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**August 22, 2014 Volume 38, Issue 34**

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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 2014

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
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37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
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45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program
- 2) Code Citation: 68 Ill. Adm. Code 1290
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1290.40	Amendment
1290.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds the scoring percentages the Department will use when scoring dispensing organization applications for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act. Applications will be scored based on five required categories. Should the applicant meet the minimum percentage in the five required categories, it may be eligible to be scored in the bonus category. The required five categories and the bonus category will be scored based on percentages. The rule also amends the Selection Criteria Section (1290.70) to clarify that minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

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

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield IL 62786

217/785-0813  
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: New businesses will likely be created through this rulemaking and municipalities may coordinate with the businesses on local zoning rules. There will be up to 60 dispensaries in Illinois.
  - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking describes the procedure necessary for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because it was unanticipated at the time the agendas were published.

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendments published in this issue of the *Illinois Register* on page 17798:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.418                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking is submitted pursuant to PA 98-651, which mandates that upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan, the Department of Healthcare and Family Services (HFS) shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.12	Amendment	37 Ill. Reg. 19971; December 20, 2013
140.440	Amendment	37 Ill. Reg. 19971; December 20, 2013
140.80	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.82	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.84	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.86	New Section	38 Ill. Reg. 14658; July 18, 2014
140.420	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.421	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.425	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.442	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.457	Amendment	38 Ill. Reg. 14658; July 18, 2014

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

140.458	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.472	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.485	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.488	Amendment	38 Ill. Reg. 14658; July 18, 2014
140.Table D	Repeal	38 Ill. Reg. 14658; July 18, 2014
140.20	Amendment	38 Ill. Reg. 16096; August 1, 2014
140.25	Amendment	38 Ill. Reg. 16096; August 1, 2014
140.413	Amendment	38 Ill. Reg. 16468; August 8, 2014
140.462	Amendment	38 Ill. Reg. 16468; August 8, 2014

- 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: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/782-1233  
HFS.Rules@illinois.gov

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

- 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

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2014

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 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
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 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
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB  
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- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
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- 140.33 Publication of List of Sanctioned Entities
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- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
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- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
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- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible  
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- 140.55 Electronic Data Interchange Service
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- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

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- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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## NOTICE OF PROPOSED AMENDMENT

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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## Section

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140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND  
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

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## Section

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140.1003	Recovery of Money for Alternate Payees
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140.1005	Revocation of an Alternate Payee

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

**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

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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

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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;

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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

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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

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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

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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 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; preemptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; preemptory 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; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days;

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emergency expired April 10, 2009; preemptory 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; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23,

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2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.418 Department of Corrections Laboratory**

All lenses, frames and frame parts shall be obtained from the Department of Corrections (DOC) laboratory and, upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan, a vendor or vendors procured by the Chicago Public Schools (CPS) to manufacture eyeglasses for individuals enrolled in a school within the CPS system. DOC shall not engage in "office" services, such as examinations or dispensing of eyeglasses to recipients, ~~but shall be the State's laboratory for fabrication of eyeglasses.~~ Individual optical suppliers shall continue to provide examinations, frame repairs, contact lenses, artificial eyes and low vision devices, as well as dispensing of eyeglasses obtained from the DOC laboratory or CPS vendor. CPS shall ensure that its vendor or vendors are enrolled as providers in the Medical Assistance Program and, as applicable, in a managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Claims for services provided by DOC or CPS' vendor or vendors shall be submitted to the Department of Healthcare and Family Services (Department) or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses. ~~Payment for fabrication of eyeglasses shall be made by the Department of Public Aid directly to the Department of Corrections.~~

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.210	Amendment
310.APPENDIX A TABLE A	Amendment
310.APPENDIX A TABLE D	Amendment
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE F	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)]
- 5) Effective Date of Rule: August 6, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.
- 9) Notices of Proposed published in the *Illinois Register*: 38 Ill. Reg. 8507; April 25, 2014 and 38 Ill. Reg. 9719; May 9, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Since the First Notice, the changes are based on intervening rulemakings, style or spacing consistency, errors in bargaining unit designations and changing from the published emergency amendment to a proposed amendment.

In the table of contents, the changes are to close parentheses and remove reference to an emergency amendment to Section 310.Appendix A Table X.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

In the authority statement and main source notes, spacing is changed to what is the standard. Also in the main source notes, intervening rulemaking references are updated.

In Section 310.210, spacing and style standards are implemented.

In Section 310.Appendix A Table A, the lines between tables and Notes are made consistent.

In Section 310.Appendix A Table D, the lines between tables and Notes, spaces among words or the style of numbers are made consistent.

In Sections 310.Appendix A Table E and F, the lines between tables and Notes or spaces among words are made consistent. The bargaining unit in the Snowbirds' rate tables is corrected.

In Section 310.Appendix A Table X, the lines between tables and Notes, spaces among words or the style of numbers are made consistent. The title table and Notes are updated based on intervening rulemaking.

Since the First Notice Changes, the Second Notice Changes to Section 310.Appendix A Table X Note are to strike the Option 8E from the Senior Public Service Administrator, not Public Service Administrator options. A reference to the red-circled provision in Section 310.220(f) is added to and a comma removed from the Longevity Pay information in the Note.

Since the Second Notice Changes, the two proposed amendments at 38 Ill. Reg. 8507 and 38 Ill. Reg. 9719 are merged into this single Adoption Notice.

- 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 an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.410	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.Appendix A Table A	Amendment	38 Ill. Reg. 13489; July 7, 2014

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

310.Appendix A Table W	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.Appendix A Table AE	Amendment	38 Ill. Reg. 13489; July 7, 2014

- 15) Summary and Purpose of Rulemaking: In Section 310.210, headings to the subsections are added for easier access to the information in the Section. Subsection (g) is added to include the Barbers, Beauticians and Teachers of Barbering or Beauty Culture rates. The rate information is contained in the Memorandum of Understanding between the Department of Central Management Services (CMS) and the International Union of United Food and Commercial Workers signed April 17, 2013. The prevailing rate for Barbers and Beauticians shall be set at \$25 per hour for the new hires effective January 1, 2013. Teachers of Barbering or Beauty Culture shall be paid a rate that is \$2.50 per hour higher than the prevailing rate for Barbers and Beauticians. Barbers and Beauticians hired prior to January 1, 2013 shall be grandfathered at the existing prevailing rate certified for July 2012.

In 310.Appendix A Table A, the Senior Public Service Administrator (SPSA) title Option 7 (captain function) at the Department of Natural Resources (DNR) is removed from the title table. The Option Clarification Note is removed from the Notes. The SPSA title, Option 7 (captain function) DNR positions, were excluded from collective bargaining representation effective October 7, 2013 when the Illinois Labor Relations Board issued the Corrected Certification of Gubernatorial Designation of Positions Excluded from Collective Bargaining (Case No. S-DE-14-096).

Sections 310.Appendix A Tables D, E and F are amended to reflect the Memorandum of Agreement (MOA) between the Departments of Central Management Services and Transportation and Local 700 affiliated with the International Brotherhood of Teamsters (Cook County) signed August 26, 2013, the MOA between the Departments of Central Management Services and Transportation and Local 330 General Chauffeurs, Sales Drivers and Helpers (Fox Valley) signed August 28, 2013 and the MOA between the Departments of Central Management Services and Transportation and Teamsters Downstate Illinois State Employee Negotiating Committee (Downstate) signed August 27, 2013, respectively. Effective October 1, 2013 and July 1, 2014, the rates of pay for snowbirds shall be increased by 2%.

In 310.Appendix A Table X, the Pharmacy Manager title, (title code 32025) assigned to pay grade RC-063-27, is added to the title table effective October 1, 2013. On that date, the title was established with the approval of the Civil Service Commission. The newly published Agreement between American Federation of State, County and Municipal Employees (AFSCME) Council 31, AFL-CIO, and Illinois CMS July 1, 2012 through

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

June 30, 2015 contains Schedule A with the title included. Also, the Illinois Labor Relations Board (ILRB) issued the Revocation of Certification of the Senior Public Service Administrator (SPSA) title Option 8E positions (Case Nos. S-RC-09-038 and S-RC-09-060) effective January 24, 2014. Effective January 24, 2014, the employees appointed to the SPSA title Option 8E, Engineer (Professional), positions and their positions are subject to the jurisdiction of the Merit Compensation System and assigned to the SPSA broadband salary range, and receive no salary change (Section 310.495(f)).

The ILRB revoked the Certification of Representative of the SPSA title Option 8E positions, with position number 40070-12-60-000-00-01 excluded, to the American Federation of State, County and Municipal Employees (AFSCME) RC-063 bargaining unit effective December 2, 2010. Effective December 2, 2010 through January 23, 2014, the SPSA title Option 8E positions were assigned to the RC-063-26 pay grade by the MOU signed June 30, 2011 and the employees received pay treatment based on the MOU and subsequent RC-063 bargaining unit agreements. The SPSA title Option 8E positions are not assigned to the RC-063-26 pay grade effective January 24, 2014. The SPSA Option 8E is removed from the title table and from the Note.

Several past rulemakings involved the SPSA title Option 8E positions. The rulemakings are the preemptory amendment at 33 Ill. Reg. 11082 effective July 10, 2009, the emergency amendments at 34 Ill. Reg. 12240 effective August 9, 2010, the adoption of permanent proposed amendments at 35 Ill. Reg. 765 effective December 30, 2010, and the preemptory amendments at 35 Ill. Reg. 13966 effective July 29, 2011. The results were that effective June 1, 2009 through July 12, 2010, the SPSA title Option 8E positions were assigned to the RC-063-26 pay grade by a MOU signed June 22, 2009 and the employees received pay treatment based on the MOU and subsequent RC-063 bargaining unit agreements.

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

217/782-7964

fax: 217/524-4570

CMS.PayPlan@Illinois.gov

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

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

## SUBPART B: SCHEDULE OF RATES

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO  
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN  
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section	
310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 310.640 Increases in Pay (Repealed)  
310.650 Other Pay Provisions (Repealed)  
310.660 Effective Date (Repealed)  
310.670 Negotiated Rate (Repealed)  
310.680 Trainee Rate (Repealed)  
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
- 310.APPENDIX A Negotiated Rates of Pay
- 310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
- 310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
- 310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
- 310.TABLE D HR-001 (Teamsters Local #700)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)
- 310.TABLE I RC-009 (Institutional Employees, AFSCME)
- 310.TABLE J RC-014 (Clerical Employees, AFSCME)
- 310.TABLE K RC-023 (Registered Nurses, INA)
- 310.TABLE L RC-008 (Boilermakers)
- 310.TABLE M RC-110 (Conservation Police Lodge)
- 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)
- 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
- 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
- 310.TABLE Q RC-033 (Meat Inspectors, IFPE)
- 310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
- 310.TABLE S VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
- 310.TABLE T HR-010 (Teachers of Deaf, IFT)
- 310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
- 310.TABLE V CU-500 (Corrections Meet and Confer Employees)
- 310.TABLE W RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)

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310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July

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18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg.

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12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory

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amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill.

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Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at

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29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December

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13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092,

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effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38

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Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; peremptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; peremptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014.

## SUBPART B: SCHEDULE OF RATES

**Section 310.210 Prevailing Rate**

- a) Classes – Prevailing rate means the rate of pay for each class and locality certified as being correct by the Director of the Illinois Department of Labor and approved by the Director of Central Management Services or as established under the Prevailing Wage Act [820 ILCS 130]. The following are prevailing rate classes:

Baker	Roofer
Barber	Sewage Plant Operator
Beautician	<del>Sign Hanger</del>
Brickmason	<del>Sign Hanger Foreman</del>
Carpenter	Sign Painter
Carpenter Foreman	Sign Painter Helper
Cement Finisher	Stationary Engineer
Electrician	Stationary Engineer – Assistant Chief
Highway Construction Equipment Operator	Stationary Engineer – Chief
Laborer	Stationary Fireman
Laborer (Building)	Steamfitter
Laborer Foreman	Teacher of Barbering
Machinist	Teacher of Beauty Culture
Maintenance Worker (Power Plant)	Tinsmith
Painter	Trades Tender
Plasterer	Water Plant Operator
Plumber	

- b) Maximum Security Rates – Positions in maximum security institutions shall receive a \$50 a month adjustment to the employee's monthly wages for all employees with seven or more years of continuous service with the Department of Corrections. Employees shall receive the adjustment as long as they remain employees at a maximum security facility.

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- c) Pension Formula Adjustment – Effective January 1, 2006, employees shall be paid an additional 4.00% above the prevailing rate of wages for employees on the standard pension formula and 5.5% above the prevailing rate of wages for employees on the alternative pension formula, minus the per hour costs of fringe benefits.
- d) Pension Formula Adjustment Change – Effective January 1, 2011, newly hired employees into positions at the Department of Human Services allocated to the Barber, Beautician, Brickmason, Carpenter, Carpenter Foreman, Cement Finisher, Electrician, Machinist, Maintenance Worker (Power Plant), Painter, Plasterer, Plumber, Sewage Plant Operator, Sign Hanger, Sign Hanger Foreman, Sign Painter, Sign Painter Helper, Stationary Engineer, Stationary Engineer – Assistant Chief, Stationary Engineer – Chief, Stationary Fireman, Steamfitter, Teacher of Barbering, Teacher of Beauty Culture, Tinsmith and Water Plant Operator titles shall be paid an additional 4.00% above the prevailing rate of wages, minus the per hour costs of fringe benefits. Newly hired employees are employees hired on or after January 1, 2011 who have never been a member of the State Employees<sup>12</sup> Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers<sup>12</sup> Pension Fund, County Employees<sup>12</sup> Annuity and Benefit Fund of Cook County, Forest Preserve District Employees<sup>12</sup> Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers<sup>12</sup> Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers<sup>12</sup> Retirement System of the State of Illinois (TRS). Effective December 9, 2013, Sign Hanger and Sign Hanger Foreman positions are represented by the HR-001 bargaining unit (Section 310.Appendix A Table D).
- e) In-Hire Rates – The State shall provide to the union a listing of all vacancies in the bargaining unit for each agency by March 1, 2014 with a recommended prioritization in filling of the vacancies by June 1, 2014. If requested by the union, representatives of the State shall be available to meet with the union and to discuss and receive input related to the prioritization of filling of particular vacancies. New employees hired on or after December 1, 2013, shall be paid the appropriate prevailing rate. Between December 1, 2014 and June 30, 2015, the union can opt out of the rate for new employees if the State has not engaged in good faith discussions and actions, requested by and participated in by the union as to prioritizing the filling of vacancies, which results in the hiring of new

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employees where mutual need is agreed to by the State and union. If the State does not meet the obligations and the union opts out, the State shall retroactively pay 4% above the prevailing rate back to the date the union notified the State of its intent to opt out.

- f) Barbers, Beauticians and Teachers of Barbering or Beauty Culture Rates – The prevailing rate for Barbers and Beauticians shall be set at \$25 per hour for the new hires effective January 1, 2013. Teachers of Barbering or Beauty Culture shall be paid a rate that is \$2.50 per hour higher than the prevailing rate for Barbers and Beauticians. Barbers and Beauticians hired prior to January 1, 2013 shall be grandfathered at the existing prevailing rate certified for July 2012.

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

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## NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Conservation Police Sergeant	09347	RC-104	Q
Conservation Police Lieutenant	09339	RC-104	Q
<del>Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources (through October 6, 2013)</del>	<del>40070</del>	<del>RC-104</del>	<del>Q</del>

NOTES: In-Hire Rate – Effective February 14, 2014, a new employee shall be hired at 33% of the differential between a Conservation Police Officer II and the employee's new rank at the appropriate longevity level. Upon successful completion of 18 month of service, the employee shall be paid 66% of the rank differential between a Conservation Police Officer II and the employee's new rank at the appropriate longevity level. Upon successful completion of 36 month of service, the employee shall be paid 100% of the rank differential between a Conservation Police Officer II and the employee's new rank at the appropriate longevity level.

Longevity Bonus – Employees shall receive longevity bonus at the beginning of the 9, 10, 12.5, 14, 15, 17.5, 20, 21, 22.5 and 25 years of service.

~~Option Clarification – The positions allocated to the Senior Public Service Administrator title that were assigned to the negotiated RC-104 rates through October 6, 2013 had the Option 7. See the definition of option in Section 310.50.~~

Supervisory Enhancement – Effective January 1, 2014, Conservation Police Sergeants with 15 or more years of service receive to their rate of pay a onetime adjustment increase, which is 7.9% above the rate of pay of the Conservation Police Officer II with the same years of service. The Agreement's Appendix A – Wages chart calculation assumes that the Conservation Police Officer II title receives the same general increase as the Conservation Police Sergeants. Effective January 1, 2014, Conservation Police Lieutenants' rate of pay shall reflect an amount 3.9% greater than Sergeants with the same steps or years of service.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

**Effective July 1, 2012**

Title	S T E P S						
	1	2	3	4	5	6	7
Conservation Police Sergeant	5380	5656	5928	6205	6493	6797	6797
Conservation Police Lieutenant	5540	5823	6103	6389	6684	6998	6998
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	5817	6115	6410	6707	7018	7346	7346

**Longevity Bonus Rates**

Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Sergeant	7113	7523	7709	7709	8072	8450	8860	8942	9362	9805
Conservation Police Lieutenant	7322	7746	7933	7933	8309	8699	9117	9205	9637	10092
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	7687	8133	8330	8330	8724	9133	9575	9664	10119	10598

**Effective July 1, 2013**

Title	S T E P S						
	1	2	3	4	5	6	7
Conservation Police Sergeant	5488	5769	6047	6329	6623	6933	6933
Conservation Police Lieutenant	5651	5939	6225	6517	6818	7138	7138
Senior Public Service Administrator, Option 7	5933	6237	6538	6841	7158	7493	7493

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(captain function) Department of Natural Resources

Longevity Bonus Rates

Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Sergeant	7255	7673	7863	7863	8233	8619	9037	3121	9549	10001
Conservation Police Lieutenant	7468	7901	8092	8092	8475	8873	9299	9389	9830	10294
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	7841	8296	8497	8497	8898	9316	9767	9857	10321	10810

Effective October 7, 2013

STEPS

Title	1	2	3	4	5	6	7
Conservation Police Sergeant	5488	5769	6047	6329	6623	6933	6933
Conservation Police Lieutenant	5651	5939	6225	6517	6818	7138	7138

Longevity Bonus Rates

Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Sergeant	7255	7673	7863	7863	8233	8619	9037	3121	9549	10001

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Conservation  
Police  
Lieutenant

7468 7901 8092 8092 8475 8873 9299 9389 9830 10294

**Effective January 1, 2014**

Title	S T E P S						
	1	2	3	4	5	6	7
Conservation Police Sergeant	5488	5769	6047	6329	6623	6933	7094
Conservation Police Lieutenant	5702	5994	6283	6576	6881	7203	7371

**Longevity Bonus Rates**

Title	9	10	12.5	14	15	17.5	20	21	22.5	25
	Yrs	Yrs								
Conservation Police Sergeant	7255	7673	7863	8098	8333	8719	9134	9221	9648	10096
Conservation Police Lieutenant	7538	7972	8170	8414	8658	9059	9490	9581	10024	10490

**Effective July 1, 2014**

Title	S T E P S						
	1	2	3	4	5	6	7
Conservation Police Sergeant	5598	5884	6168	6456	6755	7072	7236
Conservation Police Lieutenant	5816	6114	6409	6708	7019	7347	7518

**Longevity Bonus Rates**

Title	9	10	12.5	14	15	17.5	20	21	22.5	25
	Yrs	Yrs								
Conservation Police Sergeant	7400	7826	8020	8260	8500	8893	9317	9405	9841	10298
Conservation Police Lieutenant	7689	8131	8333	8582	8831	9240	9680	9773	10224	10700

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay**

**Section 310.TABLE D HR-001 (Teamsters Local #700)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>Full Scale Mo.</u>	<u>Effective Date</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4289.00</u>	<u>October 1, 2013</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4375.00</u>	<u>July 1, 2014</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4205.00</u>	<u>June 30, 2012</u>

NOTE: Definition of Snowbirds – Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

**Effective July 1, 2013**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>75% Mo.</u>	<u>80% Mo.</u>	<u>85% Mo.</u>	<u>90% Mo.</u>	<u>95% Mo.</u>	<u>Full Scale Mo.</u>
<u>Sign Hanger</u>	<u>40900</u>	<u>B</u>	<u>4550</u>	<u>4853</u>	<u>5156</u>	<u>5459</u>	<u>5763</u>	<u>6066</u>
<u>Sign Hanger Foreman</u>	<u>40910</u>	<u>B</u>	<u>4676</u>	<u>4987</u>	<u>5299</u>	<u>5611</u>	<u>5922</u>	<u>6234</u>

**Effective July 1, 2014**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>75%</u>		<u>80%</u>		<u>85%</u>		<u>90%</u>		<u>95%</u>		<u>Full Scale</u>	
			<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>								
Building Services Worker	05616	B	2951	16.96	3148	18.09	3344	19.22	3540	20.34	3737	21.48	3934	22.61
Elevator Operator	13500	B	3011	17.30	3212	18.46	3413	19.61	3613	20.76	3814	21.92	4015	23.07
Elevator Operator – Assistant Starter	13500	B	3050	17.53	3254	18.70	3457	19.87	3660	21.03	3864	22.21	4067	23.37
Elevator Operator – Starter	13500	B	3069	17.64	3274	18.82	3478	19.99	3683	21.17	3887	22.34	4092	23.52
Grounds Supervisor	17549	B	4471	25.70	4769	27.41	5066	29.11	5365	30.83	5663	32.55	5961	34.26
Grounds Supervisor	17549	B	4633	26.63	4942	28.40	5251	30.18	5559	31.95	5868	33.72	6177	35.50

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(DHS – Chicago Read) Grounds Supervisor (DHS – Supervisor Tractor Trailer)	17549	B	4854	27.90	5178	29.76	5501	31.61	5825	33.48	6149	35.34	6472	37.20
Heavy Construction Equipment Operator (Regular – RG)	18465	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Heavy Construction Equipment Operator (Bridge Crew – BC)	18465	Q	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
Highway Maintainer (Regular – RG)	18639	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC)	18639	Q	4711	27.07	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6282	36.10
Highway Maintainer (Drill Rig – DR)	18639	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Highway Maintainer (Emergency Patrol – EP)	18639	Q	4741	27.25	5057	29.06	5378	30.87	5689	32.70	6005	34.51	6321	36.33
Highway Maintenance Lead Worker (Regular – RG)	18659	Q	4770	27.41	5087	29.24	5405	31.06	5723	32.89	6040	34.71	6359	36.55
Highway Maintenance Lead Worker (Bridge Crew – BC)	18659	Q	4837	27.80	5159	29.65	5483	31.51	5805	33.36	6127	35.21	6449	37.06
Highway Maintenance Lead Worker (Emergency Patrol – EP)	18659	Q	4867	27.97	5192	29.84	5516	31.70	5841	33.57	6165	35.43	6489	37.29

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Highway Maintenance Lead Worker (Lead Lead Worker) (Regular – RG)	18659	Q	4817	27.68	5139	29.53	5459	31.37	5780	33.22	6102	35.07	6423	36.91
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC)	18659	Q	4886	28.08	5211	29.95	5537	31.82	5862	33.69	6188	35.56	6514	37.44
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP)	18659	Q	4916	28.25	5244	30.14	5571	32.02	5899	33.90	6227	35.79	6555	37.67
Laborer (Maintenance) (Regular – RG)	23080	B	4492	25.82	4792	27.54	5091	29.26	5391	30.98	5690	32.70	5989	34.42
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Equipment Operator (DHS – Tractor Trailer)	25020	B	4605	26.47	4912	28.23	5219	30.95	5526	31.76	5833	33.52	6140	35.29
Maintenance Equipment Operator (Dispatcher)	25020	B	4751	27.30	5067	29.12	5385	29.99	5701	32.76	6018	34.59	6334	36.40
Maintenance Worker (not DOT, DHS – Chicago Read or DHS – Forensic)	25500	B	4440	25.52	4736	27.22	5032	28.92	5328	30.62	5624	32.32	5920	34.02
Maintenance Worker (DHS – Chicago Read)	25500	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Worker (DHS – Forensic)	25500	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Maintenance Worker (DOT – Regular – RG)	25500	B	4529	26.03	4831	27.76	5133	29.50	5435	31.24	5736	32.97	6038	34.70
Maintenance Worker (DOT – Emergency Patrol – EP)	25500	B	4626	26.59	4934	28.36	5242	30.13	5550	31.90	5859	33.67	6167	35.44
Power Shovel Operator (Maintenance) (Regular – RG)	33360	B	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
<u>Sign Hanger</u>	<u>40900</u>	<u>B</u>	<u>4640</u>		<u>4950</u>		<u>5259</u>		<u>5568</u>		<u>5878</u>		<u>6187</u>	
<u>Sign Hanger Foreman</u>	<u>40910</u>	<u>B</u>	<u>4769</u>		<u>5087</u>		<u>5405</u>		<u>5723</u>		<u>6041</u>		<u>6359</u>	

NOTES: Shift Differential Pay – Employees (except Snowbirds) required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions where the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

Stipend – Employees shall receive a one-time 2.25% stipend that will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a pro-rated stipend based upon their regular work schedule, which will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. An employee, who worked during fiscal year 2013, which dates are July 1, 2012 through June 30, 2013, and were on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon their official return to work sometime during fiscal year 2014, unless otherwise compensated for the stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

In-Hire Rate – In-hire rates are located in Section 310.47(a). Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees in the in-hire will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to the full-scale rate of the next higher classifications, upon promotion.

