, Methods 901.1 or 902.0.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120 and 7500-I B, C, and D as approved alternative methods for radioactive iodine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3649-06 and D4785-08 as approved alternative methods for radioactive iodine in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

8) Radioactive Strontium-89 & 90.

A) Standard Methods.

i) Method 303, 13th ed.; or

ii) Method 7500-Sr B, 17th, 18th, 19th, 20th, or 21st ed.;

B) EML Procedures Manual (27th or 28th ed.), Method Sr-01 or Sr-02.

C) USEPA Interim Radiochemical Methods, pages 29-33;

D) USEPA Radioactivity Methods, Method 905.0;

E) USEPA Radiochemical Analyses, pages 65-73;

F) USEPA Radiochemistry Procedures, Method Sr-04; or

G) USGS Methods, Method R-1160-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-Sr B as an approved alternative method for radioactive strontium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616).

9) Tritium.

A) ASTM Methods: Method D4107-91, D4107-98, or D4107-08;

B) Standard Methods.

i) Method 306, 13th ed.; or

ii) Method 7500-$^{3}$H B, 17th, 18th, 19th, 20th, or 21st ed.;

C) USEPA Interim Radiochemical Methods, pages 34-37;

D) USEPA Radioactivity Methods, Method 906.0;

E) USEPA Radiochemical Analyses, pages 87-91;

F) USEPA Radiochemistry Procedures, Method H-02; or

G) USGS Methods, Method R-1171-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 7500-$^{3}$H B as an approved alternative method for tritium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D4107-08 as an approved alternative method for tritium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

10) Gamma Emitters.

A) ASTM Methods.

i) Method D3649-91, D3649-98a, or D3649-06; or

ii) Method D4785-93, D4785-00a, or D4785-08;

B) Standard Methods.

i) Method 7120, 19th, 20th, or 21st ed.;

ii) Method 7500-Cs B, 17th, 18th, 19th, 20th, or 21st ed.; or

iii) Method 7500-I B, 17th, 18th, 19th, 20th, or 21st ed.;

C) EML Procedures Manual (27th or 28th ed.), Method Ga-01-R;

D) USEPA Radioactivity Methods, Methods 901.0, 901.1, or 902.0;

E) USEPA Radiochemical Analyses, pages 92-95; or

F) USGS Methods, Method R-1110-76.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 7120, 7500-Cs B, and 7500-I B as approved alternative methods for gamma emitters in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3649-08 and D4785-08 as approved alternative methods for tritium in appendix A to subpart C of 40 CFR 141 on June 8, 2010 (at 75 Fed. Reg. 32295).

b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:

1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," available from NTIS.

2) EML Procedures Manual (27th or 28th ed.), available from USDOE, EML.

c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ, where σ is the standard deviation of the net counting rate of the sample).

1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

| Contaminant | Detection Limit |
|---|---|
| Gross alpha particle activity | 3 pCi/ℓ |
| Radium-226 | 1 pCi/ℓ |

| | |
|---|---|
| Radium-228 | 1 pCi/ℓ |
| Uranium | 1 µg/ℓ |

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (2011~~2009~~).

2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

| Radionuclide | Detection Limit |
|---|---|
| Tritium | 1,000 pCi/ℓ |
| Strontium-89 | 10 pCi/ℓ |
| Strontium-90 | 2 pCi/ℓ |
| Iodine-131 | 1 pCi/ℓ |
| Cesium-134 | 10 pCi/ℓ |
| Gross beta | 4 pCi/ℓ |
| Other radionuclides | 1/10 of applicable limit |

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C (2011~~2010~~).

d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 and appendix A to subpart C of 40 CFR 141 (2011~~2010~~).

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

**Section 611.APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems**

1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and (insert name of water supplier) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/ℓ). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint; air; soil; household dust; food; certain types of pottery, porcelain, and pewter; and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination – like dirt and dust – that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs

naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass, and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes, and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one gallon.

B) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.

C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

i) (Insert the name or title of facility official if appropriate) at (insert phone number) can provide you with information about your facility's water supply; and

ii) The Illinois Department of Public Health at 217-782-4977 or 312-814-2608 or the (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead.

BOARD NOTE: Derived from 40 CFR 141.85(a)(2) (2011~~2002~~). The Department of Public Health (Department) regulates non-community water supplies, including non-transient, non-community water supplies. The Department has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900.20(k)(2). Thus, the Board has included the notice language of 40 CFR 141.85(a)(2) in~~an~~ this Section for the purposes of facilitating federal review and authorization of the Illinois drinking water regulations.