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay**

**Section 310.TABLE E RC-020 (Teamsters Local #330)**

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4289.00</u>	<u>October 1, 2013</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4375.00</u>	<u>July 1, 2014</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>RC-020</u>	<u>Q</u>	<u>4205.00</u>	<u>June 30, 2012</u>

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

**Effective July 1, 2014**

Title	Title Code	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.								
Bridge Mechanic	05310	Q	4674	26.86	4986	28.66	5297	30.44	5609	32.24	5920	34.02	6232	35.82
Bridge Tender	05320	B	4419	25.40	4714	27.09	5008	28.78	5303	30.48	5597	32.17	5892	33.86
Heavy Construction Equipment Operator	18465	Q	4807	27.63	5127	29.47	5448	31.31	5768	33.15	6089	34.99	6318	36.31
Heavy Construction Equipment Operator (Bridge Crew)	18465	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6409	36.83
Highway Maintainer	18639	Q	4712	27.08	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6187	35.56
Highway Maintainer (Bridge Crew)	18639	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6282	36.10
Highway Maintainer (Drill Rig)	18639	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6318	36.31

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Highway Maintenance Lead Worker	18659	Q	4886	28.08	5211	29.95	5537	31.82	5863	33.70	6188	35.56	6359	36.55
Highway Maintenance Lead Worker (Bridge Crew)	18659	Q	4817	27.68	5138	29.53	5460	31.38	5781	33.22	6102	35.07	6449	37.06
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	Q	4837	27.80	5159	29.65	5482	31.51	5804	33.36	6127	35.21	6423	36.91
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	Q	4769	27.41	5087	29.24	5405	31.06	5723	32.89	6041	34.72	6514	37.44
Labor Maintenance Lead Worker	22809	B	4547	26.13	4850	27.87	5154	29.62	5457	31.36	5760	33.10	6063	34.84
Laborer (Maintenance)	23080	B	4492	25.82	4791	27.53	5091	29.26	5390	30.98	5690	32.70	5989	34.42
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Equipment Operator	25020	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6318	36.31
Maintenance Worker (DHS)	25500	B	4529	26.03	4830	27.76	5132	29.49	5434	31.23	5736	32.97	6117	35.16
Maintenance Worker (DOT, not Emergency Patrol)	25500	B	4588	26.37	4894	28.13	5199	29.88	5505	31.64	5811	33.40	6038	34.70
Power Shovel Operator (Maintenance)	33360	Q	4807	27.63	5127	29.47	5448	31.31	5768	33.15	6089	34.99	6318	36.31
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6409	36.83
Silk Screen Operator	41020	B	4681	26.90	4993	28.70	5305	30.49	5617	32.28	5929	34.07	6241	35.87

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

NOTES: Shift Differential Pay – Employees required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium, provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions for which the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Heavy Construction Equipment Operators, Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Silk Screen Operators, and Bridge Mechanics employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100. The allowance shall be applied only to certified employees who are on the active payroll effective July 1. Employees on authorized leave of absence on July 1 shall be paid the allowance on a prorated basis upon return from leave.

Stipend – Employees covered by this bargaining unit shall receive a one-time 2.25% stipend based on the employee's base salary effective June 1, 2013. The stipend will not be added to the employee's base salary. Permanent part-time employees will be paid on a prorated stipend based upon their regular work schedule, which will not be added into the base salary. To be eligible for this stipend, an employee must be on the payroll effective June 1, 2013. Employees on a leave of absence who would otherwise be eligible to receive the fiscal year 2013 lump sum stipend shall receive that stipend upon their return to active payroll, as long as they return during fiscal year 2013. An employee who worked during fiscal year 2013 (July 1, 2012 through June 30, 2013) and was on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon the employee's official return to work sometime during fiscal year 2014, unless otherwise compensated for the stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.

In-Hire Rates – In-hire rates for the Highway Maintainer title from the 2008-2012 Collective Bargaining Agreement shall continue in effect at 75%. All classifications shall have a 75% in-hire rate for all employees hired on or after July 1, 2013. Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees in the in-hire rates will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to full scale rate of the

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

next higher classification.

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE F RC-019 (Teamsters Local #25)**

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4289.00</u>	<u>October 1, 2013</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4375.00</u>	<u>July 1, 2014</u>
<del>Highway Maintainer (Snowbirds)</del>	<del>18639</del>	<del>RC-019</del>	<del>Q</del>	<del>4205.00</del>	<del>June 30, 2012</del>

NOTE: Definition of Snowbird – Snowbirds are all seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal.

**Effective July 1, 2014**

Title	Title	Pay Plan Code	75% Mo.	75% Hr.	80% Mo.	80% Hr.	85% Mo.	85% Hr.	90% Mo.	90% Hr.	95% Mo.	95% Hr.	Full Scale Mo.	Full Scale Hr.
Bridge Mechanic (IDOT)	05310	Q	4668	26.83	4979	28.61	5290	30.40	5602	32.20	5913	33.98	6224	35.77
Bridge Tender (IDOT)	05320	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Deck Hand (IDOT)	11500	B	4512	25.93	4813	27.66	5114	29.39	5414	31.11	5715	32.84	6016	34.57
Ferry Operator I (IDOT)	14801	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Ferry Operator II (IDOT)	14802	B	4736	27.22	5052	29.03	5368	30.85	5684	32.67	5999	34.48	6315	36.29
Highway Maintainer (Regular - RG) (IDOT)	18639	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew - BC) (IDOT)	18639	Q	4699	27.01	5012	28.80	5325	30.60	5639	32.41	5952	34.21	6265	36.01
Highway Maintainer (Drill Rig - DR) (IDOT)	18639	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Highway Maintainer (Emergency Patrol - EP) (IDOT)	18639	Q	4724	27.15	5039	28.96	5354	30.77	5669	32.58	5984	34.39	6299	36.20
Highway Maintenance Lead Worker (Regular - RG) (IDOT)	18659	Q	4748	27.29	5065	29.11	5381	30.93	5698	32.75	6014	34.56	6331	36.39
Highway Maintenance Lead Worker (Bridge Crew - BC) (IDOT)	18659	Q	4806	27.62	5126	29.46	5447	31.30	5767	33.14	6088	34.99	6408	36.83
Highway Maintenance Lead Worker (Emergency Patrol - EP) (IDOT)	18659	Q	4832	27.77	5154	29.62	5476	31.47	5798	33.32	6120	35.17	6442	37.02
Highway Maintenance Lead Worker (Lead Lead Worker) (Regular - RG) (IDOT)	18659	Q	4790	27.53	5109	29.36	5428	31.20	5747	33.03	6067	34.87	6386	36.70
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew - BC) (IDOT)	18659	Q	4847	27.86	5170	29.71	5494	31.57	5817	33.43	6140	35.29	6463	37.14
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol - EP) (IDOT)	18659	Q	4851	27.88	5174	29.74	5498	31.60	5821	33.45	6145	35.32	6468	37.17

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Janitor I (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21951	B	4349	24.99	4639	26.66	4929	28.33	5219	29.99	5509	31.66	5799	33.33
Janitor II (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21952	B	4375	25.14	4666	26.82	4958	28.49	5250	30.17	5541	31.84	5833	33.52
Labor Maintenance Lead Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	22809	B	4560	26.21	4864	27.95	5168	29.70	5472	31.45	5776	33.20	6080	34.94
Laborer (Maintenance) (IDOT)	23080	B	4514	25.94	4815	27.67	5116	29.40	5417	31.13	5718	32.86	6019	34.59
Maintenance Equipment Operator (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	25020	B	4590	26.38	4896	28.14	5202	29.90	5508	31.66	5814	33.41	6120	35.17
Maintenance Equipment Operator (DOC & DJJ)	25020	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6296	36.18
Maintenance Equipment Operator (DOC - Maximum Security)	25020	S	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6352	36.51
Maintenance Equipment Operator (DHS - Forensics)	25020	Q	4764	27.38	5082	29.21	5399	31.03	5717	32.86	6034	34.68	6187	35.56

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Maintenance Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	25500	B	4544	26.11	4846	27.85	5149	29.59	5452	31.33	5755	33.07	6058	34.82
Maintenance Worker (DHS - Forensics)	25500	Q	4595	26.41	4901	28.17	5207	29.93	5513	31.68	5820	33.45	6126	35.21
Power Shovel Operator (Maintenance) (Regular - RG) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	33360	B	4671	26.84	4982	28.63	5294	30.43	5605	32.21	5917	34.01	6228	35.79
Power Shovel Operator (Maintenance) (Regular - RG) (IDOT)	33360	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18
Power Shovel Operator (Maintenance) (Bridge Crew - BC) (IDOT)	33360	Q	4781	27.48	5100	29.31	5419	31.14	5738	32.98	6056	34.80	6375	36.64
Security Guard I (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39851	B	4372	25.13	4663	26.80	4955	28.48	5246	30.15	5538	31.83	5829	33.50
Security Guard II (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39852	B	4411	25.35	4705	27.04	4999	28.73	5293	30.42	5587	32.11	5881	33.80
Silk Screen Operator (IDOT)	41020	B	4675	26.87	4986	28.66	5298	30.45	5610	32.24	5921	34.03	6233	35.82

NOTES: Shift Differential Pay – Employees required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium, provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions for which the regular shift hours are not considered day shift

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Deck Hands and Power Shovel Operator Maintenance employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100. Effective July 1, 2013, employees who are required to wear steel-toe safety shoes shall receive an additional \$100 clothing allowance. The total will not exceed \$200 per contract year.

Stipend – Employees shall receive a one-time 2.25% stipend that will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a prorated stipend based upon their regular work schedule, which will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. An employee who worked during fiscal year 2013 (July 1, 2012 through June 30, 2013) and was on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon the employee's official return to work sometime during fiscal year 2014, unless otherwise compensated for the stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
<a href="#">Pharmacy Manager</a>	<a href="#">32025</a>	<a href="#">RC-063</a>	<a href="#">27</a>
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6, 6E, 7 Criminal Justice Information Authority, 8A Department of Public Health, 8E, 8N, 8S Departments of Human Services and Veterans' Affairs and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Options 3, 4 Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency, <del>8E</del> and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

Option Clarification – The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8S; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated pay grade have the Options 3, ~~8E~~, 8H and 8P. See the definition of option in Section 310.50.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month.

Employees whose salaries are red-circled ([see Section 310.220\(f\)](#)) above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation.

Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

**Effective July 1, 2014**  
**Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3647	3767	3887	4008	4159	4321	4511	4675	4852	5137	5342
14	Q	3803	3928	4053	4178	4336	4515	4709	4886	5073	5367	5580
14	S	3872	4000	4127	4255	4422	4594	4793	4973	5159	5453	5668
15	B	3792	3917	4042	4167	4351	4530	4706	4898	5082	5388	5601
15	Q	3957	4087	4218	4348	4538	4727	4918	5121	5310	5626	5854
15	S	4029	4163	4295	4428	4623	4810	5004	5208	5396	5715	5943
16	B	3969	4099	4230	4362	4556	4758	4954	5162	5368	5685	5913
16	Q	4141	4278	4415	4550	4758	4975	5182	5395	5610	5944	6184
16	S	4221	4361	4498	4638	4843	5060	5269	5480	5699	6027	6267
17	B	4159	4295	4432	4570	4780	4999	5212	5423	5643	5979	6218
17	Q	4338	4481	4625	4767	4996	5226	5444	5665	5898	6248	6500

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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17	S	4417	4562	4708	4853	5085	5314	5534	5753	5982	6339	6591
18	B	4377	4522	4665	4809	5041	5274	5516	5740	5971	6326	6581
18	Q	4571	4722	4873	5024	5271	5515	5766	6001	6240	6615	6878
18	S	4646	4800	4953	5106	5355	5601	5853	6088	6330	6697	6967
19	B	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	Q	4821	4980	5138	5297	5568	5825	6103	6357	6624	7023	7304
19	S	4901	5062	5224	5387	5656	5915	6189	6445	6711	7109	7393
20	B	4873	5033	5194	5354	5625	5885	6167	6435	6701	7108	7392
20	Q	5092	5259	5427	5596	5877	6155	6447	6724	7003	7432	7729
20	S	5172	5344	5514	5684	5965	6240	6532	6810	7090	7514	7815
21	B	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849
21	Q	5377	5555	5732	5910	6214	6513	6817	7129	7428	7889	8204
21	S	5457	5637	5817	5997	6299	6597	6906	7215	7511	7975	8293
22	B	5441	5619	5799	5978	6290	6595	6908	7228	7529	7998	8318
22	Q	5683	5871	6058	6245	6573	6896	7219	7552	7870	8358	8689
22	S	5766	5957	6146	6336	6656	6982	7304	7641	7960	8445	8783
23	B	5770	5961	6151	6341	6677	7020	7352	7690	8023	8531	8873
23	Q	6033	6233	6432	6630	6980	7337	7682	8040	8387	8912	9268
23	S	6111	6313	6514	6716	7065	7424	7769	8124	8474	9000	9357
24	B	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	Q	6419	6630	6843	7054	7431	7816	8194	8567	8956	9519	9900
24	S	6499	6714	6928	7142	7513	7901	8277	8657	9044	9604	9988
25	B	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	Q	6838	7065	7289	7514	7927	8342	8766	9183	9598	10212	10622
25	S	6919	7147	7376	7603	8014	8430	8849	9266	9681	10299	10714
26	B	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844

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26	Q	7323	7563	7805	8047	8482	8931	9382	9822	10259	10924	11361
26	S	7390	7634	7876	8120	8563	9018	9473	9914	10359	11032	11473
27	B	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	Q	7794	8051	8308	8565	9031	9506	9992	10459	10928	11634	12100
28	B	7823	8081	8340	8598	9063	9544	10029	10499	10969	11679	12148
29	B	8211	8481	8752	9022	9513	10016	10523	11017	11511	12256	12745

(Source: Amended at 38 Ill. Reg. 17556, effective August 6, 2014)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
  - 2) Code Citation: 89 Ill. Adm. Code 112
  - 3) Section Number: 112.301                      Adopted Action:  
Amendment
  - 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV 12-13]
  - 5) Effective Date of Rule: August 8, 2014
  - 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
  - 9) Notice of Proposal published in the *Illinois Register*: March 28, 2014; 38 Ill. Reg. 7028
  - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
  - 11) Differences between Proposal and Final Version: No substantive changes were made to the rulemaking.
  - 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
  - 13) Will this rulemaking replace any emergency rule currently in effect? No
  - 14) Are there any rulemakings pending on this Part? Yes
- |                        |                         |                                    |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 112.55                 | New Section             | 38 Ill. Reg. 7428; April 4, 2014   |
- 15) Summary and Purpose of Rulemaking: Under the Affordable Care Act (ACA), adults presumed eligible for TANF will be eligible for medical coverage. As the result of the ACA program, adults authorized on a presumptively eligible basis for TANF will be

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

eligible for medical coverage without waiting for the final TANF determination. Since adults are eligible under the ACA, this rulemaking will eliminate the restriction on the beginning medical date for an individual presumed eligible for TANF.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets (Repealed)
112.152	Asset Disregards (Repealed)

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- 112.153 Deferral of Consideration of Assets (Repealed)
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

## SUBPART H: PAYMENT AMOUNTS

## Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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## SUBPART J: CHILD CARE

## Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014.

## SUBPART I: OTHER PROVISIONS

**Section 112.301 Presumptive Eligibility**

- a) An applicant shall be approved for financial assistance on a presumptive eligibility (PE) basis when the following factors are met:

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- 1) financial eligibility requirements (Subpart C of this Part) have been met;
  - 2) non-financial eligibility ([Subpart B of this Part](#)) has not been established but verifications have been requested; and
  - 3) there is no past history of the client having difficulty getting verification of the non-financial eligibility requirements (Subpart B of this Part).
- b) ~~The beginning medical date is the same date that financial assistance is authorized on a PE basis. e)~~When assistance is authorized on a PE basis, ~~eligibilitythe application process~~ shall continue until all eligibility factors are verified and a final determination of eligibility or ineligibility is completed. ~~At that point, a final disposition of the application is made and certification is authorized or the application is denied.~~ PE assistance shall only be authorized for a maximum of three ~~(3)~~ payment months. If the verification is not provided by the end of the three ~~(3)~~ payment months, the ~~assistanceapplication~~ will be ~~terminateddenied~~.

(Source: Amended at 38 Ill. Reg. 17603, effective August 8, 2014)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.63                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Rule: August 8, 2014
- 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 rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 18, 2014; 38 Ill. Reg. 8241
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Supplemental Nutrition Assistance Program (SNAP) was recently authorized as part of the Agriculture Act (the Act) of 2014 (P. L. 113-79). As a result, Section 4006 of the Act no longer allows a SNAP household to qualify for the air conditioning/heating standard allowance based on the expected receipt of Low Income Home Energy Assistance Program (LIHEAP) payments.

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Effective March 10, 2014, SNAP applicants and recipients must receive a LIHEAP payment of \$21 or more in the current month of application or in the immediately preceding 12 months in order to qualify for the Standard Utility Allowance (SUA) based on receipt of LIHEAP. This provision was intended to prevent the issuance of nominal LIHEAP payments in order to automatically qualify SNAP households for the SUA. In addition, it strengthens the LIHEAP/SUA link by requiring that the households must have received an actual LIHEAP payment in order to use LIHEAP participation as the basis for the household's qualification for the SUA.

Households with actual utility expenses remain eligible for the SUA, if the household qualifies for the SUA based on their actual utility expenses. The benefit amount of some SNAP recipients may decrease slightly at reapplication if the household was previously receiving the air conditioning/heating standard allowance based on anticipated receipt of LIHEAP and did not receive an actual payment.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
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121.220	Work Requirement Components (Repealed)
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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014.

## SUBPART D: ELIGIBILITY STANDARDS

**Section 121.63 Deductions from Monthly Income**

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) **Earned Income Deduction.** Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) **Standard Deduction.** The standard deduction for a household size of one through three persons is \$152. The standard deduction for a household size of four

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persons is \$163. The standard deduction for a household size of five persons is \$191. For households of six or more persons, the standard deduction is \$219. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.

- d) **Dependent Care Deduction**
- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
  - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) **Child Support Deduction.** The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) **Shelter Costs Deduction**
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$478.
  - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (~~20132012~~) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
  - 3) Shelter costs include only the following:
    - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
    - B) property taxes, State and local assessments and insurance on the

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structure itself; and

- C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
- A) the household intends to return to the home;
  - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
  - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
    - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
    - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
    - C) fees charged by the utility provider for initial installation.
  - 2) Utility deposits are not considered to be utility costs.
  - 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(g)(7) for households that claim utility

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expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$380. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$226. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$50. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) ~~(20132012)~~) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (4789 Ill. Adm. Code ~~100109~~) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) ~~(20132012)~~). Households who receive, ~~or reasonably expect to receive,~~ a ~~LIHEAP~~ Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment of \$21 or more during the month of application or the preceeding 12-month period, ~~beginning with the date of the SNAP application,~~ shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 ~~(20132012)~~). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

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- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) **Excess Medical Deduction.** A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (~~20132008~~) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$210 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by \$4 per month for all SNAP households.

(Source: Amended at 38 Ill. Reg. 17616, effective August 8, 2014)

## ILLINOIS DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules of Procedure in Administrative Hearings
- 2) Code Citation: 56 Ill. Adm. Code 120
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u>
120.100	Amended
120.110	Amended
120.115	Repealed
120.130	Amended
120.140	Amended
120.150	Repealed
120.160	Repealed
120.200	Amended
120.210	Repealed
120.300	Amended
120.301	New Section
120.320	Amended
120.400	Amended
120.410	Amended
120.420	Amended
120.500	Amended
120.530	Amended
120.560	Amended
120.610	Amended
120.620	Amended
120.640	Amended
120.650	Amended
120.660	Amended
120.670	Amended
- 4) Statutory Authority: Implementing and authorized by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]
- 5) Effective Date of Rule: August 15, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 8) A copy of the New Sectioned rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 6520; March 21, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 120.110 a new definition was added as follows:

"Statement" means a written statement made by a witness and signed or otherwise adopted or approved by the witness, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the witness to an agent of the person obliged to produce the statement and recorded contemporaneously with the making of such oral statement.