(Source: Amended at 36 Ill. Reg. 7110, effective April 25, 2012)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 1030.1 | Amendment |
| 1030.22 | New |
| 1030.92 | Amendment |

4) Statutory Authority: 625 ILCS 5/6-521

5) Effective Date of Amendment: April 26, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) Notices of Proposed Published in Illinois Register: 36 Ill. Reg. 461; January 13, 2012

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

11) Difference 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 rulemaking currently in effect? No

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

15) Summary and Purpose of Amendments: Effective January 30, 2012, the Federal Motor Carrier Administration requires that every holder of a commercial driver's license (CDL) furnish a medical examiner's certificate to the Secretary of State. The Secretary of State will load a notation to the driving record and will notify the Commercial Driver's License Information System that a medical examiner's certificate has been received and recorded

to the driving record. Obtaining a medical examiner's certificate is not a new requirement for CDL holders; the only new requirement is to submit that certificate to the Secretary of State.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 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)
1030.22 Medical Examiner's Certificate − CDL Holders
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

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 Endorsement or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11,

1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19,

2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. 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 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012.

**Section 1030.1 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" − a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" − an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

*"Approved Driver Education Course" –*

*a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act* [105 ILCS 5/27-24 through 27-24.8]; *or*

*a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or*

*any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or*

*a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state* [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" − a Secretary of State employee with a supervisory position.

"Authorized Source" −

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

*"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309.* [625 ILCS 5/6-500(5.3)]

*"CDLIS Motor Vehicle Record" or "CDLIS MVR" – a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4)* (2011)*, subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725).* [625 ILCS 5/6-500(5.5)]

*"Commercial Driver's License Downgrade" − a state:*

*allows the driver to change his or her self certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391* (2011)*, as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3* (2011)*;*

*allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;*

*allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or*

*removes the CDL privilege from the driver's license.* [625 ILCS 5/6-500(5.7)]

*"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation* [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" − the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" − a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" − *a license issued by a state* or other jurisdiction, in accordance with the standards contained in 49 CFR 383, *to an individual*, *that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

*"Commercial Motor Vehicle"* or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

*has a gross combination weight rating of* 11,794 kilograms *(26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or*

*has a gross vehicle weight rating of* 11,794 kilograms *(26,001 pounds) or more; or*

*is designed to transport 16 or more passengers, including the driver; or*

*is of any size and is used in the transportation of hazardous materials* as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5 (2011)). [625 ILCS 5/6-500(6)]

*"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement* [625 ILCS 5/1-111.9].

"Competent Medical Specialist" − a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

*"Conviction" − A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default* [625 ILCS 5/6-100(b)].

*"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of*

*whether or not the penalty is rebated, suspended or probated* [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" − the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" − any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" − a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" − the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" − the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" − the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" − the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

*"Disability" − an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment* [625 ILCS 5/6-117.2(f)].

*"Disqualification" − a disqualification means any of the following three actions:*

> *the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;*
>
> *any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or*

*local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*

*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391* (2011). [625 ILCS 5/1-115.3]

"Disseminating Agency" − an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

*"Drive" − operate or be in physical control of a motor vehicle* [625 ILCS 5/4-115.8].

*"Driver" – every person who drives or is in actual physical control of a vehicle* [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" − a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" − a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" − a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

*"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3* (2011) *from all or part of the qualification requirements of 49 CFR 391* (2011) *and is not required to obtain a medical examiner's certificate by 49 CFR 391.45* (2011). [625 ILCS 5/6-500(15.3)]

*"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.* [625 ILCS 5/6-500 (15.5)]

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" − structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" − a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/ mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" − a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

*"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons* [625 ILCS 5/1-217].

*"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state"* [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

*"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act* [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" − examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

*"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon* as specified in 49 CFR 383.5 (2011). [625 ILCS 5/1-124.5]

*"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit* [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2011) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2011).

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

*"Illinois Medical Advisory Board" or "Board" − a panel consisting of at least nine physicians appointed by the Secretary* [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" − a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" − a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" − a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" − the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

*"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic.* [625 ILCS 5/6-500(21.1)]

*"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive.* [625 ILCS 5/6-500(21.2)]

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 (2011).

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 (2011).

*"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:*

*an exemption letter permitting operation of a CMV pursuant to 49 CFR 381* (2011), *subpart C or 49 CFR 391.64* (2011)*; or*

*a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49* (2011). [625 ILCS 5/6-500(21.5)]

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

*"Moped" − a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.* [625 ILCS 5/1-148.2]

*"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor* [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

*"Motor-Driven Cycle" − every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles* [625 ILCS 5/1-145.001].