In Section 120.410 (b)(9), add after the word "document" ", except for witness statements,"

In Section 120.410 (b) add a new subsection as follows:

- 3) Unless otherwise ordered by the ALJ, after a witness called by the Department or a party has testified in a hearing, the ALJ shall, upon motion of a party, order the production of any statement as defined in Section 120.110, of such witness in the possession of the Department, which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the ALJ shall order it to be delivered directly to the requesting party for examination and use for the purpose of cross examination. If the Department claims that any statement ordered to be produced under this subsection (b)(3) contains matter which does not relate to the subject matter of the testimony of the witness, the ALJ shall order the Department to deliver such statement for the inspection of the ALJ in camera. Upon delivery the ALJ shall excise the portions of the statement that do not relate to the matter of the testimony of the witness, except that the ALJ may, in the ALJ's discretion, decline to excise portions which although not relating to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With the material excised the ALJ shall then direct delivery of the statement to the requesting party for use on cross-examination. If, pursuant to this procedure, any

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portion of such statement is withheld and the requesting party objects to such withholding, the entire text of the statement shall be preserved by the Department, and, in the event the requesting party files exceptions with the Director based upon such withholding, shall be made available to the Director for the purpose of determining the correctness of the ruling of the ALJ. If the Department elects not to comply with the order of the ALJ directing delivery of such statement, or such portion of the statement as the ALJ may direct, the ALJ shall strike from the record the testimony of the witness.

- 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 rule in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments have been made to make the formal hearing process more user friendly and less burdensome on the parties by eliminating unnecessary and costly discovery while still allowing parties access to documents and subpoena procedures so that hearings can be expedited at less cost while still providing due process.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jim Preckwinkle  
Illinois Department of Labor  
900 S. Spring St.  
Springfield IL 62704

217/558-1270  
217/782-0596 (fax)

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

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TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULESPART 120  
RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

## SUBPART A: GENERAL PROVISIONS

Section	
120.100	Applicability
120.110	Definitions
120.115	Non-Applicability of the Rules <a href="#">(Repealed)</a>
120.120	Burden and Standard of Proof
120.130	Filing <a href="#">and Service</a>
120.140	Form of Papers Filed
120.150	Computation of Time <a href="#">(Repealed)</a>
120.160	Referral to Illinois Supreme Court Rules and Code of Civil Procedure <a href="#">(Repealed)</a>

## SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

Section	
120.200	Notice of Hearing
120.210	Manner of Service <a href="#">(Repealed)</a>
120.220	Appearance

SUBPART C: [ANSWER](#), MOTION, JOINDER AND INTERVENTION

Section	
120.300	<del>Answer and Motion</del>
<a href="#">120.301</a>	<a href="#">Motions</a>
120.310	Consolidation and Severance of Matters
120.320	Intervention
120.330	Postponement or Continuance of Hearing

## SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

Section	
120.400	Prehearing Conferences

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- 120.410 Discovery
- 120.420 Subpoenas

## SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

- Section
- 120.500 Authority of Administrative Law Judge
- 120.510 Ex Parte Communications
- 120.520 Disqualification of Administrative Law Judge
- 120.530 Contumacious Conduct
- 120.540 Consent Decree
- 120.545 Settlement Agreements
- 120.550 Conduct of Hearings
- 120.560 Rules of Evidence
- 120.570 Official Notice
- 120.580 Hostile or Adverse Witnesses

## SUBPART F: POST-HEARING PROCEDURES

- Section
- 120.600 Default
- 120.610 Record in Contested Cases
- 120.620 Briefs
- 120.630 Administrative Law Judge's Findings and Opinions (Repealed)
- 120.640 Administrative Law Judge's Decision and Order
- 120.650 Administrative Law Judge's Recommendations
- 120.660 Order of the Director
- 120.670 Judicial Review

AUTHORITY: Implementing and authorized by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].

SOURCE: Adopted at 25 Ill. Reg. 899, effective January 5, 2001; amended at 30 Ill. Reg. 10424, effective May 24, 2006; amended at 35 Ill. Reg. 10134, effective June 7, 2011; amended at 38 Ill. Reg. 17631, effective August 15, 2014.

## SUBPART A: GENERAL PROVISIONS

**Section 120.100 Applicability**

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This Part shall apply to all administrative hearings concerning contested cases conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for formal hearings conducted under the Wage Payment and Collection Act [820 ILCS 115]. This Part shall apply to all formal hearings before the Department, unless the application of this Part would cause delay or otherwise affect the rights of the parties. The review procedures in Sections 120.640 and 120.650 are effective for any case pending on August 15, 2014 in which testimony was heard and evidence was received into the record, but for which a decision had not been issued from the ALJ, on that date.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.110 Definitions**

"Administrative Law Judge" or "ALJ" means an attorney, licensed to practice law in the State of Illinois, presiding over an administrative hearing convened under this Part.

"Contested case" means *an adjudicatory proceeding (not including ratemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing.* [5 ILCS 100/1-30]

"Day" means a calendar~~business~~ day.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor or the Director's designee.

"Document" means pleading, notice, motion, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be filed.

"Evidence" means those matters considered evidence under the Illinois Rules of Evidence [735 ILCS 5/Art. VIII].

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

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"Party" means *each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.* [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, or public or private organization of any character other than an agency of State government.

"Statement" means a written statement made by a witness and signed or otherwise adopted or approved by the witness, or a stenographic, mechanical, electrical or other recording, or a transcription of the recording that is a substantially verbatim recital of an oral statement made by the witness to an agent of the person obliged to produce the statement and recorded contemporaneously with the making of this oral statement.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.115 Non-Applicability of the Rules (Repealed)**

~~If a party fails to obtain or renew the registration, license or certification the party is required to obtain under the statutory framework the Director is required to enforce, the Director may issue a cease and desist order and seek judicial enforcement of the order through referral of the matter to the Attorney General.~~

(Source: Repealed at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.130 Filing and Service**

- a) Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Department's Chicago office, 160 N. LaSalle, C-1300, Chicago IL 60601. ~~Filing, inspection, and copying of documents may be done at the Department from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for national and State legal holidays.~~ The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. When the Act or this Part requires the filing of a motion, brief, exception or other paper in any proceeding, the document must be received by the Department or the officer or agent designated to receive that matter before the official closing time of the receiving office on the last day of the time limit, if any, for the filing or extension of time that may have been granted. Filings received after 5:00 p.m. will be considered filed on the following business day. ~~Documents~~

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~~may also be inspected or copied at the Department's Springfield office by requesting of the Department that those documents be transmitted by E-mail or fax to the Springfield office for that purpose, with the costs of transmission to be borne by the party transmitting the documents. Copying costs at the rate of 30 cents per page will be borne by the party requesting the copies of documents from the case file.~~

- b) ~~In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. A request for an extension of time to file a document shall be filed no later than 5:00 p.m. at the Chicago Office on the date on which the document is due. Requests for extensions of time filed within three days after the due date must be grounded upon circumstances not reasonably foreseeable in advance. Filings received after 4:30 p.m. will be date stamped the following business day.~~
- c) Documents may be filed with the Department by certified, ~~registered~~, or First Class mail, by messenger service, private delivery service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or electronic mail (e-mail), ~~computer modem~~, will not be accepted, except when specifically requested or ordered by the ALJ Administrative Law Judge.
- d) The date of service shall be the day when the matter served is deposited in the United States mail, or is deposited with a private delivery service that will provide a record showing the date the document was tendered to the delivery service, or is delivered in person. When service is made by facsimile transmission or e-mail, the date of service shall be the date on which transmission is sent. The date of filing shall be the day when the matter is received by the Department as provided by subsection (b). Service of documents by a party on other parties may be made personally, by certified mail, regular mail, e-mail (if the document was filed electronically) or private delivery service. Unless otherwise specified in this Part, service on all parties shall be made in the same manner as that utilized in filing the document with the Department, or in a more expeditious manner; however, when filing with the Department is done by hand, the other parties shall be promptly notified of that action by telephone or electronic mail, followed by service of a copy in a manner designed to insure receipt by the close of the next business day following the filing with the Department.

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- e) When service is made by certified mail, the return post office receipt shall be proof of service. When service is made by a private delivery service, the receipt from that service showing delivery shall be proof of service. However, these methods of proof of service are not exclusive. Any sufficient proof may be relied upon to establish service.
- f) Failure to comply with the requirements of this Section relating to timeliness of service on other parties shall be a basis for either:
- 1) rejection of the document; or
  - 2) withholding or reconsidering any ruling on the subject matter raised by the document until after service has been made and the served party has had reasonable opportunity to respond.
- g) The person or party serving the papers or process on other parties shall submit to the Department a written statement of service stating the names of the persons served and the date and manner of service. Proof of service shall be required by the Department only if, subsequent to the receipt of the statement of service, a question is raised with respect to proper service.
- h) Whenever this Part requires or permits the service of pleadings or other papers upon a party, service shall be deemed satisfied by service on the attorney or other representative of the party who has entered a written appearance in the proceeding on behalf of the party. If a party is represented by more than one attorney or representative, service upon any one of those persons, in addition to the party, shall satisfy this requirement. Service by the Department or its agents of any documents upon any attorney or other representative may be accomplished by any means of service permitted by this Section, including regular mail.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.140 Form of Papers Filed**

- a) A document shall clearly show the title of the subject proceedings, nature of the document (i.e., motion, petition), the relevant statute that relates to the proceeding, the case number and the ALJ Administrative Law Judge who is hearing the matter;

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- b) Documents shall be typewritten or reproduced from typewritten copy on 8½ by 11-inch plain white paper, shall have margins no less than one inch on each side, shall be in a typeface no smaller than 12 point type, and shall be double spaced (except that quotations and footnotes may be single spaced). Carbon copies shall not be filed and will not be accepted. Nonconforming papers may, at the Director's or ALJ's discretion, be rejected; ~~on letter size white paper;~~
- c) Exhibits, ~~when~~ where possible, shall be reduced or enlarged to conform to the size requirements of subsection (b). A party is not prohibited from enlarging an exhibit at hearing for demonstrative purposes as long as the exhibit is reduced to the size requirement in this subsection (c) for the record; and
- d) One copy of each document filed shall be signed by the party or by its authorized representative or attorney. All documents shall bear the business address, e-mail address, fax number, if any, and telephone number of the attorney filing the document, or of the party who appears on his or her own behalf.
- e) ~~Manner of service of all papers filed shall be in conformity with Section 120.210.~~

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.150 Computation of Time (Repealed)**

~~Computation of any period of time prescribed by this Part shall begin with the first business day following the date of filing of the document with the Department and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Notice and filing requirements shall be construed to mean notice and filing received by 4:30 p.m. Monday through Friday. Proof of a notice of filing together with a copy of the document filed shall be served on all parties entitled to notice and the notice shall contain a certification by a person who sends the notice with a copy of the document filed describing how service was made.~~

(Source: Repealed at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.160 Referral to Illinois Supreme Court Rules and Code of Civil Procedure (Repealed)**

~~An Administrative Law Judge shall be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules and the Code of Civil Procedure [735 ILCS 5],~~

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~~regarding any procedural question not regulated by this Part, the appropriate Act and the IAPA.~~

(Source: Repealed at 38 Ill. Reg. 17631, effective August 15, 2014)

## SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

**Section 120.200 Notice of Hearing**

- a) All hearings shall be initiated by the Director's issuance, ~~upon written request or upon the Director's own motion,~~ of a written Notice of Hearing, which shall be served upon all known parties to the hearing. Hearings under the Child Labor Law [820 ILCS 205] shall take priority over all other hearings.
- b) Service shall be complete when the Notice of Hearing is served:
  - 1) in accordance with how a summons is served on a person under Part 2 of the Civil Practice Law [735 ILCS 5/Art. II, Part 2]; ~~or~~
  - 2) by certified U.S. United States Mail, postage prepaid, addressed to the last known address of the person involved not less than 15 days before the day designated for the hearing; or
  - 3) by U.S. mail, postage prepaid, to the address on file with the Department.
- c) A Notice of Hearing served under this Part shall include:
  - 1) The time, place and nature of the hearing;
  - 2) The legal authority and jurisdiction under which the hearing is to be held;
  - 3) A reference to the particular Section of the statutes and rules involved;
  - 4) A short and plain statement of the matters asserted, except ~~when~~where a more detailed statement is otherwise provided for by law; and
  - 5) A designation of an ALJ Administrative Law Judge to preside over the hearing and the address of the ALJ Administrative Law Judge.
- d) A copy of a Notice of Hearing served pursuant to this Part shall be referred to the

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~~ALJ Administrative Law Judge~~ designated in the Notice, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.210 Manner of Service (Repealed)**

~~Service of any document upon any person may be made by personal delivery registered or certified mail with return receipt signed by the person or its registered agent, or by U.S. regular mail, postage prepaid. Proof of service shall be made by affidavit of the person making personal service, or by a properly executed registered or certified mail receipt.~~

(Source: Repealed at 38 Ill. Reg. 17631, effective August 15, 2014)

SUBPART C: ANSWER, MOTION, JOINDER AND INTERVENTION**Section 120.300 ~~Answer and Motion~~**

- a) Any party receiving a complaint and Notice of Hearing shall file a written answer to the complaint not later than 15 days after receiving the complaint and Notice of Hearing. The respondent shall specifically admit, deny or explain each of the facts alleged in the complaint. However, if the respondent is without knowledge, the respondent shall so state and that statement operates as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the answer states that the respondent is without knowledge, shall be deemed to be admitted to be true and shall be so found by the ALJ, unless good cause to the contrary is shown.
- b) When a hearing is scheduled in a matter in which a complaint is not issued, an answer shall not be required and the matter shall proceed under this Part.
- c) An original and one copy of the answer shall be filed with the ALJ. Immediately upon the filing of the answer, the respondent shall serve a copy on the Director and other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one attorney or non-attorney representative of record in his or her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his or her answer and state his or her address. Except

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when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him or her that he or she has read the answer; that, to the best of his or her knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this Section, it may be stricken as a sham and false and the action may proceed as though the answer had not been served. For a willful violation of this Section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

- d) The ALJ before whom the hearing is scheduled may by written order extend the time within which the answer shall be filed.
- ~~a) Any party receiving a Notice of Hearing may file a written answer not later than 7 days after receiving the notice of hearing. All answers or motions preliminary to a hearing shall be presented to the Administrative Law Judge in accordance with Section 120.130 of this Part at least 7 days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted and waiver of all affirmative defenses.~~
- ~~b) Unless made orally on the record during a hearing, or unless the Administrative Law Judge directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. At least 2 copies of all motions shall be filed with the Administrative Law Judge, and at least one copy served on each additional party, if any, to the hearing.~~
- ~~e) Within 7 days after service of a written motion or other document, or other period as the Administrative Law Judge may require, a party may file a response in support of or in opposition to the motion and if necessary, accompanied by affidavits or other evidence. A party has the right to request the Administrative Law Judge for leave to file a response to a motion.~~
- ~~d) No oral argument will be heard on a motion unless the Administrative Law Judge directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon. The brief will be no longer than 15 pages in length unless prior to the filing date leave is granted to file a brief greater than 15 pages.~~

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- e) ~~A written motion will be disposed of by written order and on notice of all parties.~~
- f) ~~The Administrative Law Judge shall rule upon all motions, except that he or she shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.~~
- g) ~~Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.~~
- h) ~~A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is made within 10 days after the receipt of the notice of hearing. Any party may file a response to the objection within 10 days after service.~~
- i) ~~A party has a right to file an emergency motion setting forth why an emergency exists and the Administrative Law Judge can deny the emergency motion solely on the basis that the motion did not demonstrate that an emergency exists.~~

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.301 Motions**

- a) All motions made before or during a hearing shall be made to the ALJ and, unless made orally on the record during a hearing or unless the ALJ directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. Two copies of all motions shall be filed with the ALJ, and at least one copy shall be served on each additional party, if any, to the hearing.
- b) Within 7 days after service of a written motion or other document, or other period as the ALJ may allow, a party may file a response in support of or in opposition to the motion and, if necessary, accompanied by affidavits or other evidence. A party filing a motion has the right to request from the ALJ leave to file a reply to a response.
- c) No oral argument will be heard on a motion unless the ALJ directs otherwise. A written brief may be filed with a motion or an answer to a motion stating the arguments and authorities relied upon. The brief will be no longer than 15 pages

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in length unless, prior to the filing date, leave is granted to file a brief greater than 15 pages.

- d) A written motion filed prior to a hearing will be disposed of by written order and on notice of all parties, except for motions made at or after the opening of a hearing, in which case the ALJ shall announce his or her ruling orally on the record at the hearing. All motions, rulings and orders shall become a part of the record, except that rulings on motions to revoke subpoenas shall become a part of the record only upon the request of the party aggrieved. Except as provided in subsection (i), rulings by the ALJ on motions and/or objections, and orders in connection with those motions and/or objections, shall not be appealed directly to the Director but shall be considered by the Director in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Director pursuant to Sections 120.640 and 120.650.
- e) The ALJ shall rule upon all motions, except that the ALJ shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard in accordance with the procedures for motions in this Section, which shall constitute the record.
- f) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- g) A party may participate in the proceeding without forfeiting any jurisdictional objection, if the objection is made within 10 days after the receipt of notice of hearing. Any party may file a response to the objection within 10 days after service. The right to make motions or to object to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the ALJ.
- h) A party has a right to file an emergency motion setting forth why an emergency exists and the ALJ can deny the emergency motion solely on the basis that the motion did not demonstrate that an emergency exists.
- i) If any motion in the nature of a motion to dismiss or for summary judgment is granted by the ALJ before filing his or her final decision in a matter scheduled for hearing, any party may obtain a review of the granting of the motion by filing a request with the Director stating the grounds for review and, immediately upon filing, shall serve a copy of the request on the other parties. Unless the request for

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review is filed within 15 days from the date of the order of dismissal or granting of summary judgment, the decision of the ALJ shall become final.

- j) A party has the right to appeal any order issued by an ALJ during the pendency of a proceeding.

(Source: Added at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.320 Intervention**

- a) Permission to Intervene
- 1) Upon timely written application, the ~~ALJ~~Administrative Law Judge may, in his or her discretion, permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when:
- ~~A1)~~ The party is so situated that he or she may be adversely affected by a final order arising from the hearing;
- ~~B2)~~ The party requesting intervention is a necessary party to the hearing proceeding; or;
- ~~C)~~ A party's claim or defense and the main action have a question of law or fact in common.
- 2) In exercising discretion under this subsection (a), the ALJ shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
- b) Two copies of a petition for intervention shall be filed with the ~~ALJ~~Administrative Law Judge, and one copy shall be served on each party. ~~The Administrative Law Judge will determine whether a party is necessary and shall consider whether the necessary party will unduly delay or prejudice the adjudication of the rights of the original parties.~~
- c) An intervenor shall have all the rights of an original party subject to the order of the ~~ALJ~~Administrative Law Judge, except that the ~~ALJ~~Administrative Law Judge may, in his or her order allowing intervention, provide that the party shall not

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raise issues that might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

## SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

**Section 120.400 Prehearing Conferences**

- a) Upon the ~~ALJ's Administrative Law Judge's~~ own motion or the motion of a party, the ~~ALJ Administrative Law Judge~~ may direct the parties or their counsel to meet with the ~~ALJ Administrative Law Judge~~ for a conference to consider:
- 1) Simplification of the issues;
  - 2) Necessity or desirability of amending documents for purposes of clarification, simplification or limitation;
  - 3) Stipulations and admissions of fact and of contents and authenticity of documents;
  - 4) Limitation of the number of witnesses;
  - 5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; ~~and~~
  - 6) Rulings on pre-hearing motions; and
  - 7) Taking such other action and addressing such ~~Such~~ other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion.
- b) ~~After the prehearing conference, the results of the prehearing conference will be set out in the transcript of proceeding. All parties are permitted to voice any objections to a prehearing order in the transcript of proceeding or in writing by a time certain set by the Administrative Law Judge. A party's failure to object will constitute a waiver of objection to the prehearing order or any part of that order.~~

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- be) The ALJ Administrative Law Judge shall make an order that recites the action taken at the conference, the amendments allowed to any pleadings that have been filed, and the agreements made between the parties as to any of the matters considered and that limits the issues for hearings to those not disposed of by admissions or agreements. The order, when entered, controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice. A party may file any objections to a prehearing order to preserve its position for the record.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.410 Discovery**

- a) General discovery (e.g., deposition, interrogatories or request to produce or admit) shall not be permitted.
- b) Disclosure of the following shall be required in accordance with the time periods set forth in this subsection (b) unless otherwise modified by the ALJ in the order issued pursuant to the pre-hearing conference:
- 1) Unless otherwise ordered by the ALJ at least 21 days prior to the commencement of the hearing, each party shall provide all parties with a copy of any document that it may offer into evidence. This subsection (b)(1) shall not require any party to provide copies of documents already provided. Each party shall provide newly discovered documents, except for witness statements, as they become known to the party intending to introduce the document.
  - 2) Unless otherwise ordered by the ALJ at least 21 days prior to the commencement of the hearing, each party shall provide all parties with a list containing the name and address of any witness who may be called to testify. Each party shall provide newly discovered witnesses as they become known to the party intending to call the witness.
  - 3) Unless otherwise ordered by the ALJ, after a witness called by the Department or a party has testified in a hearing, the ALJ shall, upon motion of a party, order the production of any statement, as defined in Section 120.110, of the witness in the possession of the Department,

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which relates to the subject matter to which the witness has testified. If the entire contents of any statement relate to the subject matter of the testimony of the witness, the ALJ shall order it to be delivered directly to the requesting party for examination and use for the purpose of cross-examination. If the Department claims that any statement ordered to be produced under this subsection (b)(3) contains matter that does not relate to the subject matter of the testimony of the witness, the ALJ shall order the Department to deliver the statement for the inspection of the ALJ in camera. Upon delivery, the ALJ shall excise the portions of the statement that do not relate to the subject matter of the testimony of the witness, except that the ALJ may, in the ALJ's discretion, decline to excise portions that, although not relating to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With the material excised, the ALJ shall then direct delivery of the statement to the requesting party for use on cross-examination. If, pursuant to this procedure, any portion of the statement is withheld and the requesting party objects to the withholding, the entire text of the statement shall be preserved by the Department and, in the event the requesting party files exceptions with the Director based upon the withholding, shall be made available to the Director for the purpose of determining the correctness of the ruling of the ALJ. If the Department elects not to comply with the order of the ALJ directing delivery of any statement, or portion of a statement as the ALJ may direct, the ALJ shall strike from the record the testimony of the witness.