*"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:*

> *First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*

*Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.* [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

*"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725).* [625 ILCS 5/6-500(22.2)]

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" − the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

*"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391* (2011)*, and is required to obtain a medical examiner's certificate by 49 CFR 391.45* (2011). [625 ILCS 5/6-500(22.7)]

*"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements.* [625 ILCS 5/6-500(22.8)]

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" − acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

*Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card* [625 ILCS 5/7-602(b)];

*Current declaration page of a liability policy* [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

*Liability insurance binder* [625 ILCS 5/7-602(d)];

*Certificate of Insurance* [625 ILCS 5/7-602(d)];

*Payment receipt for a liability insurance premium* [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

*Current rental agreement* [625 ILCS 5/7-602(e)];

*Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance* [625 ILCS 5/7-602(f)];

*Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability* [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

*"Public Safety Worker" − a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services* [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

*"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne* [625 ILCS 5/11-503].

"Registration Sticker" − a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S" Endorsement − an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" − the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

*"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:*

*Any public or private primary or secondary school;*

*Any primary or secondary school operated by a religious institution; or*

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

*A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:*

*On a regularly scheduled route for the transportation of other fare paying passengers;*

*Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or*

*Being used for shuttle service between attendance centers or other education facilities.*

*A motor vehicle of the first division.*

*A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not*

*more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities.* [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

*"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses* [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

*"Secretary of State" – the Secretary of State of Illinois* [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (2011), which allows the driver to operate a CMV.

*"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally* [625 ILCS 5/6-117.2(f).

"SSOLV" − the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

*"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada* [625 ILCS 5/1-195].

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary* [625 ILCS 5/1-204].

*"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171* (2011). [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70º from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" − a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" − a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" − a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a

motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" − U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 36 Ill. Reg. 7255, effective April 26, 2012)

**Section 1030.22 Medical Examiner's Certificate – CDL Holders**

a) Every person who holds a CDL on or after January 30, 2012 must meet the requirements set forth in 49 CFR 383.71(a)(2) through (a)(9) and (h) (2011) and self-certify with the Department prior to January 30, 2014 as one of the following:

1) Non-excepted interstate (NI) – Operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR 391 (2011), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);

2) Excepted interstate (EI) – Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (2011) from all or parts of the qualification requirements of 49 CFR 391 (2011), and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);

3) Non-excepted intrastate (NA) – Operates only in intrastate commerce and is subject to State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011); or

4) Excepted intrastate (EA) – Operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011).

b) Effective January 30, 2012, every applicant for a CDL or CDL permit, including a renewal, duplicate, corrected and upgraded CDL or CDL permit, must self-certify as set forth in subsection (a).

c) Failure, by a current CDL holder, to self-certify with the Department by January 30, 2014 will result in the cancellation of the CDL privileges.

d) Pursuant to 49 CFR 383.73(a)(5) (2011), the Department shall require a CDL holder to submit a medical examiner's certificate when the driver self-certifies to non-excepted interstate (NI) driving operations.

e) The medical examiner's certificate must be submitted on a form approved by the Department and contain the following information:

1) Signature of medical examiner;

2) Medical examiner's telephone number;

3) Date of issuance of the medical examiner's certificate;

4) Medical examiner's full name;

5) Medical examiner's specialty;

6) Medical examiner's license/certificate number and issuing state;

7) Driver's signature;

8) Driver's license number and issuing state;

9) Driver's residence address;

10) Expiration date of the medical examiner's certificate;

11) If the driver changes self-certification status after the original certification, the medical examiner's certificate must also contain the following information:

A) Self-certification of driver;

B) Driver's signature and date of self-certification;

f) The Department shall require a CDL holder to submit a medical variance when the medical examiner's certificate indicates a medical variance is required.

g) Within 10 calendar days after the receipt of a medical examiner's certificate, medical variance or notification from FMCSA that a medical variance was removed or rescinded, the Department shall update the CDLIS driver record.

h) If the Department receives notification that a CDL holder has been granted a medical variance and the most recent medical certificate on file with the Department does not contain a medical variance, the CDL holder shall be required to submit a current medical examiner's certificate reflecting the variance and to appear at a CDL facility to have a corrected CDL issued. If, within 20 days after notification by the Department, the CDL holder fails to submit an updated medical examiner's certificate or to have a corrected CDL issued, the driver's CDL privileges will be cancelled pursuant to IVC Section 6-201(a)(12).

i) All CDL holders who have certified to non-excepted interstate (NI) driving must maintain on file with the Department a current medical examiner's certificate and, if applicable, a medical variance.

1) The Department shall notify the driver in writing at least 90 days prior to the expiration of his or her medical examiner's certificate and/or medical variance that a new certificate and/or variance must be filed with the Department. The notice may include a blank medical examiner's certificate.

2) The Department shall, within 10 days after the expiration of the driver's medical examiner's certificate and/or medical variance, update the medical certification status to "not certified".

3) Failure of the CDL holder to submit a new medical examiner's certificate and/or medical variance within 30 days after the expiration date of the most recent medical examiner's certificate and/or medical variance on file will result in the cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12).

A) The cancellation shall take effect on the 31st day after the expiration of the medical examiner's certificate and/or medical variance.

B) The cancellation order shall remain in effect until the driver:

i) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or

ii) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or

iii) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

4) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and/or medical variance is subsequently received, the cancellation shall be cleared.

j) If the Department receives notification from FMCSA that it has removed or rescinded a medical variance, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.

1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:

A) Provide a current and completed medical examiner's certificate that indicates a variance is no longer necessary; or

B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or

C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and medical variance is subsequently received, the cancellation shall be cleared.

k) If the Department receives notification from FMCSA that it has removed or rescinded a medical examiner's certificate, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.

1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:

A) Provide a current and completed medical examiner's certificate; or

B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or

C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance is subsequently received, the cancellation shall be cleared.

l) The Department shall not accept an incomplete medical examiner's certificate. If a driver submits an incomplete medical examiner's certificate, the Department shall require the driver to provide a completed medical examiner's certificate.

m) The Department shall require a CDL holder to obtain a corrected driver's license with a restriction if the CDL holder submits a medical examiner's certificate that indicates the driver is medically approved to operate a CMV conditioned upon a restriction.

1) Failure to appear at a CDL Facility within 20 days to add the proper restriction to the CDL and pay the appropriate fee for a corrected driver's

license will result in the cancellation of CDL privileges pursuant to IVC Section 6-201(a)(11).

2) If the CDL privileges are canceled and the driver subsequently appears at a CDL facility, has the restriction added to the driver's license and has a corrected CDL issued, the cancellation shall be cleared.

(Source: Added at 36 Ill. Reg. 7255, effective April 26, 2012)

**Section 1030.92 Restrictions**

a) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.

b) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete or change the restrictions.

c) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.

d) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, or foot operated steering wheel) to assist with the proper and safe operation of the vehicle.

e) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, or brace on each leg) while operating a motor vehicle.

f) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

g) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, has a monocular visual acuity reading of 20/100 or worse in either eye, requires a right outside rearview mirror because of problems turning

the head while backing, cannot meet the peripheral vision requirements of Section 1030.70(a), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.

h) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(a), but is not worse than 20/70. People who want to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only.

i) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:

1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.

2) J02 Driver authorized to operate a religious organization bus within classification, as provided in IVC Section 6-106.2.

3) J03 Driver authorized to operate a religious organization bus or van within Class D only. The driver took the religious organization bus test in a Class D vehicle, but may hold a Class A, B or C license.

4) J04 Driver authorized to operate a religious organization bus or van within Class C or a lesser classification vehicle only. The driver took the religious organization bus test in a Class C vehicle, but may hold a Class A or B license.

5) J05 Driver authorized to operate a senior citizen transportation vehicle within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3.

6) J06 Driver authorized to operate a senior citizen transportation vehicle

within Class D only. The driver took the senior citizen transportation vehicle test in a Class D vehicle, but may hold a Class A, B or C license.

7) J07 Driver authorized to operate a senior citizen transportation vehicle within written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle test in a Class C vehicle, but may hold a Class A or B license.

8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in IVC Section 6-106.4.

9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in IVC Section 6-103(2).

10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.

11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.

12) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)

13) J15 Special Restrictions − An applicant may have special restrictions applied specifically to the vehicle the applicant is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.

14) J16 Moped Only – Authorizes an applicant holding a Class L license to operate a moped only.

15) J17 Authorizes a person holding a Class L or M license to operate a motorcycle or motor driven cycle with rear wheel extensions while maintaining a single front wheel.

16) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.

17) J50 Farm waived non-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.

18) J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.

19) J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.

20) J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

21) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

22) J75 No photo or signature – administrative approval license to driver

who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.

23) J88 Deaf/Hard of Hearing − requires alternative forms of communication.

24) J99 This restriction appears on the license if more than two J restrictions are placed on the driver.

j) A Type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.

k) A Type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

l) A Type M restriction indicates P endorsement only valid in a Class B or lesser classification vehicle.

m) A Type N restriction indicates P endorsement only valid in a Class C or lesser classification vehicle.

n) A type V restriction indicates FMCSA has granted a medical variance to operate a CMV within the boundaries of the United States in accordance with 49 CFR 391.41 (2011).

o)~~n)~~ An applicant who wants to appeal a type of restriction that has been added to a driver's license, depending on the type of restriction, shall:

1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to the driver's license pursuant to the restrictions contained in subsection (i), follow the manner prescribed by this Part.