- a) ~~For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Deposition may be taken in accordance with the Illinois Supreme Court Rules [S. Ct. Rules 201 through 230], except there will be no distinction between discovery deposition and evidence deposition.~~
- b) ~~Unless the prehearing conference order permits the taking of depositions, any party desiring to take the deposition of a witness may file a motion in writing to the presiding Administrative Law Judge, setting forth:~~
  - 1) ~~The reasons why the deposition should be taken;~~
  - 2) ~~The time when the deposition is to be taken;~~
  - 3) ~~The name and address of each witness; and~~

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- 4) ~~The subject matter concerning which each witness is expected to testify.~~
- e) ~~All parties shall receive notice of the taking of the deposition as determined by the Administrative Law Judge.~~
- d) ~~Each witness testifying upon deposition shall be sworn, and the parties not calling the witness shall have the right to cross examine the witness. The questions and answers, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him or her, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with 2 copies, in an envelope and mail the envelope by registered mail to the presiding Administrative Law Judge. Subject to objections to the questions and answers noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. Each deposition of a witness shall be transcribed. The witness shall be questioned in accordance with the Civil Practice Law and Rules of Illinois Supreme Court except all objections as to form and substance of question must be made during the deposition.~~
- e) ~~In the discretion of the Administrative Law Judge, he or she may permit, under terms that seem just and equitable, discovery that is permitted by Illinois Supreme Court Rules.~~
- f) ~~Upon application of any party, the Administrative Law Judge may enter a protective order as permitted by Supreme Court Rule 201.~~

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.420 Subpoenas**

- a) The ALJ shall, on the written application of any party, issue subpoenas to a party allowing that party to require the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents. The Director shall have the authority to sign and issue subpoenas on behalf of the Department. Applications for subpoenas made before or during the hearing shall be filed with the ALJ. Applications for subpoenas may be made ex

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parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

- b) Subpoenas may be served by personal delivery, by certified mail with return receipt signed by private delivery service, or by U.S. regular mail, postage prepaid. Any person served with a subpoena, whether ad testificandum (for witness testimony) or duces tecum (for document production), who does not intend to comply with the subpoena, shall, within 5 days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke shall be the date the subpoena is received. All petitions to revoke subpoenas shall be served on the party at whose request the subpoena was issued. The petition to revoke, if made prior to or during the hearing shall be filed with the ALJ.
- c) The ALJ, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, is oppressive or requests material that is irrelevant. The ALJ will rule upon motions to quash or modify material requested in the subpoena. The ALJ may deny, limit or condition the production of information when necessary to prevent undue delay, undue expense, harassment or oppression. The ALJ can take these actions if the subpoena does not describe with sufficient particularity the evidence whose production is required, or if, for any other reason sufficient in law, the subpoena is otherwise invalid. The ALJ can also take these actions to protect materials from disclosure consistent with a protective order issued by the ALJ. If the Request for Subpoena is denied or modified, the ALJ shall proceed to conduct the hearing, and the specific reasons for denying or modifying the request shall be made part of the record.
- d) If a party or organization within control of a party fails to obey a subpoena, and the ALJ finds the subpoena to have been validly served and the material requested to be relevant and material, the ALJ may impose such sanctions as are appropriate, including but not limited to: prohibiting testimony by the party who has refused to comply with the subpoena; drawing an adverse inference against the party required to comply; or recognizing the evidence required by the subpoena but not produced as establishing the truth of the position of the party who subpoenaed the document. If a nonparty fails to obey a subpoena, the party seeking enforcement shall be responsible for preparing an application for enforcement and shall file it in a court of appropriate jurisdiction.

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- e) Witnesses summoned before the ALJ, other than those summoned by the Department, shall be paid the same fees and mileage that are paid witnesses in the court of the county where the hearing is being held. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.
- a) ~~The Administrative Law Judge may issue a subpoena to compel the attendance of a witness or the production of documents when the witness or the production of documents has or contains relevant evidence but is not being presented by the party, witness or holder of a document. A party may also request the Administrative Law Judge to issue a subpoena to compel the attendance of a witness or the production of documents.~~
- b) ~~A Request for Subpoena shall be either in writing or on the record and shall:~~
- 1) ~~Identify the witness or document sought;~~
  - 2) ~~State the facts that will be proven by each witness and or document sought; and~~
  - 3) ~~Provide a proposed subpoena.~~
- e) ~~The Administrative Law Judge shall grant or deny the request, either in writing or on the record. The movant is responsible for serving the subpoena upon the party or witness if the request is granted. Service of a subpoena must be completed 7 days before the date of the required appearance or production.~~
- d) ~~The Administrative Law Judge, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, oppressive, or irrelevant. The Administrative Law Judge will rule upon motions to quash or modify material requested in the subpoena, denying, limiting or conditioning the production of information when necessary to prevent undue delay, undue expense, harassment, or oppression or to protect materials from disclosure consistent with the provisions of Section 120.410(f) of this Part. If the Request for Subpoena is denied or modified, the Administrative Law Judge shall proceed to conduct the hearing, and the specific reasons for denying or modifying the request shall be made part of the record.~~
- e) ~~Any witness subpoenaed for a deposition may be required to attend only in the county in which the witness resides or maintains an office address, or in any other place ordered by the Administrative Law Judge.~~

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(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

## SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

**Section 120.500 Authority of Administrative Law Judge**

An ~~ALJ~~ ~~Administrative Law Judge~~ presiding over a hearing shall have all powers necessary and appropriate to conduct a full, fair and impartial hearing, including the following:

- a) To administer oaths and affirmations;
- b) To rule upon offers of proof and receive relevant evidence;
- c) To ~~exercise the power of the Director and~~ issue subpoenas as provided in Section 120.420 under any statute;
- d) To rule on issues relating to document exchange ~~provide for discovery and to determine its scope~~;
- e) To regulate the course of the hearing and the conduct of the parties and their counsel;
- f) To consider and rule upon procedural requests;
- g) To hold conferences for the settlement or simplification of the issues;
- h) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- i) To make or to cause to be made an inspection of the employment or place of employment involved; and
- j) To make decisions in accordance with the appropriate Act and rules, this Part, and the IAPA.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

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**Section 120.530 Contumacious Conduct**

- a) Contumacious conduct at any hearing before the ALJ Administrative Law Judge shall be grounds for exclusion from the hearing.
- b) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide documents or permit discovery, the ALJ Administrative Law Judge may make those such orders with regard to the refusal as are just and appropriate, including, but not limited to, excluding the testimony of witnesses, entering an order of default, entering an order that certain facts are deemed admitted for purpose of the proceeding, or entering an order denying the application or complaint of a party.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.560 Rules of Evidence**

The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the ALJ Administrative Law Judge determines that application of the any such rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs. The ALJ Administrative Law Judge must state on the record his or her reasons for that determination. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally, accompanied by a short statement of the grounds for the objection, and included in the record. No objection shall be deemed waived by further participation in the hearing.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

## SUBPART F: POST-HEARING PROCEDURES

**Section 120.610 Record in Contested Cases**

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
  - 1) All pleadings, including all notices and responses to those pleadings;
  - 2) A transcript of the hearing, if any, and all evidence received;

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- 3) A statement of matters officially noticed;
  - 4) Any offers of proof, objections to that proof, and rulings on that proof;
  - 5) Any proposed findings and acceptance;
  - 6) Any decision, opinion or report by the ALJ Administrative Law Judge;
  - 7) All staff memoranda or data submitted to the ALJ Administrative Law Judge or employeesmembers of the Department in connection with their consideration of the case; and
  - 8) Any ex parte communication prohibited by Section 10-60 of the IAPA ~~[5 ILCS 100/10-60]~~, but those communications shall not form the basis for any finding of fact.
- b) The record shall also contain the following:
- 1) Subpoenas;
  - 2) Requests for Subpoenas;
  - 3) Cover letters;
  - 4) Notices of Filing; and
  - 5) Certificates of mailing for regular mail and return receipts for certified mail; ~~and~~
  - 6) ~~Discovery Requests.~~
- c) The Department shall be the official custodian of the records of administrative hearings held by the Department.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.620 Briefs**

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The ~~ALJ~~Administrative Law Judge may require or allow parties to submit written briefs to the ~~ALJ~~Administrative Law Judge within 10 days after the close of the hearing or other reasonable time as the ~~ALJ~~Administrative Law Judge shall determine, consistent with the Director's responsibility for an expeditious decision. Briefs shall be limited to 25 pages, unless permission is granted by the ALJ.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.640 Administrative Law Judge's Decision and Order**

- a) The ~~ALJ's~~Administrative Law Judge's decision shall be in writing and, when necessary, include findings of fact and conclusions of law and opinions. The findings of fact shall be based exclusively on the evidence presented at hearing or known to all parties, including matters officially noticed. The ~~ALJ~~Administrative Law Judge shall, in addition to the decision, issue an appropriate order. The decision in the case shall become effective immediately upon the execution of the order by the ~~ALJ~~Administrative Law Judge or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party of record and to each attorney of record. This Section applies to all formal hearings held pursuant to the Child Labor Law [820 ILCS 205], Day and Temporary Labor Services Act [820 ILCS 175], Nurse Agency Licensing Act [225 ILCS 510], Prevailing Wage Act [820 ILCS 130/9 and 11a], Health and Safety Act [820 ILCS 225], Safety Inspection and Education Act [820 ILCS 220], ~~and~~ Illinois Worker Adjustment and Retraining Notification Act [820 ILCS 65], Employee Classification Act [820 ILCS 185/25], Private Employment Agency Act [225 ILCS 515/12], One Day Rest in Seven Act [820 ILCS 140/6] and Carnival and Amusement Rides Safety Act [430 ILCS 85/2-8.1, 2-12 and 2-15].
- b) The ALJ shall forward a copy of his or her decision, including findings of fact, opinions, recommendations and order, to each party of record. Each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, recommendations and order of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order shall automatically become the decision and order of the Director. All objections and exceptions to the Director's decision and order shall be deemed waived for all purposes. Service of the ALJ's decision and of the order transferring the case to the Director shall be complete upon mailing.

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c) Exceptions1) Each exception shall:

- A) set forth specifically the questions of procedure, fact, law or policy to which exception is taken;
- B) identify that part of the ALJ's decision to which objection is made;
- C) designate by precise citation of page the portions of the record relied on; and
- D) concisely state the grounds for the exception.

2) If a supporting brief is filed, the exceptions document shall not contain any argument or citation of authority in support of the exceptions. Those matters shall be set forth only in the brief. If no supporting brief is filed, the exceptions document shall also include the citation of authorities and argument in support of the exceptions, in which event the exceptions document shall be subject to a 25 page limit. If a supporting brief is filed, it shall be subject to a 20 page limit.d) Any exception to a ruling, finding, conclusion or recommendation that is not specifically stated shall be deemed to have been waived. Any exception that fails to comply with subsection (c) may be disregarded. Any brief in support of exceptions shall not refer to any matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

- 1) A clear and concise statement of the case, containing all that is material to the consideration of the questions presented.
- 2) A specification of the questions involved and to be argued, together with a reference to the specific exceptions to which they relate.
- 3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the record and the legal or other material relied on.

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- e) Within 10 days, or such further period as the Director may allow, from the last date on which exceptions and any supporting brief may be filed, a party opposing the exceptions may file an answering brief to the exceptions, in accordance with this subsection. The answering brief to the exceptions shall be limited to the questions raised in the exceptions and in the brief in support of the exceptions. It shall present clearly the points of fact and law relied on in support of the position taken on each question. When exception has been taken to a factual finding of the ALJ and the exception is proposed to support that finding, the answering brief should specify those pages of the record that, in the view of the party filing the brief, support the ALJ's finding. The answering brief shall be limited to 20 pages.
- f) Requests for extension of time to file an answering brief to the exceptions shall be in writing and copies shall be served promptly on the other parties.
- g) Any matter not included in the exceptions may not thereafter be raised to the Director or in any further proceeding and is deemed waived for all purposes.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.650 Administrative Law Judge's Recommendations**

- a) When~~Where~~ the Director is required by law to be the sole, personal acting officer, the ~~ALJ~~Administrative Law Judge shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.
- b) The ~~ALJ~~Administrative Law Judge shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, and recommendations of the ~~ALJ~~Administrative Law Judge and to present a brief ~~to the Administrative Law Judge~~ in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.
- c) Exceptions and briefs in support of exceptions or in answer to exceptions shall

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comply with Section 120.640(c) through (f).

- d) Any matter not included in the exceptions may not thereafter be raised to the Director or in any further proceeding and is deemed waived for all purposes.
- e) ~~The Administrative Law Judge shall then prepare and submit to the Director or his or her authorized representative a final set of findings, opinions and recommendations that, if a party submitted proposed findings of fact that might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.~~
- e) This Section applies to formal hearings held pursuant to the Environmental Protection Act [415 ILCS 5/52(c)], Private Employment Agency Act [225 ILCS 515], Prevailing Wage Act [820 ILCS 130/11b] and Victims' Economic Security and Safety Act [820 ILCS 180].

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.660 Order of the Director**

Upon receipt of an ~~ALJ's Administrative Law Judge's~~ recommendation by way of Recommended Decision or an ALJ Decision and Order, to which exceptions have been filed, the Director shall review the record and the ~~ALJ's Administrative Law Judge's~~ findings, opinions and recommendations, together with exceptions and briefs, and shall issue an order as set forth by applicable statutes within a reasonable time. The decision in the case will become effective immediately upon the execution of the order or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

**Section 120.670 Judicial Review**

- a) If a party seeks judicial review of an Administrative Law Judge's Decision and Order~~decision~~ or a Decision and an Order of the Director, that party will pay the actual cost to the Department of preparing the administrative record and filing it in court. Payment shall be by certified check made payable to the Illinois Department of Labor.

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- b) Actions for judicial review under this Section shall be filed where the hearing proceedings took place, which is in ~~either~~ the circuit court of either Cook County or ~~of~~ Sangamon County.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 501
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
501.103	New Section
501.104	New Section
501.200	Amendment
501.201	Amendment
501.223	New Section
501.236	New Section
501.238	New Section
501.241	Amendment
501.242	New Section
501.244	New Section
501.252	New Section
501.253	New Section
501.254	New Section
501.261	New Section
501.263	New Section
501.267	New Section
501.295	Amendment
501.305	Amendment
501.310	Amendment
501.312	New Section
501.313	New Section
501.325	Repeal
501.333	New Section
501.343	New Section
501.345	Amendment
501.355	Amendment
501.357	New Section
501.358	New Section
501.359	New Section
501.360	Amendment
501.361	New Section
501.363	New Section
501.373	New Section
501.377	New Section

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501.378	New Section
501.379	New Section
501.385	New Section
501.390	New Section
501.395	New Section
501.401	Amendment
501.402	Amendment
501.404	Amendment
501.405	Amendment

- 4) Statutory Authority: Implementing Sections 9, 12, 13, 21, and 22 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22, and 27]
- 5) Effective Date of Rule: August 11, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes

"Illinois Agronomy Handbook, 24th Edition," University of Illinois, College of Agriculture, Consumer and Environmental Sciences. Urbana, IL, July 2009. Available from University of Illinois, Office of Extension and Outreach, 111 Mumford Hall (MC-710), 1301 W. Gregory Dr., Urbana, IL 61801 (217) 333-5900

MWPS. Available from MidWest Plan Service, 122 Davidson Hall, Iowa State University, Ames, IA 50011-3080 (515) 294-4337.

"Livestock Waste Facilities Handbook, Third Edition," MWPS-18. MidWest Plan Service. April 1993.

"Manure Characteristics," Section 1. Second Edition MWPS-18-S1. MidWest Plan Service. 2004.

"Recommended Chemical Soil Test Procedures for the North Central Region," North Central Regional Publication No.221, Missouri Agricultural Experiment Station Bulletin SB 1001 (January 1998). Available from North Central Region - University of Missouri Soil Testing Lab, 23 Mumford Hall, University of Missouri, Columbia, MO 65211 (573) 884-4288.

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"Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table 2 for B810. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana, IL 61801 (217) 333-0240.

"Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011, to amend Table S2 for B811. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana, IL 61801 (217) 333-0240.

"NOAA Atlas 14: Precipitation-Frequency Atlas of the United States," United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325 East West highway, Silver Spring, MD 20910 (Available online at [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/Atlas14\\_Volume2.pdf](http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf)).

Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20401 (202) 783-3238:

40 CFR 412.46(a)(1)(i) (2008), New Source Performance Standards (NSPS)

40 CFR 412.46(a)(1)(vi) (2008), New source Performance Standards (NSPS)

"Agricultural Waste Management Field Handbook," United States Department of Agriculture, Natural Resources Conservation Service (2009). Available from USDA, NRCS, 1400 Independence Ave., S.W., Washington DC 20250. (Available online at <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430>).

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: December 2, 2013; 37 Ill. Reg. 18974.

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

11) Differences between Proposal and Final Version:

The Board amended Section 501.200, Incorporations by Reference, by removing two sets of materials from the American Society of Agricultural and Biological Engineers, which the Subpart E regulations do not rely upon. The Board also amended Section 501.200 by removing incorporation of one provision of the Code of Federal Regulations to clarify a revised definition of "Revised Universal Soil Loss Equation Version 2 (RUSLE2)." Finally, the Board amended Section 501.200 by adding an incorporation of 40 CFR 412.46(a)(1)(ii) to reflect a revision of Section 502.840(b) and an incorporation of 40 CFR 412.46(a)(1)(vi) to reflect a revision of Section 502.840(f).

The Board amended the Board Note to Section 501.244, Erosion Factor T, by clarifying the online availability of Erosion Factor T and by providing the online availability of soil surveys for Illinois.

The Board amended Section 501.360, Revised Universal Soil Loss Equation Version 2 (RUSLE2), to define it in terms of equations provided in the draft User Guide to compute soil loss. The Board also amended the Board Note to clarify the online availability of soil loss calculations and to provide a source of additional information.

The Board removed Section 501.505, Requirements for Certain CAFOs to Submit Information, for further consideration in a subdocket. The Board also amended the Table of Contents by removing Subpart D, which consisted solely of Section 501.505.

The Board also adopted other changes of a non-substantive nature, *e.g.*, capitalization and abbreviation.

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

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

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

15) Summary and Purpose of Rulemaking: A more complete description of this proposal may be found in the Board's opinion and order of August 7, 2014 in docket R12-23.

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The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend Parts 501, 502, and 504 of the Board's agriculture related pollution regulations. The Agency sought to amend Part 501 so that it would be consistent with, and as stringent as, the current federal Concentrated Animal Feeding Operations regulations. The Agency also sought to establish state technical standards required by the federal rule. The United States Environmental Protection Agency (USEPA) had directed that "Illinois still needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow." The Agency claimed that failure to amend these regulations could result in withdrawal of federal delegation to Illinois of the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act. Revisions to Part 501 are intended to provide the general provisions, including definitions and incorporations by reference, on which the revisions are based.

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

Timothy J. Fox  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago IL 60601

312/814-6085  
tim.fox@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-23 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE E: AGRICULTURE RELATED POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 501  
GENERAL PROVISIONS

## SUBPART A: AUTHORITY AND POLICY

Section	
501.101	Authority
501.102	Policy
<a href="#">501.103</a>	<a href="#">Organization of this Chapter</a>
<a href="#">501.104</a>	<a href="#">Severability</a>

## SUBPART B: DEFINITIONS AND INCORPORATIONS

Section	
501.200	Incorporations by Reference
501.201	Definitions
501.205	Act
501.210	Administrator
501.215	Air Pollution
501.220	Agency
<a href="#">501.223</a>	<a href="#">Animal Confinement Area</a>
501.225	Animal Feeding Operation
501.230	Animal Unit
501.235	Board
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501.401	<a href="#">Purpose and Scope of Operational Rules for Livestock Management Facilities and Livestock Waste-Handling Facilities</a> <del>General Criteria</del>
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## 501.APPENDIX A References to Previous Rules

AUTHORITY: Implementing and authorized by Sections 9, 12, 13, 21, 22 and 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22 and 27].

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10592; amended in R90-7 at 15 Ill. Reg. 10075, effective July 1, 1991; amended in R12-23 at 38 Ill. Reg. 17661, effective August 11, 2014.

[Section 501.103 Organization of this Chapter](#)

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The Board regulations adopted in 35 Illinois Administrative Code Subtitle E: Agriculture Related Pollution, Chapter I: Pollution Control Board are organized as provided in this Section.

- a) Part 501 of this Chapter contains definitions and incorporations by reference applicable to Parts 501, 502 and 503, which are the Parts of this Chapter administered by the Environmental Protection Agency. Subpart C of Part 501 also contains the requirements applicable to all livestock waste-handling facilities and livestock management facilities, whether or not those facilities are defined as Animal Feeding Operations (AFOs) or Concentrated Animal Feeding Operations (CAFOs) and without regard to whether the facility is subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements.
- b) Part 502 identifies which AFOs are subject to NPDES permit requirements and specifies those requirements. Part 502 also provides the State technical standards applicable to permitted CAFOs. That Part also contains requirements applicable to land application activities from AFOs that are defined as large CAFOs and are not permitted under an NPDES permit.
- c) Part 503 contains the requirements applicable to fish and aquatic animal production facilities, irrigation activities, and silvicultural activities and sources.
- d) Part 506 implements the Livestock Management Facilities Act [510 ILCS 77]. Those rules and the Livestock Management Facilities Act are administered by the Illinois Department of Agriculture.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.104 Severability**

If any provision of this Part is adjudged invalid, or if the application of this Part to any person or in any circumstance is adjudged invalid, that invalidity shall not affect the validity of this Chapter as a whole, or of any Part, Subpart, sentence or clause of this Part not adjudged invalid.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.200 Incorporations by Reference**

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

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~~ASAE. Available from American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.~~

~~"Control of Manure Odors," ASAE EP379.1 (December 1986).~~

~~"Design of Anaerobic Lagoons for Animal Waste Management," ASAE EP403.1 (March 1990).~~

"Illinois Agronomy Handbook, 24<sup>th</sup> Edition," University of Illinois, College of Agriculture, Consumer and Environmental Sciences. Urbana IL July 2009. Available from University of Illinois, Office of Extension and Outreach, 111 Mumford Hall (MC-710), 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-5900.

MWPS. Available from MidWest Plan Service, 122 Davidson Hall, Iowa State University, Ames IA 50011-3080 (515) 294-4337.

"Livestock Waste Facilities Handbook, Third Edition," MWPS-18. MidWest Plan Service. April 1993.

"Manure Characteristics," Section 1. Second Edition MWPS-18-S1. MidWest Plan Service. 2004.

"Recommended Chemical Soil Test Procedures for the North Central Region," North Central Regional Publication No. 221, Missouri Agricultural Experiment Station Bulletin SB 1001 (January 1998). Available from North Central Region-University of Missouri Soil Testing Lab, 23 Mumford Hall, University of Missouri, Columbia MO 65211 (573) 884-4288.

"Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table 2 for B810. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table S2 for B811.

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Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"NOAA Atlas 14: Precipitation Frequency Atlas of the United States," United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325 East West Highway, Silver Spring MD 20910 (Available online at [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/Atlas14\\_Volume2.pdf](http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf)).

Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401 (202) 783-3238:

40 CFR 412.46(a)(1)(ii) (2008), New Source Performance Standards (NSPS).

40 CFR 412.46(a)(1)(vi) (2008), New Source Performance Standards (NSPS).

"Agricultural Waste Management Field Handbook," United States Department of Agriculture, Natural Resources Conservation Service (2009). Available from USDA, NRCS, 1400 Independence Ave., S.W., Washington, DC 20250. (Available online at <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430>).

- b) This Section incorporates no later editions or amendments.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.201 Definitions**

- a) Except as ~~otherwise hereinafter~~ stated in this Part, and unless a different meaning of the term is clear from its context, the definitions of terms used in this Chapter shall be the same as those used in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I.
- b) The definitions contained in this Subpart are applicable to 35 Ill. Adm. Code 501, 502 and 503.

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(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.223 Animal Confinement Area**

Animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways and stables.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.236 Chemicals and Other Contaminants**

Antibiotics, hormones, feed additives, pesticides, hazardous and toxic chemicals, petroleum products and by-products, other chemical products and by-products, and the residues and containers of any of these materials.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.238 Concentrated Animal Feeding Operation (CAFO)**

An Animal Feeding Operation (AFO) that is defined as a Large CAFO pursuant to 35 Ill. Adm. Code 502.103 or as a medium CAFO pursuant to 35 Ill. Adm. Code 502.104, or that is designated as a CAFO pursuant to 35 Ill. Adm. Code 502.106.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.241 CWA**

~~The Clean Water Act, as amended (33 USC 1251 et seq.) Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, 33 U.S.C 1251 et seq., Public Law 92-500, enacted by the Congress October 18, 1972, as amended by Public Law 95-217, enacted December 27, 1977, as amended.~~

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.242 Dry lot**

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A facility for growing ducks in confinement with a dry litter floor cover and no access to swimming areas.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.244 Erosion Factor T**

An estimate of the maximum average annual rate, in tons per acre per year, of soil erosion by wind or water that can occur without affecting crop productivity over a sustained period.

BOARD NOTE: Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.252 Frozen Ground**

Soil that is frozen anywhere between the first ½ inch to 8 inches of soil as measured from the ground surface.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.253 Grassed Waterway**

A natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the conveyance of runoff from a field, diversion or other structure.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.254 Groundwater**

Underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure [415 ILCS 5/3.210].

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

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**Section 501.261 Incorporation**

A method of land application of livestock waste in which the livestock waste is thoroughly mixed or completely covered with the soil within 24 hours. Any ponded liquid livestock waste remaining on the site after application is not considered to be thoroughly mixed or completely covered with the soil.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.263 Injection**

The placement of livestock waste 4 to 12 inches below the soil surface in the crop root zone using equipment specifically designed for that purpose, when the applied material is retained by the soil.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.267 Land Application Area**

Land under the control of an Animal Feeding Operation owner or operator, whether it is owned, rented or leased, to which livestock waste from the production area is or may be applied.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.295 Livestock Waste**

Manure, litter, process wastewater, overflow from watering systems, ~~Livestock excreta and associated feed losses, bedding,~~ wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an Animal Feeding Operation~~animal feeding operation~~ and other materials polluted by livestock, including but not limited to soils and sludges removed from livestock waste storage structures. Livestock waste does not include agricultural stormwater discharge.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.305 Man-made**

Constructed by man ~~and used for the purpose of transporting waste.~~

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(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.310 Man-made Ditch**

A discrete fissure or channel excavated in the earth ~~for the purpose of transporting livestock waste directly to navigable waters. This is not to be confused with a vegetative filter or acceptable disposal area which is a treatment device and may take the form of a man-made terrace or grass waterway system.~~

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.312 Manure**

Animal excreta, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.313 Manure Storage Area**

Includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under-the-house or pit storages, liquid impoundments, static piles, and composting piles.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.325 Navigable Waters (Repealed)**

~~All waters of the United States as defined in Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR 125.1(p)):~~

- ~~a) All navigable waters of the United States;~~
- ~~b) Tributaries of navigable water of the United States;~~
- ~~e) Interstate waters;~~
- ~~d) Intrastate lakes, rivers and streams which are utilized by interstate travelers for recreational or other purposes;~~

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- e) ~~Intrastate lakes, rivers and streams from which fish or shellfish are taken and sold in interstate commerce; and~~
- f) ~~Intrastate lakes, rivers and streams which are utilized for industrial purposes by industries in interstate commerce.~~

(Source: Repealed at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.333 New Source**

Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after either of the following dates:

- a) after promulgation of standards of performance under section 306 of the Clean Water Act that are applicable to the source, or
- b) after proposal of standards of performance in accordance with section 306 of the Clean Water Act that are applicable to the source, but only if the standards are promulgated in accordance with section 306 within 120 days after their proposal.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.343 Overflow**

The discharge of livestock waste resulting from the filling of livestock waste storage structures beyond the point at which livestock waste or stormwater can no longer be contained by the structure.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.345 Owner ~~/or~~ Operator**

Any person who owns, leases, operates, controls or supervises a livestock management facility or livestock waste-handling facility.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.355 Pollutant**

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Dredged spoil, solid waste, incinerator residue, [filter backwash](#), sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, as defined in CWA.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.357 Process Wastewater**

Water directly or indirectly used in the operation of the Animal Feeding Operation for any of the following activities: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other Animal Feeding Operation facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. It also includes any water that comes into contact with any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs or bedding.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.358 Production Area**

The part of an Animal Feeding Operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.359 Raw Materials Storage Area**

Includes, but is not limited to, feed silos, silage bunkers, and bedding materials stacks.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.360 Revised Universal Soil Loss Equation Version 2 (RUSLE2)-Settling Basin**

a) The equation for calculating soil loss due to erosion is as follows:

$$a_i = r_i k_i l_i S c_i p_i$$

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Where:

$a_i$   $\equiv$  long-term average soils loss for the  $i^{\text{th}}$  day;

$r_i$   $\equiv$  erosivity factor;

$k_i$   $\equiv$  soil erodibility factor;

$l_i$   $\equiv$  soil length factor;

$S$   $\equiv$  soil steepness factor;

$c_i$   $\equiv$  cover management factor; and

$p_i$   $\equiv$  supporting practices factor,

all on the  $i^{\text{th}}$  day, except for slop steepness factor (S).

b) The average annual soil loss is computed as follows:

$$A = \frac{\left[ \sum_{i=1}^{365m} a_i \right]}{m}$$

Where:

$A$   $\equiv$  average annual soil loss.

$365m$   $\equiv$  number of days per year.

$m$   $\equiv$  number of years in the analysis period. The value for m is 1 for continuous vegetation on range, pasture, and other lands, where conditions are the same year after year, while m = the number of years of cropping management rotations on cropland and the number of years following a disturbance such as construction, logging, grading of a reclaimed surface mine, or closing of a land fill where conditions are changing year to year.

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BOARD NOTE: Soil loss may be calculated using Revised Universal Soil Loss Equation 2 (RUSLE2) software program available at [http://fargo.nserl.purdue.edu/rusle2\\_dataweb/RUSLE2\\_Index.htm](http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm). Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Services, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656.

~~Any excavated, diked or walled structure or combination of structures designed as part of a livestock waste handling facility to detain feedlot runoff for a sufficient time to permit solids to settle for later removal.~~

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.361 Saturated**

Soils in which pore spaces are occupied by liquid to the extent that additional inputs of water or liquid wastes cannot infiltrate into the soil.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.363 Setbacks**

A specified distance from surface waters or potential conduits to surface waters where livestock waste may not be land applied. Examples of conduits to surface waters include, but are not limited to, open tile intake structures, sinkholes, and agriculture well heads.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.373 Surface Land Application**

Application of livestock waste to the ground surface that is not incorporated or injected.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.377 Vegetative Buffer**

Narrow, permanent strip of dense perennial vegetation established parallel to the contours of the land and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

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(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.378 Vegetative Fence Row**

Narrow, permanent strip of perennial vegetation established at the edge of a field that is a minimum of 15 feet wide. The vegetative fence row slows water runoff and enhances water infiltration, reducing the risk of pollutants leaving the field.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.379 Waste Containment Area**

Includes, but is not limited to, settling basins, and areas within berms and diversions that separate uncontaminated stormwater from livestock waste.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.385 Wet Lot**

A confinement facility for raising ducks that is open to the environment, has a small number of sheltered areas, and has open water runs and swimming areas to which ducks have free access.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.390 25-Year, 24-Hour Precipitation Event**

The maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, incorporated by reference in Section 501.200.

(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.395 100-Year, 24-Hour Precipitation Event**

The maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, incorporated by reference in Section 501.200.

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(Source: Added at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.401 Purpose and Scope of Operational Rules for Livestock Management Facilities and Livestock Waste-Handling Facilities~~General Criteria~~**

- a) Besides the regulations contained within this Chapter, every person shall also comply with provisions of the Act and other Board regulations.
- b) The owner or operator of any livestock management facility or livestock waste-handling facility shall comply with the CWA, NPDES filing requirements and the feedlot category of point source effluent guidelines. All livestock management facilities and livestock waste-handling facilities have the obligation to make a site specific determination of whether the facility is subject to NPDES permit requirements and to follow those requirements when and where they are applicable. CAFOs are subject to additional requirements applicable under 35 Ill. Adm. Code 502.
- c) This Subpart~~These regulations~~ shall apply to stockyards and similar operations where animals are held briefly, as well as to conventional livestock operations.
- d) The transportation of livestock wastes shall be planned and conducted so as not to cause, threaten, or allow any violation of the Act and applicable regulations.
- e) Any runoff or overflow from a livestock management facility or a livestock waste-handling facility shall not cause a water quality violation pursuant to the Act or 35 Ill. Adm. Code Subtitle C: Water Pollution.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities**

- a) No new livestock management facility or new livestock waste-handling facility shall contain within its boundaries any stream or other surface waters except small temporary accumulations of water occurring as a direct result of precipitation.
- b) New livestock management facilities and new livestock waste-handling facilities located within a 10-year flood height as recorded by the United States Geological Survey or as officially estimated by the Illinois State Water Survey shall be

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protected against such flood.

c) Limitations Effective July 15, 1991

1) Upon July 15, 1991, new or expanded livestock management facilities and new or expanded livestock waste-handling facilities shall not be located within ½ mile of a populated area or within ¼ mile of a non-farm residence.

2) For purposes of this subsection (c), the following shall not be considered location of a new or expanded livestock management or waste-handling facility:

A) Commencement of operations at an idle facility which has livestock shelters left intact, and ~~that~~which has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the ~~ten~~(10) previous years;

B) Commencement of operations at a facility reconstructed after partial or total destruction due to natural causes, i.e., tornado, fire, or earthquake.

3) Adequate odor control methods and technology shall be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.

d) The setback requirements of subsection (c) shall not apply to any livestock management facility or livestock waste-handling facility ~~that~~which meets any of the following conditions:

1) The facility is located in an ~~agricultural area~~Agricultural Area, designated as such pursuant to the Agricultural Areas Conservation and Protection Act, [505 ILCS 5]~~Ill. Rev. Stat. 1989, ch. 5, para. 1001 et seq.~~;

2) The facility undergoes expansion, and the owner of the facility certifies and notifies the Agency in writing ~~as such~~ that the facility was operating as a livestock management facility or livestock waste-handling facility for at least one year prior to the existence of any non-farm residence within ¼

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mile of the facility or of a populated area within ½ mile of the facility; or

- 3) The use of the facility as a livestock management or livestock waste handling facility is allowed by local zoning or municipal ordinance. If no local zoning or municipal ordinance exists that covers ~~that such~~ use, the facility shall be exempt if the livestock are not raised or kept at the facility primarily for hire or the raising or keeping of livestock at the facility does not have financial profit as a primary aim.
- e) A new livestock management facility or new livestock waste-handling facility ~~that which~~ locates within ¼ mile of a neighboring farm residence shall locate at the maximum feasible location from ~~that such~~ residence.
- f) A new livestock management facility or new livestock waste-handling facility ~~that which~~ locates within ¼ mile of a non-farm residence or within ½ mile of a populated area, ~~as allowed by pursuant to~~ subsection (d), shall locate at the maximum feasible location from ~~the such~~ residence or populated area.
- g) New livestock management facilities or new livestock waste-handling facilities located on soil types or geological formations where the deposition of livestock waste is likely to cause groundwater pollution shall be constructed in such a way that pollution will be prevented, or supplementary measures shall be adopted ~~that which~~ will prevent pollution.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.404 Handling and Storage of Livestock Waste**

- a) Any livestock waste stored in excess of six months shall be contained in a manure storage structure.
- b) Temporary Manure Stacks
  - 1) ~~A temporary manure stack is a potential secondary source, as defined by the Act. As a potential secondary source, a temporary manure stack is subject to the minimum setback zones established in Title IV of the Act. Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or groundwaters.~~

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- 2) A temporary manure stack shall not be located within 75 feet from any water well, except monitoring wells.~~No temporary manure stack shall be constructed within 100 feet of a water well.~~
  - 3) A temporary manure stack shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface waters or groundwaters. A cover and pad or other control must be provided to prevent runoff and leachate from entering surface waters and groundwater.
- c) Livestock Waste-Holding Facilities
- 1) Liquid manure-holding tanks shall be impermeable and capable of withstanding pressures and loadings to which such a tank may be subjected.
  - 2) Holding ponds and lagoons shall be impermeable or so sealed as to prevent groundwater or surface water pollution.
  - 3) For livestock management facilities and livestock waste handling facilities that are not required to obtain an NPDES permit, the~~The~~ contents of livestock waste-handling facilities shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year 24-hour storm.
  - 4) Liquid Livestock Waste
    - A) Existing livestock management facilities ~~that~~which handle the waste in a liquid form shall have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination thereof so as not to cause air or water pollution as defined in the Act or applicable regulations. If inadequate storage time causes or threatens to cause a violation of the Act or applicable regulations, the Agency may require that additional storage time be provided. In such cases, interim pollution prevention measures may be required by the Agency.
    - B) New livestock waste-handling facilities ~~that~~which handle the waste

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in a liquid form shall provide a minimum of 120-day storage with a liquid manure-holding tank, lagoon, holding pond, or any combination thereof unless the operator has justifiable reasons substantiating that a lesser storage volume is adequate. If inadequate storage volumes cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.

d) Runoff Field Application Systems

Any livestock management facility [not meeting the definition of a CAFO in Section 501.238](#) may construct and operate a runoff field application system for the treatment of livestock waste from fewer than 300 animal units, meeting the requirements of 35 Ill. Adm. Code 570, in lieu of utilizing liquid manure-holding tanks, holding ponds, or lagoons in compliance with subsection (c), or other livestock waste-handling systems ~~that~~[which](#) would assure compliance with the Act and ~~this 35 Ill. Adm. Code~~. Subtitle E.

e) Subsections (a) through (d) shall not apply to livestock management facilities with fifty (50) or fewer animal units, provided that the following conditions exist:

- 1) The location of the facility relative to waters of the State is such that there is no discharge of livestock waste into waters of the State, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~);
- 2) There is no discharge of livestock waste into waters of the State by means of a man-made ditch, flushing system or other similar man-made device, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~); and
- 3) The facility is managed so that livestock waste is not allowed to accumulate to an extent ~~that~~[which](#) threatens to cause a discharge to waters of the State, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~).

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

**Section 501.405 Field Application of Livestock Waste**

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- a) For livestock management facilities and livestock waste-handling facilities that are not required to obtain an NPDES permit, theThe quantity of livestock waste applied on soils shall not exceed a practical limit as determined by soil type, especially its permeability, the condition (frozen or unfrozen) of the soil, the percent slope of the land, cover mulch, proximity to surface waters and likelihood of reaching groundwater, and other relevant considerations. These livestock waste application guidelines will be adopted pursuant to 35 Ill. Adm. Code 502.305, unless otherwise provided for by Board regulations. Facilities required to obtain an NPDES permit are subject to the requirements in 35 Ill. Adm. Code 502.Subpart F. Unpermitted Large CAFOs claiming an agricultural stormwater exemption must comply with 35 Ill. Adm. Code 502.102 and the practices listed in Section 502.510(b) to qualify for the exemption.
- b) Operators of livestock waste handling facilities shall practice odor control methods during the course of manure removal and field application so as not to affect a neighboring farm or non-farm residence or populated area by causing air pollution as described in Section 501.102(d). Odor control methods include, but are not limited to:
- 1) Soil injection or other methods of incorporation of waste into the soil including disking or plowing;
  - 2) Consideration of climatic conditions, including wind direction and inversions;
  - 3) For liquid livestock waste: whether supernatant ~~which is~~ used for irrigation purposes has been stored in a livestock waste lagoon system ~~that~~which is designed and operated in accordance with "Design of Anaerobic Lagoons for Animal Waste Management", as incorporated by reference at Section 501.200.
  - 4) Other methods as described in "Management~~Control~~ of Manure Odor", as incorporated by reference at Section 501.200.

(Source: Amended at 38 Ill. Reg. 17661, effective August 11, 2014)

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 502
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
502.101	Amendment
502.102	Amendment
502.103	Amendment
502.104	Amendment
502.105	Amendment
502.106	Amendment
502.201	Amendment
502.202	Amendment
502.203	Repeal
502.204	Amendment
502.205	Repeal
502.207	Amendment
502.304	Amendment
502.310	New Section
502.315	New Section
502.320	New Section
502.325	New Section
502.500	New Section
502.505	New Section
502.510	New Section
502.515	New Section
502.520	New Section
502.600	New Section
502.605	New Section
502.610	New Section
502.615	New Section
502.620	New Section
502.625	New Section
502.630	New Section
502.635	New Section
502.640	New Section
502.645	New Section
502.710	New Section
502.720	New Section

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502.730	New Section
502.800	New Section
502.810	New Section
502.820	New Section
502.830	New Section
502.840	New Section

- 4) Statutory Authority: Implementing Sections 9, 10, 12, 13, 21, and 22 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 10, 12, 13, 21, 22, and 27]
- 5) Effective Date of Rule: August 11, 2014
- 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 rule, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: December 2, 2013; 37 Ill. Reg. 19005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

The Board amended Section 502.106, Case-by-Case Designation Requiring NPDES Permits, to provide a process through which an operation can challenge the Illinois Environmental Protection Agency's intent to designate it as a CAFO and allowing a designated CAFO to appeal that designation as part of a permit appeal.

The Board amended Section 502.202, Permit Application Submission, to provide mail and electronic addresses for submission of permit applications.

The Board amended Section 502.500, Purpose, Scope, and Applicability, to clarify requirements applicable to unpermitted Large CAFOs.

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In Section 502.510, Nutrient Management Plan Requirements, the Board amended subsection (b)(2) to make the provision consistent with the proposed definition of "land application area."

In Section 502.510, Nutrient Management Plan Requirements, the Board amended subsection (b)(13) to clarify the requirement for visual inspection of subsurface drainage systems.

In Section 502.515, Terms of Nutrient Management Plan, the Board amended subsections (d)(3) and (e)(3)(B) to clarify the timing of livestock waste testing.

The Board amended Section 502.600, Applicability, to clarify requirements applicable to unpermitted Large CAFOs.

In Section 502.610, Additional Measures for CAFO Production, the Board amended subsection (c)(3) to clarify what must be noted in inspection of livestock waste storage facilities.

In Section 502.615, Nutrient Transport Potential, the Board amended the Board Note to subsection (c)(3) to clarify the online availability of and provide a source of additional information for soil loss calculations and Erosion Factor T. The Board also amended subsection (d)(3) to clarify phosphorus-based application rates.

In Section 502.620, Protocols to Land Apply Livestock Waste, the Board amended the Board Note to subsection (e) to provide additional information on RUSLE2 calculations. The Board also amended subsection (f) to clarify land application on fields with varying or steep slopes. In addition, the Board amended the Board Note to subsection (f) to clarify the online availability of and provide a source of additional information for soil loss calculations and Erosion Factor T. Finally, the Board amended subsections (h), (j), and (k) to specify resources for determining depth of soil cover, depth of unconsolidated material, and depth of soil to seasonal high water table, respectively.

In Section 502.625, Determination of Livestock Waste Application Rates, the Board struck subsection (b)(4) and deleted a reference to material that were not incorporated by reference.

In Section 502.620, the Board amended subsection (a) to clarify the prohibition of winter application. The Board also amended subsection (a)(1)(B) to clarify injection or incorporation of livestock waste on frozen, ice-covered, or snow-covered ground. The

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Board also amended (a)(1)(C) to clarify the steps that may be taken to provide storage capacity.

In Section 502.630, the Board amended the Board Note to subsection (c)(4) to clarify the online availability of and provide a source of additional information for soil loss calculations and Erosion Factor T.

In Section 502.635, Manure and Soil Sampling and Analysis, the Board amended subsection (b)(2) to clarify the units of measurement by which results are reported.

In Section 502.645, Land Application Setback Requirements, the Board amended the setback from potable water supply wells for land application of livestock waste.

In Section 502.840, Technical Evaluation, the Board amended subsection (b) and the Board Note to that subsection to clarify the requirements applicable to the design of open livestock waste storage structures. The Board also amended subsection (f) and the Board Note to subsection (f)(3) to clarify the requirements applicable to evaluating the adequacy of designed manure storage structures.

The Board also adopted other changes of a non-substantive nature, e.g., capitalization and abbreviation, punctuation, and spelling.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more complete description of this proposal may be found in the Board's opinion and order of August 7, 2014, in docket R12-23.

The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend Parts 501, 502, and 504 of the Board's agriculture related pollution regulations. The Agency sought to amend Part 502 so that it would be consistent with, and as stringent as, the current federal Concentrated Animal Feeding Operations regulations. The Agency also sought to establish state technical standards required by the federal rule in Part 502. The United States Environmental Protection Agency (USEPA) had directed that "Illinois still needs to establish standards that address

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the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow." The Agency claimed that failure to amend these regulations could result in withdrawal of federal delegation to Illinois of the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act.