2) For any other types of restrictions that have been added to the driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118.

3) Further review of all restrictions shall be conducted by the courts pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 36 Ill. Reg. 7255, effective April 26, 2012)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) Section Number: 1001.444 Adopted Action: Amendment

4) Statutory Authority: Illinois Vehicle Code [625 ILCS 5/6-206.1(g)]

5) Effective Date of Amendment: April 30, 2012

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 Proposed Published in the Illinois Register: September 9, 2011; 35 Ill. Reg. 14916

10) Has JCAR issued a Statement of Objections to this amendment? Yes

11) Differences between proposal and final version: A provision was added to paragraph (j)(2) providing that no person may drive the exempted vehicle for more than 12 hours per day, 6 days per week, pursuant to 625 ILCS 5/6-206.1(a-2). All technical changes recommended by JCAR 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 rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Amendment: This amendment clarifies the conditions under which a Monitoring Device Driving Permit offender may be declared indigent for purposes of this rule, further defines the employment exemption, and modifies the

penalties for tampering with or unauthorized circumvention of a Breath Alcohol Ignition Installation Device.

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

Brenda Glahn
Assistant General Counsel
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756

217/785-3094
bglahn@ilsos.net

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section
1001.10 Applicability
1001.20 Definitions
1001.30 Right to Counsel
1001.40 Appearance of Attorney
1001.50 Special Appearance
1001.60 Substitution of Parties
1001.70 Commencement of Actions; Notice of Hearing
1001.80 Motions
1001.90 Form of Papers − Original Documents Required
1001.100 Conduct of Formal Hearings
1001.110 Orders; Notification; Time Limits on Obtaining Relief
1001.120 Record of Hearings
1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section
1001.200 Applicability
1001.210 Definitions
1001.220 Hearings: Notice; Location; Procedures; Record
1001.230 Rules of Evidence
1001.240 Scope of Hearings
1001.250 Decisions and Orders
1001.260 Rehearings
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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150

days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg.13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

**Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions**

a) Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required

1) The Secretary shall notify a first offender (MDDP offender), as defined in Section 11-500 of the IVC, that he or she will be issued an MDDP unless the Secretary receives, from the court of venue, an opt-out form, prescribed by the Secretary, that has been signed by the offender and filed with the court. The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by Section 6-206.1 of the IVC. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in Section 6-206.1 of the IVC, an MDDP offender must pay a non-refundable fee in an amount equal to $30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20th day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.

2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.

3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.

4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender may petition, at a formal hearing conducted pursuant to Section 2-118 of the IVC, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.

5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under Section 6-206.1(c-1) of the IVC, may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.

6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may

also resume participation by notifying the BAIID Division in writing, but may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.

b) Compliance − Installation of BAIID/Notification to the Secretary

1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. Failure to comply with this requirement will result in the cancellation of the MDDP issued.

2) The Installer/BAIID Provider. A BAIID provider or installer must:

A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442 of this Part;

B) Upon installation, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender within 7 days from the date of the installation of the BAIID:

C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder.

D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.

c) Compliance − Driving with BAIID. Any MDDP offender receiving a MDDP under this Section must comply with the following requirements:

1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.

2) Either take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the device to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.

3) Either take the vehicle with the BAIID installed or send the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.

4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle.

5) Shall not have a BAIID removed or deinstalled from vehicles without authorization from the Secretary and when, applicable, surrendering to the Secretary or his designee the MDDP.

6) Shall not commit any of the violations listed in subparagraph (d) of this Section.

d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:

1) A conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC;

2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID;

3) A violation of Section 6-206.2 of the IVC;

4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;

5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;

6) A BrAC reading of 0.05 or more;

7) Failing a running retest, or failing to take a running retest;

8) Removing the BAIID without authorization from the Secretary;

9) Failing to utilize the BAIID as required;

10) Failing to submit a BAIID for a monitor report in a timely manner.

e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:

1) For a conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC, or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the device, immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(l) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.

2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the

BAIID~~violation of Section 6-206.2~~, send the MDDP holder a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the summary suspension is already terminated prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(1) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit~~for 3 months~~.

3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.

4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received

within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.

6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the device in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(l).

8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months.

9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.

f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the $50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.

g) MDDPs − Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:

1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;

2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;

3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;

4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).

h) Use of Monitor Reports. The Secretary shall gather all monitor reports and any other information relative to the MDDP holder's performance and compliance with the BAIID requirements under this Subpart D. The reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

i) Modification or Waiver of BAIID. Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. The MDDP holder must:

1) Submit a medical report establishing the inability to utilize the BAIID.

2) Have a hearing, pursuant to Subpart A, at which the MDDP holder must prove compliance with the alcohol/drug requirements under this Subpart D.

j) Employment Exemption from BAIID Requirements. In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in Section 6-206.1 of the IVC, the following shall apply:

1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;

2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle ~~and used solely~~ for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];

3) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within

21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;

4) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have an interlock device installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the device installed by the date designated by the Secretary will result in the termination of the MDDP offender's monitoring device driving permit;

5) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);

6) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.

k) Disqualification/Decertification of BAIID Provider and BAIID Device. The Secretary must notify the MDDP holder of the disqualification of a BAIID provider or the decertification of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a BAIID provider or a BAIID shall be paid by the MDDP holder, unless the court has deemed the MDDP holder indigent.

l) Indigent BAIID Fund

1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.

A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.

B) The surcharge shall be submitted to the Secretary by the 15th of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID Provider.

C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.

2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). The request must be in a form and in the manner prescribed by the Secretary. The Secretary will authorize payments in accordance with Section 6-206.1(o) of the IVC.

3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.

4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a copy of the United States or State of Illinois tax return for the most recently completed calendar year.

A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:

i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as

evidenced by documentation from the Illinois Department of Human Services;

ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.

B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is ~~less than~~ 150% or less of the federal poverty guidelines.

5) An MDDP holder's indigency status shall be valid for a period of 12 months. Any MDDP holder whose summary suspension is extended beyond 12 months, who wishes to continue participation in the MDDP program and wishes to be declared indigent must submit current documentation as set forth in subsection (l)(4).

m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 36 Ill. Reg. 7300, effective April 30, 2012)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Tourism Attraction Signing Program

2) Code Citation: 92 Ill. Adm. Code 543

3) Section Number: 543.400 — Adopted Action: 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 Amendment: April 26, 2012

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 Division of Highways and Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 27, 2012; 36 Ill. Reg. 1049

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 issued by JCAR? No changes 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 the Amendment: At Section 543.400, the Department is adding language to require wineries that wish to participate in the Tourism Attraction Signing

Program to ferment more than 200 gallons of wine per year and to process the wine within Illinois.

The purpose of this Part is to provide motorists with identification and directional information for eligible attractions in the State of Illinois. Wineries are one of the current tourism attraction categories eligible to participate in the program. The Illinois Office of Tourism, which partly administers this program, has received applications in the past for tourism attraction logo signs for facilities that would not be considered wineries but rather tasting rooms and/or distribution networks for out-of-state wineries. The revised definition would require the facility to be an Illinois facility and to actually produce the wine on premise rather than just bottling or distributing wine. Limiting the eligibility of wineries based on the revised definition would better meet the expectations of the motoring public when they choose to visit an Illinois winery after viewing the identification and directional information provided by the tourism attraction logo signs.

16) Information and questions regarding this rulemaking 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 Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 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 (Repealed)
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; amended at 36 Ill. Reg. 7318, effective April 26, 2012.

**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 (a)(1) through (a)(19) 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.

2) 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.

3) 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.

4) Arena/Performance Center: A stadium, sports complex, auditorium, civic center, racetrack, convention center or cultural center, with a minimum annual attendance of 50,000.

5) 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.

7) Entertainment/Dining/Shopping District: An area concentrated within a half-mile radius offering a variety of entertainment, dining and shopping venues.

8) Gambling/Wagering Facility: An off-track wagering facility or a riverboat casino authorized and regulated by the State of Illinois.

9) 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-putt courses and indoor golf courses are not eligible to participate in the program.

10) 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.

11) 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.

13) 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.

14) 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.

15) River Excursion: A non-gaming riverboat sightseeing excursion, with a minimum annual attendance of 5,000.

16) 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.

17) 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.

19) 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 ferments more than 200 gallons

per year and offers educational tours of the Illinois winemaking process in an Illinois winery that is associated with a tasting room and has a minimum annual attendance of 5,000.

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.

c) 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.

d) Tourism Attraction Signing Priorities

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, 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 | 20 points |

| | |
|---|---|
| per week, 7 hours per day for more than 6 months of the year | |
| 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 |
| 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 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).

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 62764

Following the closure, the tourism attraction signs will be removed and returned to the tourism attraction. 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.

e) 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

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.

f) No tourism attraction will be allowed more than one space on an individual tourism attraction panel.

g) 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 36 Ill. Reg. 7318, effective April 26, 2012)

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of Part: Motor Fuel and Petroleum Standards Act

2) Code Citation: 8 Ill. Adm. Code 850

3) Section Number: 850.60 — Emergency Action: Amendment

4) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370]

5) Effective Date of Amendment: May 1, 2012

6) If this emergency rulemaking, is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: April 30, 2012

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) Reason for Emergency: Concern was expressed by petroleum marketers regarding the cost of compliant fuel. A delay in enforcement will allow time for ASTM to consider proposed revisions to the fuel properties for ethanol blends in ASTM D4814 (gasoline specification).