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

Timothy J. Fox  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago IL 60601

312/814-6085  
tim.fox@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-23 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE E: AGRICULTURE RELATED POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 502  
PERMITS

## SUBPART A: PERMITS REQUIRED

Section	
502.101	NPDES Permit <a href="#">Requirement and Duty to Maintain Permit Coverage</a>
502.102	<a href="#">Land Application Discharges and Agricultural Stormwater</a> <del>Twenty-five Year Storm Event</del>
502.103	<del>Very-Large</del> <a href="#">CAFOs</a> <del>Operators</del>
502.104	<a href="#">Medium CAFOs</a> <del>Large Operators</del>
502.105	<a href="#">Small CAFOs</a> <del>Voluntary Applications</del>
502.106	<del>Case-By-Case</del> <a href="#">Case-by-case</a> Designation Requiring NPDES Permits

## SUBPART B: PERMIT APPLICATIONS

Section	
502.201	<a href="#">Permit Applications</a> <del>Contents</del>
502.202	<a href="#">Permit Application Submissions</a> <del>Registered or Certified Mail</del>
502.203	New Applications ( <a href="#">Repealed</a> )
502.204	Renewal
502.205	New Operations ( <a href="#">Repealed</a> )
502.206	Signatures
502.207	Disclosure Required for Land Trusts

## SUBPART C: PERMIT ISSUANCE AND CONDITIONS

Section	
502.301	Standards for Issuance
502.302	Duration of Permits
502.303	New Source Standards
502.304	Issuance and Conditions
502.305	Agency Criteria
<a href="#">502.310</a>	<a href="#">CAFOs Seeking Coverage Under NPDES General Permits</a>
<a href="#">502.315</a>	<a href="#">CAFO Permit Requirements</a>

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[502.320](#) [Recordkeeping Requirements](#)  
[502.325](#) [Annual Report](#)

## SUBPART D: APPEAL AND ENFORCEMENT

Section  
502.401 Appeals from Conditions in Permits  
502.402 Defenses  
502.403 Modification or Termination of Permits

[SUBPART E: REQUIREMENTS FOR DEVELOPING AND  
IMPLEMENTING NUTRIENT MANAGEMENT PLANS](#)

[Section](#)  
[502.500](#) [Purpose, Scope and Applicability](#)  
[502.505](#) [Nutrient Management Plan Information](#)  
[502.510](#) [Nutrient Management Plan Requirements](#)  
[502.515](#) [Terms of Nutrient Management Plan](#)  
[502.520](#) [Changes to the Nutrient Management Plan](#)

[SUBPART F: LIVESTOCK WASTE DISCHARGE LIMITATIONS  
AND TECHNICAL STANDARDS](#)

[Section](#)  
[502.600](#) [Applicability](#)  
[502.605](#) [Livestock Waste Discharge Limitations for the Production Area for Permitted  
CAFOs](#)  
[502.610](#) [Additional Measures for CAFO Production Areas](#)  
[502.615](#) [Nutrient Transport Potential](#)  
[502.620](#) [Protocols to Land Apply Livestock Waste](#)  
[502.625](#) [Determination of Livestock Waste Application Rates](#)  
[502.630](#) [Protocols to Land Apply Livestock Waste During Winter](#)  
[502.635](#) [Manure and Soil Sampling and Analysis](#)  
[502.640](#) [Inspection of Land Application Equipment for Leaks](#)  
[502.645](#) [Land Application Setback Requirements](#)

[SUBPART G: ADDITIONAL LIVESTOCK WASTE DISCHARGE LIMITATIONS](#)

[Section](#)

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<u>502.710</u>	<u>New Source Performance Standards for Dairy Cows and Cattle Other Than Veal Calves</u>
<u>502.720</u>	<u>Horse and Sheep CAFOs: BPT, BAT and NSPS</u>
<u>502.730</u>	<u>Duck CAFOs: BPT and NSPS</u>

SUBPART H: NEW SOURCE PERFORMANCE STANDARDS FOR  
NEW SWINE, POULTRY AND VEAL LARGE CAFOS

<u>Section</u>	
<u>502.800</u>	<u>Applicability</u>
<u>502.810</u>	<u>Production Area Requirements</u>
<u>502.820</u>	<u>Land Application Area Requirements</u>
<u>502.830</u>	<u>Alternative Best Management Practice Livestock Waste Discharge Limitations</u>
<u>502.840</u>	<u>Technical Evaluation</u>

## 502.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 9, 10, 12, 13, 21, and 22 of the Environmental Protection Act [415 ILCS 5/9, 10, 12, 13, 21, 22] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10594; amended in R12-23 at 38 Ill. Reg. 17687, effective August 11, 2014.

**Section 502.101 NPDES Permit Requirement and Duty to Maintain Permit Coverage**

- a) A Concentrated Animal Feeding Operation (CAFO) is a point source. Any discharge of pollutants into waters of the United States from a CAFO is prohibited unless authorized by an NPDES permit or unless the discharge is an agricultural stormwater discharge as described in Section 502.102(b). No person shall cause or allow a discharge from a CAFO in violation of federal or State law, including but not limited to the Clean Water Act (CWA) (33 USC 1251), the Act or Board regulations.
- b) The owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges.

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- c) The owner or operator of a CAFO that discharges must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit. If the Agency has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the Agency. All permit applications and applications for permit modifications must contain the information set forth in Subpart B.
- d) Any permitted CAFO shall apply for reissuance of the NPDES permit not less than 180 days prior to the expiration date of the permit unless the CAFO will not discharge after the expiration date of the NPDES permit.
- e) The owner or operator of a new CAFO that will discharge must apply for NPDES permit coverage at least 180 days prior to the time that the CAFO commences operation.
- f) Once an Animal Feeding Operation is defined as a CAFO for at least one type of animal, the NPDES permit requirements for CAFOs apply with respect to all animals in confinement at the animal feeding operation and all livestock waste generated by those animals or the production of those animals.

~~No person specified in Sections 502.102, 502.103 or 502.104 or required to have a permit under the conditions of Section 502.106 shall cause or allow the operation of any new livestock management facility or livestock waste handling facility, or cause or allow the modification of any livestock management facility or livestock waste handling facility, or cause or allow the operation of any existing livestock management facility or livestock waste handling facility without a National Pollutant Discharge Elimination System (NPDES) permit. Facility expansions, production increases, and process modifications which significantly increase the amount of livestock waste over the level authorized by the NPDES permit must be reported by submission of a new NPDES application.~~

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.102 Land Application Discharges and Agricultural Stormwater~~Twenty-five Year Storm Event~~**

- a) The discharge of livestock waste to waters of the United States from a CAFO as a result of the livestock waste application by the CAFO to land application areas is a discharge from that CAFO subject to NPDES permit requirements, except when

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it is an agricultural stormwater discharge and therefore exempt from the definition of a point source under section 502 of the Clean Water Act.

- b) Where livestock waste has been land applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste and in compliance with Section 502.510 for permitted CAFOs and Section 502.510(b) for unpermitted Large CAFOs, a precipitation-related discharge of livestock waste from land application areas of an unpermitted large CAFO or a permitted CAFO is an agricultural stormwater discharge.
- c) Unpermitted large CAFOs must maintain the documentation specified in Section 502.510(b)(16) either on site or at a nearby office, or otherwise make that documentation readily available to the Agency upon request.

~~An NPDES permit shall be required for an animal feeding operation which falls within the criteria set forth in Section 502.103 or Section 502.104 below; provided, however, that no animal feeding operation shall require a permit if it discharges only in the event of a 25 year 24 hour storm event.~~

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

### **Section 502.103 ~~Very Large~~ CAFOs Operators**

An Animal Feeding Operation is defined as a Large CAFO if at least ~~NPDES permit is required if more than~~ the numbers of animals specified in any of the following categories are stabled or confined:

<u>Number of Animals</u>	<u>Kind of Animals</u>
<u>700</u>	<u>Mature dairy cows, whether milked or dry</u>
<u>1,000</u>	<u>Veal calves</u>
<u>1,000</u>	<u>Cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.</u>
<u>2,500</u>	<u>Swine, each weighing 55 pounds or more</u>
<u>10,000</u>	<u>Swine, each weighing less than 55 pounds</u>
<u>500</u>	<u>Horses</u>
<u>10,000</u>	<u>Sheep or lambs</u>
<u>55,000</u>	<u>Turkeys</u>

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<u>30,000</u>	<u>Laying hens or broilers, if the Animal Feeding Operation uses a liquid manure handling system</u>
<u>125,000</u>	<u>Chickens (other than laying hens), if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>82,000</u>	<u>Laying hens, if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>30,000</u>	<u>Ducks, if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>5,000</u>	<u>Ducks, if the Animal Feeding Operation uses a liquid manure handling system</u>

<u>Number of Animals</u>	<u>Kind of Animals</u>
<del>1000</del>	<del>Brood cows and slaughter and feeder cattle</del>
<del>700</del>	<del>Milking dairy cows</del>
<del>500</del>	<del>Horses</del>
<del>2500</del>	<del>Swine weighing over 55 pounds</del>
<del>10,000</del>	<del>Sheep, lambs or goats</del>
<del>50,000</del>	<del>Turkeys</del>
<del>100,000</del>	<del>Laying hens or broilers (if the facility has continuous overflow watering)</del>
<del>30,000</del>	<del>Laying hens or broilers (if the facility has a liquid manure handling system)</del>
<del>5000</del>	<del>Ducks</del>
<del>1000</del>	<del>Animal units</del>

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.104 Medium CAFOs~~Large Operators~~**

- a) An Animal Feeding Operation is defined as a Medium CAFONPDES permit is required if ~~more than~~ the following numbers and types of animals specified in any of the following categories are stabled or confined and the provisions of subsection either condition (b), or (c) or (d) below of this Section is met:

<u>Number of Animals</u>	<u>Kind of Animals</u>
<u>200 to 699</u>	<u>Mature dairy cows, whether milked or dry</u>
<u>300 to 999</u>	<u>Veal calves</u>

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<u>300 to 999</u>	<u>Cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.</u>
<u>750 to 2,499</u>	<u>Swine, each weighing 55 pounds or more</u>
<u>3,000 to 9,999</u>	<u>Swine, each weighing less than 55 pounds</u>
<u>150 to 499</u>	<u>Horses</u>
<u>3,000 to 9,999</u>	<u>Sheep or lambs</u>
<u>16,500 to 54,999</u>	<u>Turkeys</u>
<u>9,000 to 29,999</u>	<u>Laying hens or broilers, if the Animal Feeding Operation uses a liquid manure handling system</u>
<u>37,500 to 124,999</u>	<u>Chickens (other than laying hens), if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>25,000 to 81,999</u>	<u>Laying hens, if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>10,000 to 29,999</u>	<u>Ducks, if the Animal Feeding Operation uses other than a liquid manure handling system</u>
<u>1,500 to 4,999</u>	<u>Ducks, if the Animal Feeding Operation uses a liquid manure handling system</u>

<u>Number of Animals</u>	<u>Kind of Animals</u>
300	<del>Brood cows and slaughter and feeder cattle</del>
200	<del>Milking dairy cows</del>
750	<del>Horses</del>
150	<del>Swine weighing over 55 pounds</del>
3000	<del>Sheep, lambs or goats</del>
16,000	<del>Turkeys</del>
30,000	<del>Laying hens or broilers (if the facility has continuous overflow watering)</del>
9000	<del>Laying hens or broilers (if the facility has a liquid manure handling system)</del>
1000	<del>Ducks</del>
300	<del>Animal units</del>

- b) Pollutants are discharged into ~~navigable~~ waters of the United States through a man-made ditch, flushing system or other similar man-made device; ~~or~~
- c) Pollutants are discharged directly into ~~navigable~~ waters of the United States ~~that~~which originate outside of and pass over, across, through or otherwise come

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into direct contact with the animals confined in the operation; ~~or:~~

- d) The Animal Feeding Operation is designated as a CAFO by the Agency pursuant to Section 502.106.

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.105 Small CAFOs~~Voluntary Applications~~**

An Animal Feeding Operation is a Small CAFO if it is designated as a CAFO by the Agency pursuant to Section 502.106, and it is not a Medium CAFO.~~None of the requirements listed in this subpart precludes the voluntary filing of an NPDES application by the owner or operator of an animal feeding operation.~~

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.106 Case-By-Case~~Case-by-case~~ Designation Requiring NPDES Permits**

- a) Notwithstanding any other provision of this Part, the Agency may require any Animal Feeding Operation~~animal feeding operation~~ not falling within Section~~Sections~~ 502.102, 502.103 or 502.104 to obtain an NPDES~~a~~ permit by designating the Animal Feeding Operation as a CAFO upon determining that it is a significant contributor of pollutants to waters of the United States. In making the determination of whether the Animal Feeding Operation is a significant contributor of pollutants, ~~such designation~~ the Agency shall consider the following factors:
- 1) The size of the Animal Feeding Operation~~animal feeding operation~~ and the amount of livestock wastes reaching navigable~~navigable~~ waters of the United States;
  - 2) The location of the Animal Feeding Operation~~animal feeding operation~~ relative to navigable~~navigable~~ waters of the United States;
  - 3) The means of conveyance of livestock~~animal~~ wastes and process wastewaters into navigable~~navigable~~ waters of the United States;
  - 4) The slope, vegetation, rainfall and other factors relative to the likelihood or frequency of discharge of livestock waste~~animal wastes and process~~

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~~wastewaters~~ into ~~navigable~~-waters of the United States; and

- 5) Other such factors bearing on the significance of the pollution problem sought to be regulated.
- b) The Agency, however, may not require a permit under ~~subsection (a) paragraph a)~~ for any Animal Feeding Operation~~animal feeding operation~~ with less than the number of ~~animals~~animal units (300) set forth in Section 502.104~~above~~, unless it meets either of the following conditions:
- 1) Pollutants are discharged into ~~navigable~~-waters of the United States through a man-made ditch, flushing system or other similar man-made device; or
  - 2) Pollutants are discharged directly into ~~navigable~~-waters of the United States that~~which~~ originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.
- c) In no case may a permit application be required from an Animal Feeding Operation~~animal feeding operation~~ designated pursuant to this Section~~section~~ until there has been an onsite inspection of the operation and a determination that the operation should and could be regulated under the permit program.~~In addition, no application may be required from an owner or operator of an animal feeding operation designated pursuant to this section unless the owner or operator is notified in writing of the requirement to apply for a permit.~~
- d) Prior to designating an Animal Feeding Operation as a CAFO, the Agency shall send the Animal Feeding Operation a written notice that it intends to designate the Animal Feeding Operation as a CAFO. The notice shall include grounds for the designation and information regarding the opportunity to request a meeting with the Agency within 90 days after the Animal Feeding Operation's receipt of the notice to present evidence that it is not a significant contributor of pollutants to waters of the United States as provided in subsection (a). Beginning 90 days after the initial written notice is received by the Animal Feeding Operation, the Agency may designate the Animal Feeding Operation as a CAFO. The Agency shall send the Animal Feeding Operation a written notice of its designation decision and the grounds for the designation in writing.

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- ~~ed~~) Upon receipt of the Agency's designation decision, ~~notification that an NPDES permit is required pursuant to paragraph b)~~ the owner or operator shall make an NPDES permit application to the Agency within ~~90~~60 days. The Agency may issue an NPDES permit with a compliance schedule detailing interim steps to be taken along with a final date, not to exceed 14 months from the date the permit is issued, by which compliance with the Act and all applicable regulations shall be achieved.
- ~~fe~~) The question of whether the designation was proper will remain open during the pendency of the permit application. Any appeal of the Agency's designation decision must be made as part of an NPDES permit appeal. ~~No animal feeding operation may be required to have a permit if it discharges only in the event of a 25-year 24-hour storm event.~~

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.201 Permit Applications ~~Contents~~**

- a) All applications from a new or existing CAFO for any permit, including an individual permit or a general permit, required under this Chapter shall contain, where appropriate, the following information and documents:
- 1) The name of the owner or operator;
  - 2) The facility location and mailing addresses;
  - 3) The latitude and longitude at the entrance to the production area;
  - 4) Specific information about the average and maximum number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other); ~~Kinds and numbers of livestock;~~
  - ~~5~~2) A statement as to any projected changes in the size of the livestock operation and when they may occur during the term of the permit;
  - ~~6~~3) The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below

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ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, and process wastewater storage (in tons or gallons);~~Description of land areas used for the livestock management facilities and livestock waste handling facilities and land areas used for livestock waste disposal;~~

- 74) A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area and land application areas, and indicating the following:~~A sketch of the existing and/or proposed facility indicating the following:~~
- A) ~~Approximate overall dimensions of the facility;~~
  - AB) Direction and location of surface and subsurface drainage and other discharges from the facility; and
  - BC) Location~~General location~~ of waterways in the area;
  - D) Location of area for manure disposal; and
  - E) A marked-up aerial photograph or U.S. Geological Survey map of the area involved is desirable in lieu of a sketch.
- 8) Estimated amounts of livestock waste generated per year (in tons or gallons);
- 9) The total number of acres of land application area and the estimated amount of waste to be applied to those acres per year;
- 10) Estimated amount of livestock waste transferred to other persons per year (in tons or gallons);
- 11) A nutrient management plan that is consistent with the requirements of Subpart E;
- 12) A stormwater pollution prevention plan;
- 13) A spill control and prevention plan; and

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- ~~145~~) A statement identifying and justifying any departure from current design criteria promulgated by the Agency.
- b) The Agency may adopt procedures requiring such additional information as is necessary to determine whether the ~~CAFO livestock management facility or livestock waste handling facility~~ will meet the requirements of the Act and applicable Board ~~regulations~~ regulations.
- c) Applicable requirements of 35 Ill. Adm. Code 309: Subpart A shall apply to applications for NPDES permits required by this ~~Chapter~~ chapter. The Agency may prescribe the form in which information required under this ~~Section~~ section shall be submitted.

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.202 Permit Application Submissions~~Registered or Certified Mail~~**

All permit applications shall be mailed or delivered to Illinois Environmental Protection Agency, Bureau of Water, 1021 N. Grand Ave. E., Springfield IL 62794 or electronically submitted at CAFO@EPA.state.il.us. ~~to the appropriate address designated by the Agency. Any application or revised application sent by mail shall be sent by registered or certified mail, return receipt requested. Applications which are hand-delivered shall be delivered to and receipted for by any authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control.~~

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.203 New Applications ~~(Repealed)~~**

~~Any person now discharging whose discharge was not covered by the Refuse Act permit program (33 U.S.C. 407), but which is subject to the NPDES program, must apply for an NPDES permit on the effective date of this chapter. However, for purposes of this chapter, any person who has applied for an NPDES permit from the U.S. Environmental Protection Agency and whose application has not been denied, shall be considered to have applied for an NPDES permit unless the discharge described in the Application for an NPDES Permit has substantially changed in nature, volume, or frequency; in which case another NPDES permit application shall be submitted.~~

(Source: Repealed at 38 Ill. Reg. 17687, effective August 11, 2014)

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**Section 502.204 Renewal**

Permittees ~~seeking reissuance of their NPDES permit pursuant to Section 502.101(d) who wish to continue to discharge subsequent to the expiration date of their permit~~ must apply for reissuance of the permit, using proper forms, not less than 180 days prior to the permit expiration date. The Agency will notify ~~those such~~ persons of the need for renewal at least 60 days prior to the date on which the renewal application must be submitted; however, failure to do so does not excuse non-compliance with this ~~Chapter~~chapter.

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.205 New Operations (Repealed)**

~~Any person whose livestock waste handling facility or livestock management facility is required by Sections 502.101, 502.102, 502.103 or 502.104 to obtain a permit and will begin operation on or after the effective date of these Regulations must apply for an NPDES permit no later than 180 days in advance of the date on which the facility is to commence operation minus the number of days available storage time for installed manure storage structures.~~

(Source: Repealed at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.207 Disclosure Required for Land Trusts**

An applicant filing for an NPDES permit shall satisfy the requirements of the Land Trust Beneficial Interest Disclosure Act [735 ILCS 405 et seq.]~~"An Act to Require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust, in certain cases"~~ (Ill. Rev. Stat. 1981, ch. 148, par. 72) before the Agency grants the applicant its permit.

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.304 Issuance and Conditions**

- a) The provisions of 35 Ill. Adm. Code 309: Subpart A shall apply to the issuance, conditions and modification of NPDES permits under this ~~Chapter~~chapter in the same manner as ~~those such~~ provisions apply to NPDES permits issued pursuant to 35 Ill. Adm. Code 309. Specific provisions applicable to CAFOs seeking coverage under NPDES general permits are found in Section 502.310.

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- b) In addition to specific conditions authorized under this Part, the Agency may impose such conditions in any permit issued pursuant to this Part as may be necessary to accomplish the purposes of the Act or Board regulations.

(Source: Amended at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.310 CAFOs Seeking Coverage Under NPDES General Permits**

- a) CAFO owners or operators must submit a notice of intent that meets the requirements of Section 502.201 and Subpart E of this Part when seeking authorization to discharge under a general permit.
- b) When additional information is necessary to complete the notice of intent or to clarify, modify, or supplement previously submitted material, the Agency may request that information from the owner or operator as provided in 35 Ill. Adm. Code 309.106.
- c) The Agency must notify the public of its proposal to grant coverage under the general permit to the CAFO. This public notice must include the CAFO's nutrient management plan.
- d) The process for submitting public comments and hearing requests, and the hearing process if a request for a hearing is granted, will follow the procedures applicable to draft individual permits found in 35 Ill. Adm. Code 309.109(b) and 309.115 through 309.118.
- e) The time period for the public to comment and request a hearing is 30 days following the date of the notice issued pursuant to subsection (c).
- f) When a public hearing is held, the Agency must respond to significant comments received during the comment period as provided in 35 Ill. Adm. Code 309.119 and 309.120, except that notice and transmission to the USEPA Regional Administrator is not required. If no hearing is held, the Agency shall follow the procedures in 35 Ill. Adm. Code 309.112 and 309.120 for Agency action after the comment period. If necessary, the Agency will require the CAFO owner or operator to revise the nutrient management plan in order to be granted permit coverage.