10) A Complete Description of the Subjects and Issues Involved: Ethanol blends are unable to comply with all properties included in the gasoline specification for quality. The regulation provides allowances for ethanol blends while still providing consumer protection. The emergency rule creates a grace period to provide time for ASTM to consider proposed changes to the gasoline specification.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local governments.

13) Information and questions regarding this amendment shall be directed to:

Linda Rhodes

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

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

217/524-9050
217/785-4505 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELS

PART 850
MOTOR FUEL AND PETROLEUM STANDARDS ACT

Section

850.10 Written Complaint Required
850.20 Access to Motor Fuels and Records
850.30 Responsibility for Standards of Quality
850.40 Administrative, Laboratory and Sampling Fees
850.50 Label on Motor Fuel Dispensing Device
850.60 ASTM Standards

EMERGENCY

AUTHORITY: Implementing and authorized by the Motor Fuel Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days.

**Section 850.60 ASTM Standards**

**EMERGENCY**

a) *The standards set forth in the Annual Book of (ASTM) American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department.* [815 ILCS 370/4]

b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.

c) Effective January 1, 2010, the quality of gasoline-oxygenate blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.3 of the Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulations as provided under the National Institute of Standards and Technology Handbook 130 (2011 edition, NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, http://www.nist.gov/pml/wmd/pubs/hb130-11.cfm). The previous standards set forth in Section 2.1.1.1 and 2.1.1.2 are specifically rejected and replaced by Section 2.1.3. The Department will delay enforcement of the standards in Section 2.1.3 until May 1, 2013~~May 1, 2012~~.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
MAY 15, 2012
9:30 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules*
*700 Stratton Office Building*
*Springfield, Illinois 62706*

*Email: jcar@ilga.gov*
*Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR**

**PROPOSED RULEMAKINGS**

Central Management Services

1. Business Enterprise Program: Contracting with Business Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10)
   -First Notice Published: 36 Ill. Reg. 2594 – 2/24/12
   -Expiration of Second Notice: 6/2/12

2. Conditions of Employment (80 Ill. Adm. Code 303)
   -First Notice Published: 36 Ill. Reg. 3153 – 3/2/12
   -Expiration of Second Notice: 6/1/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

3. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 36 Ill. Reg. 3312 – 3/9/12
-Expiration of Second Notice: 6/8/12

4. Solicitation for Charitable Payroll Deductions (80 Ill. Adm. Code 2650)
-First Notice Published: 36 Ill. Reg. 2602 – 2/24/12
-Expiration of Second Notice: 5/24/12

Education

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
-First Notice Published: 35 Ill. Reg. 17338 - 10/28/11
-Expiration of Second Notice: 6/1/12

6. Evaluation of Certified Employees Under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50)
-First Notice Published: 35 Ill. Reg. 19467 - 12/2/11
-Expiration of Second Notice: 6/3/12

7. School Technology Program (23 Ill. Adm. Code 575)
-First Notice Published: 36 Ill. Reg. 2052 - 2/10/12
-Expiration of Second Notice: 6/1/12

Elevator Safety Review Board

8. Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000)
-First Notice Published: 35 Ill. Reg. 15819 - 10/7/11
-Expiration of Second Notice: 6/9/12

Financial and Professional Regulation

9. Corporate Fiduciary Receivership Account (38 Ill. Adm. Code 398)
-First Notice Published: 36 Ill. Reg. 3612 - 3/9/12
-Expiration of Second Notice: 6/10/12

Guardianship and Advocacy Commission

10. Fee Schedule for the Office of State Guardian (59 Ill. Adm. Code 301)
-First Notice Published: 36 Ill. Reg. 708 – 1/20/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

-Expiration of Second Notice: 6/6/12

Healthcare and Family Services

11. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-First Notice Published: 35 Ill. Reg. 19627 - 12/9/11
-Expiration of Second Notice: 6/1/12

12. Child Support Services (89 Ill. Adm. Code 160)
-First Notice Published: 35 Ill. Reg. 19403 - 12/2/11
-Expiration of Second Notice: 6/1/12

13. Medical Assistance Programs (89 Ill. Adm. Code 120)
-First Notice Published: 35 Ill. Reg. 19737 - 12/16/11
-Expiration of Second Notice: 6/1/12

14. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 35 Ill. Reg. 11126 - 7/15/11
-Expiration of Second Notice: 6/1/12