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- g) When the Agency authorizes coverage for the CAFO owner or operator under the general permit, the terms of the nutrient management plan shall become incorporated as terms and conditions of the permit for the CAFO. This incorporation of terms and conditions does not require a modification of the general permit.
- h) The Agency shall notify the CAFO owner or operator and inform the public that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.
- i) Nothing in this Section shall limit the Agency's authority to require an individual NPDES permit pursuant to Section 39(b) of the Act.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.315 CAFO Permit Requirements**

NPDES permits issued to CAFOs under this Part must include:

- a) Requirements to implement a nutrient management plan that meets the provisions of Subpart E.
- b) Requirements for the permittee to create, maintain for five years from creation on site, and make available to the Agency, upon request, a complete copy of the records required in Section 502.320.
- c) Annual reporting requirements for permitted CAFOs. The permittee must submit an annual report to the Agency. The annual report must include the information specified in Section 502.325.
- d) Requirements to comply with the livestock waste discharge limitations in Subparts F, G and H, if applicable.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.320 Recordkeeping Requirements**

The permittee must create, maintain for five years, and make available to the Agency, upon request, the following records:

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- a) A copy of all applicable records identified pursuant to Section 502.510(b)(16);
- b) A copy of the information required under Section 502.201;
- c) Records documenting the visual inspections required under Section 502.610(c);
- d) Weekly records of the depth of the manure and process wastewater in the liquid livestock waste storage as indicated by the depth marker, as described in Section 502.610(d);
- e) Records documenting any actions taken to correct deficiencies as required by Sections 502.610(e) and (f). Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;
- f) Records of mortalities management and practices used by the facility to meet the requirements of Section 502.610(g);
- g) Records documenting the current design of any livestock waste storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
- h) Records of the date, time, and estimated volume of any overflow;
- i) A copy of the facility's site-specific nutrient management plan;
- j) Expected crop yields for land application areas;
- k) The dates livestock waste is applied to each land application area;
- l) Records documenting subsurface drainage inspections conducted according to the plan developed pursuant to Section 502.510(b)(13);
- m) Results from livestock waste and soil sampling;
- n) Explanation of the basis for determining livestock waste application rates;
- o) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than livestock waste;

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- p) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- q) The method used to apply the livestock waste;
- r) Date of livestock waste application equipment inspection;
- s) Maximum number and type of animals, whether in open confinement or housed under roof by the following types: beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, turkeys, ducks, other;
- t) All records necessary to prepare the annual report required by Section 502.325;
- u) Total number of acres of land application area covered by the nutrient management plan;
- v) The quantity of livestock waste removed when a manure storage area or waste containment area is dewatered;
- w) The following information for each day during which livestock wastes are applied to land:
  - 1) the amount applied to each field in either gallons, wet tons or dry tons per acre;
  - 2) soil water conditions at the time of application (such as dry, saturated, flooded, frozen, snow-covered);
  - 3) an estimate of the amount of precipitation 24 hours prior to, and for 24 hours after, the application;
  - 4) the type of application method used (surface, surface with incorporation, or injection);
  - 5) the location of the field where livestock waste was applied;
  - 6) the results of leak inspection of livestock waste application equipment;

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- 7) the name and address of off-site recipients of livestock waste, the amount of waste transferred to each off-site recipient in gallons or dry tons, off-site location on a topographic map, and acreage of each site used by the off-site recipient;
- 8) Weather conditions, including precipitation, air temperature, wind speed, wind direction and dew point, at time of land application and for 24 hours prior to and for 24 hours following application; and
- 9) Records of the weather forecasts required to be maintained pursuant to Sections 502.620(d) and 502.630(b)(3), (4), and (5);
- x) The laboratory analysis sheets reporting the analysis of the livestock waste samples shall be kept on file at the facility for the term of the permit and for 5 years after expiration of the permit; and
- y) Records documenting the test methods and sampling protocols for manure, litter and process wastewater and soil analyses.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.325 Annual Report**

- a) The NPDES permit must specify annual reporting requirements for the CAFO. The annual report must be submitted to the Agency.
- b) The annual report must contain the following minimum elements:
  - 1) Maximum number and type of animals, whether in open confinement or housed under roof by the following types: beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, turkeys, ducks, other;
  - 2) Quantity of livestock waste generated by the facility in the previous 12 months (tons/gallons);

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- 3) Quantity of livestock waste transferred to another person by the facility in the previous 12 months (in tons or gallons);
- 4) Total number of acres of land application area covered by the nutrient management plan;
- 5) Total number of acres the CAFO used for land application of livestock waste in the previous 12 months and were under the control of the CAFO through ownership, lease, or consent agreement;
- 6) A statement indicating whether the current version of the CAFO's nutrient management plan for land application of livestock waste was developed or approved by a certified nutrient management planner and by whom the certification was issued;
- 7) Summary of all livestock waste discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;
- 8) A report of instances of non-compliance with the NPDES permit in the previous 12 months;
- 9) The actual crops planted and actual yields for each field;
- 10) The actual nitrogen and phosphorus content of the livestock waste;
- 11) The results of calculations conducted in accordance with Section 502.515(d)(3) and (e)(3);
- 12) The amount of livestock waste land applied to each field during the previous 12 months;
- 13) For any CAFO that implements a nutrient management plan that addresses rates of application in accordance with Section 502.515(e):
  - A) the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months;

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- B) data used in calculations conducted in accordance with Section 502.515(e)(3), and
  - C) the amount of any supplemental fertilizer applied during the previous 12 months; and
- 14) Annual review of the nutrient management practices to be implemented and an update of the nutrient management plan when there is a change in the nutrient management practices.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.500 Purpose, Scope and Applicability**

The requirements in this Subpart are intended to minimize the transport of nitrogen and phosphorus to waters of the United States in compliance with the nutrient management plan.

- a) The requirements in this Subpart apply to CAFOs required to obtain an NPDES permit. Unpermitted large CAFOs claiming an agricultural stormwater exemption pursuant to Section 502.102 are not required to have a nutrient management plan but must comply with the requirements listed in Section 502.510(b) to qualify for the exemption.
- b) The CAFO owner or operator shall develop, submit and implement a site specific nutrient management plan. This plan shall specifically identify and describe practices that will be implemented to assure compliance with this Subpart and the livestock waste discharge limitations and technical standards of Subparts F, G, and H.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.505 Nutrient Management Plan Information**

The nutrient management plan shall contain, at a minimum, the following items:

- a) Name, address, and phone number of the owners of the CAFO;
- b) Name, address, and phone number of the managers or operators if different than the owners;

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- c) Address, phone number, and plat location of the CAFO production area;
- d) Name of the person who developed the nutrient management plan and a statement indicating whether it was developed or approved by a certified nutrient management planner and by whom the certification was issued;
- e) Type of waste storage for the CAFO;
- f) Species, size and maximum number of animals at the CAFO;
- g) Scaled aerial photos or maps depicting each field available and intended for livestock waste applications with available acreage listed and indicating residences, non-farm businesses, common places of assembly, streams, wells, waterways, lakes, ponds, rivers, drainage ditches, subsurface drainage systems, other water sources, 10-year flood plain, buffers, slope, locations of structural Best Management Practices, setbacks and areas restricted from application by this Subpart E;
- h) For land application areas not owned or rented by the owner or operator of the CAFO, copies of the statement of consent between the owner or operator of the livestock facilities and the owner of the land where livestock waste will be applied;
- i) Cropping schedule for each field for the past year, anticipated crops for the current year, and anticipated crops for the five year term of the permit;
- j) Realistic crop yield goal for each crop in each field;
- k) An estimate of the nutrient value of the livestock waste or results of livestock waste analysis determined pursuant to Section 502.625(c);
- l) Livestock waste application methods;
- m) Results of the Bray P1 or Mehlich 3 test for soil phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200, reported in pounds of elemental phosphorus per acre. If the livestock waste is to be land applied based

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on a single year or multi-year phosphorus application on the land application area, the following items must be provided:

- 1) An estimate of the volume of livestock waste to be disposed of annually;
- 2) The phosphorus content of the livestock waste;
- 3) The phosphorus amount needed for each crop in the planned crop rotation, expressed as pounds of P<sub>2</sub>O<sub>5</sub> per acre, obtained from the Illinois Agronomy Handbook, 24<sup>th</sup> Edition, incorporated by reference at 35 Ill. Adm. Code 501.200; and
- 4) The maximum livestock waste application rate based on phosphorus for each field, determined pursuant to Section 502.625(g).

n) Calculations showing the following:

- 1) An estimate of the volume of livestock waste to be disposed of annually;
- 2) Nitrogen loss due to the method of storage, if applicable;
- 3) Amount of nitrogen available for application;
- 4) Nitrogen loss due to the method of application;
- 5) Amount of plant-available nitrogen including first-year mineralization of organic nitrogen;
- 6) Amount of nitrogen required by each crop in each field based on realistic crop yield goal;
- 7) Nitrogen credits from previous crops, from other sources of fertilizer applied for the growing season, and from any livestock waste applications during the previous three years for each field;
- 8) Livestock waste application rate based on nitrogen for each field; and
- 9) Land area required for application;

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- o) A listing of fields and the planned livestock waste application amounts for each field.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.510 Nutrient Management Plan Requirements**

- a) Any permit issued to a CAFO must include a requirement to implement a nutrient management plan by the date of permit coverage that, at a minimum, contains best management practices necessary to meet the requirements of this Section and the applicable livestock discharge limitations and technical standards in 35 Ill. Adm. Code 501 and 502.
- b) The nutrient management plan must specify and demonstrate:
- 1) The livestock waste application rate of nitrogen in a single year and phosphorus in a single year or multiple years, not to exceed the single year crop nitrogen and single year or multi-year phosphorus requirements for realistic crop yield goals in the rotation;
  - 2) Adequate land application area for livestock waste application which may include:
    - A) land owned by the CAFO owner or operator;
    - B) land rented or leased by the CAFO;
    - C) land covered by a consent agreement between the CAFO owner or operator and the property owner; or
    - D) any combination of the land described in subsection (b)(2)(A) through (C);
  - 3) Adequate storage of livestock waste, including procedures to ensure proper operation and maintenance of the storage facilities;
  - 4) Proper management of mortalities to ensure that they are not disposed of in a liquid livestock waste or stormwater storage or treatment system that is not specifically designed to treat animal mortalities;

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- 5) That clean water is diverted, as appropriate, from the production area;
- 6) Prevention of direct contact of confined animals with waters of the United States;
- 7) That chemicals and other contaminants handled on-site are not disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants;
- 8) Appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices, to control runoff of pollutants to waters of the United States;
- 9) Protocols for appropriate testing of livestock waste and soil. Livestock waste must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of twice every five years for phosphorus content. The results of these analyses are to be used in determining application rates for livestock wastes;
- 10) Protocols to land apply livestock waste in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste;
- 11) Livestock waste shall not be applied within the distance from residences provided in Section 502.645(a) and within the areas prohibited from land application by this Part;
- 12) A winter time land application plan that meets the requirements of Section 502.630;
- 13) The plan for the inspection, monitoring, management and repair of subsurface drainage systems at the livestock waste application site. Inspection of subsurface drainage systems shall include visual inspection prior to land application to determine failures that may cause discharges and visual inspection during and after land application to identify discharges. For purposes of this subsection (b)(13), visual inspection means inspection by a person of the tile inlet, tile outlet and unobstructed

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land surface to assess the structural ability of the subsurface drainage system;

- 14) A spill prevention and control plan;
- 15) Annual review of the nutrient management practices to be implemented and an update of the nutrient management plan when there is a change in the nutrient management practices;
- 16) Specific records that will be maintained to document the implementation and management of the minimum elements described in subsections (b)(2) through (15); and
- 17) A description of the storage provisions and schedules provided for livestock waste when cropping practices, soil conditions, weather conditions or other conditions prevent the application of livestock waste to land or prevent other methods of livestock waste disposal.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.515 Terms of Nutrient Management Plan**

Any permit issued to a CAFO must require compliance with the terms of the CAFO's site-specific nutrient management plan. These terms include:

- a) The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the Agency to be necessary to meet the requirements of Sections 502.505 and 502.510.
- b) The terms of the nutrient management plan, with respect to protocols for land application of livestock waste as required by Subpart F, must include:
  - 1) the fields available for land application;
  - 2) field-specific rates of application properly developed pursuant to subsection (d) or (e) to ensure appropriate agricultural utilization of the nutrients in the livestock waste; and

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- 3) any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application.
- c) The terms of the nutrient management plan must address rates of application using either the linear approach as described in subsection (d) or the narrative rate approach as described in subsection (e), unless the Agency specifies that only one of these approaches may be used.
- d) The linear approach is an approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:
  - 1) The terms include maximum application rates from livestock waste for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine those rates.
  - 2) At a minimum, the factors that are terms must include:
    - A) the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
    - B) the crops to be planted in each field or any other uses of a field such as pasture or fallow fields;
    - C) the realistic yield goal for each crop or use identified for each field;
    - D) the nitrogen and phosphorus recommendations, according to Section 502.625, for each crop or use identified for each field;
    - E) credits for all nitrogen in the field that will be plant available;
    - F) consideration of multi-year phosphorus application;
    - G) accounting for all other additions of plant available nitrogen and phosphorus to the field;
    - H) the form and source of livestock waste to be land-applied;

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- D) the timing and method of land application; and
  - J) the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the livestock waste to be applied.
- 3) CAFOs that use this linear approach must calculate the maximum amount of livestock waste to be land applied at least once each year using the results of the most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months prior to the date of land application required by Section 502.635.
- e) The narrative rate approach is an approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of livestock waste to be land applied, according to the provisions of this subsection (e).
- 1) The terms include:
    - A) maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, for each field, and certain factors necessary to determine those amounts;
    - B) the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
    - C) the crops to be planted in each field or any other uses, such as pasture or fallow fields, including alternative crops identified in accordance with subsection (e)(1)(G);
    - D) the realistic yield goal for each crop or use identified for each field;
    - E) the nitrogen and phosphorus recommendations according to Section 502.625 for each crop or use identified for each field;

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- F) the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of livestock waste to be land applied:
- i) results of soil tests conducted in accordance with protocols identified in the nutrient management plan, as required by Section 502.510(b)(9);
  - ii) credits for all nitrogen in the field that will be plant available;
  - iii) the amount of nitrogen and phosphorus in the livestock waste to be applied;
  - iv) consideration of multi-year phosphorus application;
  - v) accounting for all other additions of plant nitrogen and phosphorus to the field;
  - vi) the form and source of livestock waste;
  - vii) the timing and method of land application; and
  - viii) volatilization of nitrogen and mineralization of organic nitrogen.
- G) alternative crops identified in the CAFO's nutrient management plan that are not in the planned crop rotation.
- i) When a CAFO includes alternative crops in its nutrient management plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the nutrient management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations according to Section 502.625 for each crop.
  - ii) Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of livestock waste to

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be applied must be determined in accordance with the methodology described in subsections (e)(1)(A) through (F).

- 2) For CAFOs using this narrative approach, the following projections must be included in the nutrient management plan submitted to the Agency, but are not terms of the nutrient management plan:
- A) the CAFO's planned crop rotations for each field for the period of permit coverage;
  - B) the projected amount of livestock waste to be applied;
  - C) projected credits for all nitrogen in the field that will be plant available;
  - D) consideration of multi-year phosphorus application;
  - E) accounting for all other additions of plant available nitrogen and phosphorus to the field;
  - F) the predicted form, source, and method of application of livestock waste for each crop; and
  - G) timing of application for each field, insofar as it concerns the calculation of rates of application.
- 3) CAFOs that use this narrative rate approach must calculate maximum amounts of livestock waste to be land applied at least once each year using the methodology required in subsections (e)(1)(A) through (F) before land applying livestock waste and must rely on the following data:
- A) a field-specific determination of nitrogen that will be plant available consistent with the methodology required by subsections (e)(1)(A) through (F), and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the Agency; and

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- B) the results of most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months prior to the date of land application, in order to determine the amount of nitrogen and phosphorus in the livestock waste to be applied.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.520 Changes to the Nutrient Management Plan**

When a CAFO owner or operator makes changes to the CAFO's nutrient management plan previously submitted to the Agency, the procedures in this Section are applicable.

- a) The CAFO owner or operator must identify changes to the nutrient management plan, except that the results of calculations made in accordance with the requirements of Sections 502.515(d)(3) and (e)(3) are not subject to the requirements of this Section. These calculations may be revised without submittal to the Agency provided calculation revisions do not change the terms of the nutrient management plan.
- b) The Agency must determine whether the changes to the nutrient management plan necessitate revision to the terms of the nutrient management plan incorporated into the permit issued to the CAFO.
- 1) If revision to the terms of the nutrient management plan is not necessary, the Agency must notify the CAFO owner or operator and, upon such notification, the CAFO may implement the revised nutrient management plan.
- 2) If revision to the terms of the nutrient management plan is necessary, the Agency must determine whether the changes are substantial changes as described in subsection (d).
- 3) If the Agency determines that the changes to the terms of the nutrient management plan are not substantial, the Agency must notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.
- c) If the Agency determines that the changes to the terms of the nutrient management plan are substantial, the Agency must notify the public and make the

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proposed changes and the information submitted by the CAFO owner or operator available for public review and comment.

- 1) The process and time limits for submitting public comments and hearing requests, the hearing process if a request for a hearing is granted, and the process for responding to significant comments received during the comment period will follow the procedures applicable to draft general permits found in Section 502.310(d) through (f).
  - 2) The Agency will require the CAFO owner or operator to further revise the nutrient management plan, if necessary, in order to approve the revision to the terms of the nutrient management plan incorporated into the CAFO's permit.
  - 3) Once the Agency incorporates the revised terms of the nutrient management plan into the permit, the Agency must notify the owner or operator and inform the public of the final decision concerning the revisions to the terms and conditions of the permit.
- d) Substantial changes to the terms of the nutrient management plan incorporated as terms and conditions of a permit include, but are not limited to:
- 1) Addition of new land application areas not previously included in the CAFO's nutrient management plan; except that, if the land application area that is being added to the nutrient management plan is covered by the terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of Section 502.515, and the CAFO owner or operator applies livestock waste on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, addition of new land would be a change to the new CAFO owner's or operator's nutrient management plan but not a substantial change for purposes of this Section;
  - 2) For nutrient management plans using the linear approach as set forth in Section 502.515(d), changes to the field-specific maximum annual rates of land application (pounds of nitrogen and phosphorus from livestock waste). For nutrient management plans using the narrative rate approach, changes to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop;

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- 3) Addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with Section 502.515; and
- 4) Changes to site-specific components of the CAFO's nutrient management plan, when the changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the United States.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.600 Applicability**

- a) This Subpart provides livestock waste discharge limitations and technical standards for permitted CAFOs. Permitted CAFOs must achieve the livestock waste discharge limitations and technical standards in this Subpart as of the date of permit coverage. This Subpart does not apply to CAFOs that stable or confine horses, sheep or ducks. CAFOs that stable or confine horses or sheep are subject to applicable production area livestock waste discharge limitations and technical standards found in Section 502.720. CAFOs that confine ducks in either a dry lot or wet lot are subject to applicable production area livestock waste discharge limitations and technical standards found in Section 502.730.
- b) Unpermitted Large CAFOs claiming an agricultural stormwater exemption pursuant to Section 502.102 are not required to have a nutrient management plan but must comply with the requirements listed in Section 502.510(b) to qualify for the exemption.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.605 Livestock Waste Discharge Limitations for the Production Area for Permitted CAFOs**

- a) Except as provided in subsections (a)(1), (a)(2) and (c), there must be no discharge of livestock wastes into waters of the United States from the CAFO production area. Whenever precipitation causes an overflow of livestock wastes from the containment or storage structure, livestock wastes in the overflow may be discharged into waters of the United States provided:

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- 1) The production area is designed, constructed, operated and maintained to contain all livestock wastes, including the runoff and the direct precipitation from a 25-year, 24-hour precipitation event, except that, for swine, poultry or veal, large CAFOs that are new sources must comply with Subpart H, and
  - 2) The production area is operated in accordance with the additional measures and records required by Section 502.610.
- b) Any point source subject to this Subpart must achieve the livestock waste discharge limitations in this Section as of the date of the permit coverage.
- c) Voluntary Alternative Performance Standards. Any CAFO subject to this Subpart may request the Agency to establish NPDES permit livestock waste discharge limitations based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards as provided by subsection (a).
- 1) In requesting site-specific livestock waste discharge limitations to be included in the NPDES permit, the CAFO owner or operator must submit a supporting technical analysis and any other relevant information and data that would support those site-specific livestock waste discharge limitations within the time frame provided by the Agency.
  - 2) The supporting technical analysis must include calculation of the quantity of pollutants discharged, on a mass basis when appropriate, based on a site-specific analysis of a system designed, constructed, operated, and maintained to contain all livestock waste, including the runoff from a 25-year, 24-hour rainfall event.
  - 3) The technical analysis of the discharge of pollutants must include:
    - A) all daily inputs to the storage system, including livestock waste, direct precipitation, and runoff;
    - B) all daily outputs from the storage system, including losses due to evaporation, sludge removal, and removal of wastewater for use on cropland at the CAFO or transport off site;

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- C) a calculation determining the predicted median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site;
  - D) site-specific pollutant data, including nitrogen, phosphorus, BOD<sub>5</sub> and total suspended solids, for the CAFO from representative sampling and analysis of all sources of input to the storage system, or other appropriate pollutant data; and
  - E) predicted annual average discharge of pollutants, expressed, when appropriate, as a mass discharge on a daily basis (lbs/day), and calculated considering subsections (c)(3)(A) through (D).
- 4) The Agency has the discretion to request additional information to supplement the supporting technical analysis, including inspection of the CAFO.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.610 Additional Measures for CAFO Production Areas**

Each CAFO subject to this Subpart must implement the following:

- a) The CAFO owner or operator must at all times properly operate and maintain all structural and operational aspects of the facilities, including all systems for livestock waste treatment, storage, management, monitoring and testing.
- b) Livestock within a CAFO production area shall not come into contact with waters of the United States.
- c) Visual Inspections. There must be routine visual inspections of the CAFO production area. At a minimum, the following must occur:
  - 1) Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure;

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- 2) Daily inspection of water lines in the production areas, including drinking water or cooling water lines; and
- 3) Weekly inspections of the livestock waste storage facilities. The inspection will note the level of total volume of materials in the liquid livestock waste storage facility using the depth marker required in subsection (d).
- d) Depth Marker. All open surface liquid livestock waste storage facilities must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. In the case of new sources subject to livestock waste discharge limitations established pursuant to Section 502.830, all open surface livestock waste storage structures associated with the sources must include a depth marker that clearly indicates the minimum capacity necessary to contain the maximum runoff and direct precipitation associated with the design storm used in sizing the storage facility for no discharge.
- e) Corrective Actions. Any deficiencies found as a result of these inspections must be corrected as soon as possible.
- f) In addition to the requirement in subsection (e), deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.
- g) Discharge to waters of the United States of pollutants from dead livestock or dead animal disposal facilities is prohibited. Dead livestock and water contaminated by dead livestock shall not be disposed of in the liquid manure storage structures, egg wash wastewater facilities, egg processing wastewater facilities, or areas used to hold products, by-products or raw materials that are set aside for disposal, or contaminated stormwater facilities, other than facilities used solely for disposal of dead livestock.
- h) Chemicals and other contaminants shall not be disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants.
- i) A CAFO owner or operator utilizing an earthen lagoon or other earthen manure storage area or waste containment area shall inspect all berm tops, exterior berm

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sides, and non-submerged interior berm sides for evidence of erosion, burrowing animal activity, and other indications of berm degradation on a frequency of not less than once every week.