Housing Development Authority

15. Homeownership Mortgage Loan Program (47 Ill. Adm. Code 300)
-First Notice Published: 36 Ill. Reg. 1097 – 2/3/12
-Expiration of Second Notice: 5/17/12

Human Rights

16. Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)
-First Notice Published: 36 Ill. Reg. 2408 – 2/17/12
-Expiration of Second Notice: 5/20/12

17. Housing Discrimination (71 Ill. Adm. Code 2300)
-First Notice Published: 36 Ill. Reg. 2440 – 2/17/12
-Expiration of Second Notice: 6/2/12

Human Services

18. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 35 Ill. Reg. 17560 – 11/4/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

-Expiration of Second Notice: 6/3/12

Pollution Control Board

19. General Rules (35 Ill. Adm. Code 101)
-First Notice Published: 36 Ill. Reg. 2444 – 2/17/12
-Expiration of Second Notice: 6/6/12

20. Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
-First Notice Published: 36 Ill. Reg. 2469 – 2/17/12
-Expiration of Second Notice: 6/6/12

Public Health

21. The Illinois Water Well and Pump Installation Contractor's License Code (77 Ill. Adm. Code 915)
-First Notice Published: 36 Ill. Reg. 139 – 1/6/12
-Expiration of Second Notice: 6/10/12

Racing Board

22. Board Meetings (11 Ill. Adm. Code 206)
-First Notice Published: 36 Ill. Reg. 2481 – 2/17/12
-Expiration of Second Notice: 5/23/12

23. Medication (11 Ill. Adm. Code 603)
-First Notice Published: 36 Ill. Reg. 3162 – 3/2/12
-Expiration of Second Notice: 6/1/12

Revenue

24. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 36 Ill. Reg. 2485 – 2/17/12
-Expiration of Second Notice: 5/20/12

Veterans' Affairs

25. MIA/POW Scholarship (95 Ill. Adm. Code 116)
-First Notice Published: 35 Ill. Reg. 8413 – 6/3/11
-Expiration of Second Notice: 6/2/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

**EMERGENCY RULEMAKINGS**

Education

26. Requirements for Accounting, Budgeting, Financial Reporting and Auditing (23 Ill. Adm. Code 100)
-Notice Published: 36 Ill. Reg. 5625 - 4/6/12

Employment Security

27. Recovery of Benefits (56 Ill. Adm. Code 2835)
-Notice Published: 36 Ill. Reg. 5619 - 4/6/12

Healthcare and Family Services

28. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-Notice Published: 36 Ill. Reg. 6751 - 4/27/12

Lottery

29. Lottery (General) (11 Ill. Adm. Code 1770)
-Notice Published: 36 Ill. Reg. 5856 - 4/13/12

Racing Board

30. Medication (11 Ill. Adm. Code 603)
-Notice Published: 36 Ill. Reg. 6057 - 4/20/12

**ADOPTED RULEMAKINGS**

Student Assistance Commission

31. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5375)
-Adopted Date: 36 Ill. Reg. 5840 - 4/13/12

32. Information Requests (2 Ill. Adm. Code 5376)
-Adopted Date: 36 Ill. Reg. 5850 - 4/13/12

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 April 24, 2012 through April 30, 2012 and have been scheduled for review by the Committee at its May 15, 2012 or June 12, 2012 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.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|---|---|---|---|
| 6/8/12 | Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310) | 3/9/12 36 Ill. Reg. 3312 | 5/15/12 |
| 6/10/12 | Department of Public Health, The Illinois Water Well and Pump Installation Contractor's License Code (77 Ill. Adm. Code 915) | 1/6/12 36 Ill. Reg. 139 | 5/15/12 |
| 6/10/12 | Department of Financial and Professional Regulation, Corporate Fiduciary Receivership Account (38 Ill. Adm. Code 398) | 3/9/12 36 Ill. Reg. 3612 | 5/15/12 |
| 6/13/12 | Department of Financial and Professional Regulation, Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320) | 11/18/11 35 Ill. Reg. 18993 | 6/12/12 |

# ILLINOIS ADMINISTRATIVE CODE
## Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**


8 - 850 ..... 6873
35 - 1500 ..... 6875
17 - 1565 ..... 6904
35 - 211 ..... 6913
35 - 215 ..... 6934
35 - 218 ..... 6950
35 - 219 ..... 6975
80 - 420 ..... 6998


**ADOPTED RULES**


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89 - 147 4/27/2012 ..... 7077
47 - 385 4/30/2012 ..... 7094
35 - 611 4/25/2012 ..... 7110
92 - 1030 4/26/2012 ..... 7255
92 - 1001 4/30/2012 ..... 7300
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