- j) The CAFO owner or operator shall perform periodic removal of livestock waste solids from liquid manure storage areas and the waste containment area to maintain proper operation of the storage structures. Soils that are contaminated with livestock waste removed from earthen manure storage structures shall be considered livestock waste.
- k) Requirements Relating to Transfer of Livestock Waste to Other Persons.
- 1) Prior to transferring livestock waste to other persons, CAFOs must provide the recipient of the livestock waste with the most current nutrient analysis.
  - 2) The analysis provided must be consistent with applicable requirements to sample livestock wastes in Section 502.635(b).
  - 3) CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of livestock waste transferred to another person.
- l) Livestock Waste Storage Requirements
- 1) Livestock waste storage structures at the CAFO production area shall be designed to contain a volume equal to or greater than the sum of the volumes of the following:
    - A) the amount of waste generated during a 180-day period of operation at design capacity;
    - B) the runoff volumes generated during a 180-day period, including all runoff and precipitation from lots, roofs and other surfaces where precipitation is directed into the storage structure;
    - C) the volume of all wash down liquid generated during the 180-day period that is directed into the manure storage structure;

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- D) the volume of runoff and precipitation directed to the storage structure during a 25-year, 24-hour storm event;
  - E) the design volatile solids loading volume, if applicable;
  - F) the sludge accumulation volume, if applicable; and
  - G) a freeboard of 2 feet, except for structures with a cover or otherwise protected from precipitation.
- 2) The storage volume requirements in this subsection (1) do not apply to pump stations, settling tanks, pumps, piping or other components of the CAFO production area that temporarily hold or transport waste to a storage facility meeting the requirements of this subsection (1).

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.615 Nutrient Transport Potential**

- a) Field Assessment. An individual field assessment of the potential for nitrogen and phosphorus transport from the field to surface waters must be conducted and the results contained in the nutrient management plan. The following factors must be identified for each field to determine nitrogen and phosphorus transport potential to waters of the United States.
- 1) Soil type;
  - 2) Slope;
  - 3) Conservation practices;
  - 4) Soil erodibility or potential for soil erosion;
  - 5) Soil test phosphorus;
  - 6) Tile inlet locations;
  - 7) Distance to surface waters;

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- 8) Proximity to wells;
  - 9) Location of conduits to surface water, including preferential flow paths;  
and
  - 10) Subsurface drainage tiles.
- b) The applicant shall utilize the field assessment information obtained in subsection (a) to determine the appropriate phosphorus-based or nitrogen-based application rate for each assessed field. The determination of phosphorus-based or nitrogen-based application of livestock waste on an assessed field must be consistent with subsection (c) or (d) and Sections 502.620, 502.625, 502.630, and 502.635.
- c) Nitrogen-based application of livestock waste must be conducted consistent with the following requirements:
- 1) livestock waste is applied consistent with the setback requirements in Section 502.645;
  - 2) available soil phosphorus (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200) is equal to or less than 300 pounds per acre;
  - 3) the soil loss calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) is less than the Erosion Factor T;

BOARD NOTE: Soil loss may be calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) software program available at [http://fargo.nserl.purdue.edu/rusle2\\_dataweb/RUSLE2\\_Index.htm](http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm). Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656. Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-

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6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

- 4) if conduits on the field are less than 400 feet from surface waters, the setback requirements in Section 502.645(b)(2) do not apply. Instead the following setbacks apply:
  - A) Livestock waste application shall be conducted no closer than:
    - i) 150 feet from a tile inlet, agricultural well head, sinkhole, or edge of a ditch that has no vegetative buffer; or
    - ii) 50 feet from a tile inlet, agricultural well head, sinkhole, or edge of a ditch that has a 50 foot vegetative buffer or 50 feet from the center of a grass waterway;
  - B) These setbacks do not apply if the CAFO is able to demonstrate to the Agency that a setback or buffer is not necessary because implementation of alternative conservation practices (including, but not limited to, injection and incorporation) or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 150-foot setback under subsection (c)(4)(A)(i) or the 50-foot setback under subsection (c)(4)(A)(ii);
- 5) if conduits on the field are more than 400 feet from surface waters, the setback requirements in subsection (c)(4) do not apply;
- 6) where surface waters are on the assessed field or within 200 feet of the field, the livestock waste applied to the field shall be injected or incorporated within 24 hours after the application or equivalent conservation practices must be installed and maintained on the field pursuant to USDA-NRCS practice standards; and
- 7) if nitrogen-based application cannot be conducted in accordance with this subsection (c), then phosphorus-based application must be conducted as specified in subsection (d).

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- d) Phosphorus-based application of livestock waste must be conducted consistent with the following requirements:
- 1) livestock waste must be applied consistent with the setback requirements in Section 502.645;
  - 2) the livestock waste application rate must not exceed the annual agronomic nitrogen demand of the next crop grown as provided in Section 502.625(a);
  - 3) if the soil contains greater than 50 pounds of available soil phosphorus per acre (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200), phosphorus-based application rates must maintain or lower the soil test phosphorus during the nutrient management plan period;
  - 4) if the soil contains greater than 300 pounds of available soil phosphorus per acre (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200), the amount of phosphorus applied in the livestock waste must not exceed the amount of phosphorus removed by the next year's crop grown and harvested; and
  - 5) livestock waste shall not be applied to fields with available soil phosphorus (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200) greater than 400 pounds per acre.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.620 Protocols to Land Apply Livestock Waste**

- a) Livestock wastes shall not be applied to waters of the United States. Livestock waste application shall not cause runoff to waters of the United States during non-precipitation events. Livestock waste application shall not occur on land that is saturated at the time of application. Livestock waste shall not be applied onto land with ponded water.

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- b) Discharge of livestock waste to waters of the United States or off-site during dry weather through subsurface drains is prohibited.
- c) Livestock waste shall not be applied during precipitation when runoff of livestock waste will be produced.
- d) Surface land application of livestock waste shall not occur within 24 hours preceding a forecast of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used.

- 1) A prediction of a 60 percent or greater chance of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (d)(1) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

- 2) A prediction of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than Quantitative Precipitation Forecast(QPF) category 3, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring, MD 20910 for the land application area location.

BOARD NOTE: The prediction in subsection (d)(2) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

- e) Determination of soil loss must be made for each field using Revised Universal Soil Loss Equation 2 (RUSLE2).

BOARD NOTE: Soil loss may be calculated using the RUSLE2 software program available at [http://fargo.nserl.purdue.edu/rusle2\\_dataweb/](http://fargo.nserl.purdue.edu/rusle2_dataweb/)

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RUSLE2 Index.htm. Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656.

- f) Surface land application may be used when the land slope is no greater than 5% or when the yearly average soil loss calculated using RUSLE2 is equal to or less than 5 tons per acre per year or Erosion Factor T, whichever is less, regardless of slope. Injection or incorporation within 24 hours shall be used when the land slope is greater than 5% and the yearly average soil loss calculated using RUSLE2 is greater than 5 tons per acre per year or Erosion Factor T, whichever is less. Fields with varying or steep slopes must be divided into separate areas for calculating yearly average soil loss using RUSLE2 to comply with this subsection.

BOARD NOTE: Soil loss may be calculated using the RUSLE2 software program available at [http://fargo.nserl.purdue.edu/rusle2\\_dataweb/RUSLE2\\_Index.htm](http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm). Additional information on RUSLE2 may be obtained from the United States Department of Agriculture, Agricultural Research Services, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656. Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

- g) Land application of livestock waste is prohibited on slopes greater than 15%.
- h) Liquid livestock waste shall not be applied to land with less than 36 inches of soil covering fractured bedrock, sand or gravel. The depth of soil cover may be determined by using NRCS soil surveys, Illinois State Geological Survey well logs, or soil probes.
- i) Livestock waste shall not be applied to bedrock outcrops.
- j) Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to Section 502.625 when there is less than 60 inches of unconsolidated material over bedrock. The depth of soil unconsolidated material may be determined by using NRCS surveys, Illinois State Geological Survey well logs, or soil probes.

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- k) Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to Section 502.625 when the minimum soil depth to seasonal high water table is less than or equal to 2 feet. The depth of soil to seasonal high water table may be determined by using information from NRCS soil surveys, soil probes, and water table levels from Illinois State Geological Survey well log data or well points.
- l) Livestock waste shall not be applied at rates that exceed the infiltration rates of the soil.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.625 Determination of Livestock Waste Application Rates**

- a) Livestock waste application shall not exceed the agronomic nitrogen rate, which is defined as the annual application rate of nitrogen that can be expected to be required for a realistic crop yield goal. Multi-year phosphorus application is allowed when the application is specified in a nutrient management plan and meets the requirements in Section 502.615. Any such application must be consistent with nutrient management plan requirements. The agronomic rate must be determined in a manner consistent with this Section and Section 502.615.
- b) Livestock Waste Volumes. The estimate of the annual volume of available livestock waste for application shall be obtained by multiplying the number of animals constituting the maximum design capacity of the facility by the appropriate amount of waste generated by the animals. For purposes of this Section, "maximum design capacity" means the maximum number of animals that can be housed at any time for a minimum of 45 days at a CAFO. The following sources may be used to obtain the amount of waste generated:
- 1) Livestock Waste Facilities Handbook, Third Edition, Table 2-1, incorporated by reference at 35 Ill. Adm. Code 501.200(a);
  - 2) 35 Ill. Adm. Code 560. Table 1;
  - 3) Manure Characteristics, 2<sup>nd</sup> ed., 2004 (MWPS-18 Section 1), MidWest Plan Service, incorporated by reference at 35 Ill. Adm. Code 501.200(a); and

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- 4) NRCS Agricultural Waste Management Field Handbook Chapter 4, incorporated by reference at 35 Ill. Adm. Code 501.200(a).
- c) Nutrient Value of Livestock Waste. For new livestock facilities that have not generated livestock waste, the owner or operator must prepare a plan based on an average of the minimum and maximum numbers in the table values derived from Livestock Waste Facilities Handbook, Third Edition, Table 2-1, 10-6, or 10-7, or Manure Characteristics, incorporated by reference at 35 Ill. Adm. Code 501.200, or 35 Ill. Adm. Code 560. Table 1 or Table 2. If "as produced" or "as excreted" nutrient values are used, the nitrogen value shall be adjusted to account for losses due to the type of storage system utilized using an average of the ranges in Livestock Waste Facilities Handbook, Third Edition, Table 10-1. Other sources of nutrient values may be used if approved by the Agency. Owners or operators of existing livestock facilities, must prepare the plan based on representative sampling and analysis of the livestock waste generated by the CAFOs in accordance with Section 502.635(b).
- d) Adjustments to Nitrogen Availability. Adjustments shall be made to nitrogen availability to account for the following:
- 1) Nitrogen loss from livestock waste due to method of application, based on an average of the ranges in Livestock Waste Facilities Handbook, Third Edition, Table 10-2; and
- 2) The first-year mineralization of organic nitrogen into a plant available form, as obtained from Livestock Waste Facilities Handbook, Third Edition, Table 10-5.
- e) Realistic Crop Yield Goal
- 1) The realistic crop yield goal shall be determined for each field where the livestock waste is to be land applied. The realistic crop yield goal shall be determined using an average yield over a five-year period from the field where livestock waste is to be land applied. The source of data to be utilized to determine the realistic crop yield goal is provided in subsection (e)(2).
- 2) Whenever five years of data is available for the field where livestock waste is to be land applied, proven yields shall be used in calculating the

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realistic crop yield, unless there is an agronomic basis for predicting a different realistic crop yield goal. The owner or operator shall indicate the method used to determine the proven yield. Data from years with crop disasters may be discarded.

- A) If five years of proven yield data is not available for the field where the livestock waste is to be land applied, or if an agronomic basis exists for predicting a different realistic crop yield goal, the owner or operator may calculate the realistic crop yield goal using crop insurance yields or Farm Service Agency USDA yields. If either of these sources is used, a copy of the insurance or assigned crop yields shall be included with the nutrient management plan.
- B) If data is not available on proven yields, crop insurance yields or Farm Service Agency yields, or if an agronomic basis exists for predicting a different realistic crop yield goal, soils based yield data from the University of Illinois "Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810" (Bulletin 810) or "Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811" (Bulletin 811), incorporated by reference at 35 Ill. Adm. Code 501.200, shall be used by the owner or operator to calculate the realistic crop yield goal pursuant to subsection (e)(1).
- i) If Bulletin 810 or 811 is used to calculate the realistic crop yield goal, a soil map of the land application areas shall be included in the nutrient management plan.
- ii) If Bulletin 810 or 811 is used, the realistic crop yield goal shall be determined by a weighted average of the soil interpretation yield estimates for the fields where livestock waste is to be land applied.
- iii) If Bulletin 811 is used, the owner or operator shall demonstrate in the nutrient management plan that the operational management and field conditions of the facility and land application areas meet the requirements for optimum conditions as provided in Bulletin 811.

f) Nitrogen Credits

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- 1) Nitrogen credits shall be calculated by the CAFO owner or operator, pursuant to Section 502.505(n)(7), for nitrogen-producing crops grown the previous year, for other sources of nitrogen applied for the growing season, and for mineralized organic nitrogen in livestock waste applied during the previous three years.
  - 2) Nitrogen credits shall be calculated by the CAFO owner or operator for the mineralized organic nitrogen in livestock waste applied during the previous three years at the rate of 50%, 25%, and 12.5%, respectively, of that mineralized during the first year.
- g) Phosphorus. The plan shall be developed or amended by the CAFO owner or operator to determine the maximum livestock waste application rate for each field. The plan for that field shall contain the following:
- 1) The phosphorus content of the livestock waste shall be determined in accordance with subsection (c);
  - 2) The realistic crop yield goal of each crop in the field, obtained pursuant to subsection (e)(1);
  - 3) The phosphorus amount needed for each crop in the planned crop rotation, expressed as P<sub>2</sub>O<sub>5</sub>, obtained from the Illinois Agronomy Handbook, 24<sup>th</sup> Edition, incorporated by reference at 35 Ill. Adm. Code 501.200. The determination of this phosphorus amount shall be based on the realistic crop yield goal for each planned crop and the soil test for available phosphorus (Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200);
  - 4) The phosphorus carryover from previous years' application of phosphorus or livestock waste;
  - 5) Soil test phosphorus results for that field; and
  - 6) The maximum livestock waste application rate, consistent with nitrogen-based or phosphorus-based applications allowed under Section 502.615.

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- h) Nitrogen and phosphorus fertilization rates for the realistic crop yield goal may be obtained from the Illinois Agronomy Handbook, 24<sup>th</sup> Edition, incorporated by reference at 35 Ill. Adm. Code 501.200, or 35 Ill. Adm. Code 560.Appendix A.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.630 Protocols to Land Apply Livestock Waste During Winter**

- a) Winter Application Prohibition. Surface land application of livestock waste on frozen, ice-covered, or snow-covered ground is prohibited except as specified in subsection (a)(1).
- 1) Notwithstanding the winter application prohibition in subsection (a), surface land application of livestock waste on frozen, ice-covered or snow-covered ground is allowed if all of the following conditions are met:
- A) No practical alternative measures are available to handle the livestock waste within storage facilities or to dispose of the livestock waste at other sites. Examples of practical alternative measures may include, but are not limited to, the transfer of waste to another waste handling facility or sewage treatment plant, rental or acquisition of a storage tank, reduction of herd size or depopulation, and protection of the facility from direct precipitation and clean stormwater runoff;
- B) Liquid livestock waste cannot be injected or incorporated within 24 hours after application due to soil conditions;
- C) Prior to December 1, the owner or operator has taken steps to provide 120 days of available storage capacity of manure storage areas. Examples of steps that could be taken may include, but are not limited to, land application of livestock waste, transfer of waste to another party, protection of waste storage structures from direct precipitation and stormwater runoff, and depopulating facilities to reduce the amount of waste generated;
- D) The owner or operator has complied with subsection (a)(1)(C) and yet the storage volume available on December 1 of that winter season is less than 120 days of storage;

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- E) The owner or operator has notified the Agency in writing on December 1 of that winter season that the CAFO has less than 120 days storage available; and
- F) The discharge of livestock waste from the structure to the surface waters is expected to occur due to shortage in storage capacity.
- 2) The storage volume calculation in subsection (a)(1)(C) must include runoff and direct precipitation plus the volume of livestock excreta, wash water and other process wastewater generated and expected to enter the storage structure during the period of December 1 to April 1. Runoff volume calculations must meet the following requirements:
- A) Runoff calculations must be based on the runoff transferred into the storage structure under frozen ground conditions;
- B) Direct precipitation that will reduce the available storage volume must be based on normal precipitation for the December 1 to April 1 period for the nearest weather station and, for facilities exposed to precipitation, the 25-year, 24-hour storm event volume or the design storm event volume determined under Subpart H for swine, poultry and veal large CAFOs that are new sources. The determination of normal precipitation shall be based on National Weather Service or State Water Survey Records;
- BOARD NOTE: The following sources may be used to determine normal precipitation:
- <http://www.isws.illinois.edu/atmos/statecli/newnormals/newnormals.htm> or <http://cdo.ncdc.noaa.gov/cgi-bin/climatenormals/climatenormals.pl>.
- C) The owner or operator shall keep a record of the precipitation value used and the source from which the value was obtained; and
- D) Calculations must allow for a freeboard of two feet.

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3) In the event winter land application is necessary, it must be conducted pursuant to a winter application plan described in subsection (b) and according to the conditions of subsection (c).

b) Winter Application Plan

In order to conduct surface land application on frozen, ice covered, or snow covered ground, the requirements of this subsection (b) must be met.

1) No land application may occur within ¼ mile of a non-farm residence.

2) No discharge may occur during land application of livestock waste.

3) Surface land application on frozen ground shall not occur within 24-hours preceding a forecast of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used.

A) A prediction of a 60 percent or greater chance of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch 1325 East West Highway, Silver Spring MD 20910, for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (b)(3)(A) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

B) A prediction of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 2 obtained from the National Weather Service Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910, for the land application area location.

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BOARD NOTE: The prediction in subsection (b)(3)(B) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

4) Surface land application of livestock waste on ice covered or snow covered land shall not occur within 24 hours preceding a forecast of 0.1 inches or more of precipitation in a 24 hour period as measured in liquid form. The CAFO owner or operator shall use one of the two methods provided below for determining whether or not these conditions exist and shall maintain a record of the forecast from the source used.

A) A prediction of a 60 percent or greater chance of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (b)(4)(A) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

B) A prediction of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 1 obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the land application area location.

BOARD NOTE: The prediction in subsection (b)(4)(B) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

5) If the land application of livestock waste is on ice covered or snow covered land, surface land application shall not occur when the predicted high temperature exceeds 32 degrees F on the day of land application or on any of the 7 days following land application as predicted by the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD

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20910 for the location nearest to the land application area. The owner or operator shall maintain a record of the forecast from the source used.

BOARD NOTE: The predicted high temperature in subsection (b)(5) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MEX/index.html> or <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

- 6) If the surface land application of livestock waste is on ice covered or snow covered land, the CAFO owner or operator shall visually monitor for runoff from the site. The CAFO owner or operator daily must monitor each ice covered or snow covered field where land application has been conducted when the ambient temperature is 32 degrees F or greater following winter land application until all the ice or snow melts from the land application area.
- 7) If the surface land application of livestock waste is on ice covered or snow covered land and a runoff from the land application area occurs, the CAFO owner or operator shall report any discharge of livestock waste within 24 hours after the discovery of the discharge as follows:
- A) The report shall be made to the Agency through the Illinois Emergency Management Agency by calling 1-800-782-7860 or 1-217-782-7860;
- B) Within 5 days after this telephone report, the CAFO owner or operator shall file a written report with the Agency that includes the name and telephone number of the person filing the report, location of the discharge, an estimate of the quantity of the discharge, time and duration of the discharge, actions taken in response to the discharge, and observations of the condition of the discharge with regards to turbidity, color, foaming, floatable solids and other deleterious conditions of the runoff for each day of each runoff event until the ice or snow melts off the site.
- c) Availability of Individual Fields for Winter Application  
If livestock waste is to be surface applied on frozen ground, ice covered land or snow covered land, the land application may only be conducted on land that meets the following requirements:

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- 1) Adequate erosion and runoff control practices exist, including, but not limited to, vegetative fence rows around the site, contour farming, terracing, catchment basins and buffer areas that intercept surface runoff from the site;
- 2) A crop stubble, crop residue or vegetative buffer of 200 feet exists between the land application area and surface waters, waterways, open tile line intake structures, sinkholes, agricultural wellheads, or other conduits to surface water and the vegetative buffer zone is down gradient of the livestock waste application area;
- 3) Application on land with slopes greater than 5% is prohibited;
- 4) Application may only occur on sites that have field specific soil erosion loss calculated using Revised Universal Soil Loss Equation less than Erosion Factor T, and have a median Bray P1 or Mehlich 3 soil level of phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200, equal to or less than 300 pounds per acre;

BOARD NOTE: Soil loss may be calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) software program available at [http://fargo.nserl.purdue.edu/rusle2\\_dataweb/RUSLE2\\_Index.htm](http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm). Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656. Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

- 5) Surface application may only occur if the setbacks equal three times the otherwise applicable setbacks by Sections 502.615 and 502.645 if the slope of the field is between 2 percent and 5 percent. This setback requirement does not include the quarter mile distance from residences contained in Section 502.645(a); and

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- 6) For fields with slopes of less than 2 percent, the surface application may only occur if the setbacks equal two times the otherwise applicable setbacks required by Sections 502.615 and 502.645. This setback requirement does not include the quarter mile distance from residences contained in Section 502.645(a).

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.635 Manure and Soil Sampling and Analysis**

- a) Soil Phosphorus Sampling. Soil samples shall be obtained and analyzed from each field of the land application area where applications are planned. Fields where livestock waste is applied shall be sampled twice for each field during the term of the permit. Soil testing must be conducted as follows:
- 1) Soil sampling for phosphorus shall be in accordance with the sampling protocols in Chapter 8 of the Illinois Agronomy Handbook, 24<sup>th</sup> Edition, incorporated by reference at 35 Ill. Adm. Code 501.200. Laboratory analysis for soil phosphorus (Bray P1 or Mehlich 3) shall be in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference at 35 Ill. Adm. Code 501.200;
  - 2) Soil samples shall be at the same time in the cropping cycle and rotation so that results are comparable year to year; and
  - 3) The two required soil samples for each field must be taken at least one year apart.
- b) Manure Sampling.
- 1) The CAFO owner or operator shall annually obtain a laboratory analysis of the nutrient content representative of the livestock waste to be land applied as provided within the nutrient management plan. Livestock waste shall be sampled during the application process. Multiple subsamples shall be obtained and combined into one sample so that a representative sample is obtained for analysis. Results of a sample taken during waste application the previous year can be used for plan preparation unless there has been a change in the waste management practices during the year. The analytical results of livestock waste

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samples shall be used for calculation of the application rate allowed by the NPDES permit.

- 2) The laboratory analysis of the livestock waste sample shall include total kjeldahl nitrogen, ammonia or ammonium nitrogen, total phosphorus, total potassium, and percent total solids. The nutrient results shall be reported on the laboratory analysis sheet on a lb/ton or mg/kg dry weight basis or lb/1000 gal or mg/L wet weight basis. The results of these analyses are to be used in determining application rates for livestock waste.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.640 Inspection of Land Application Equipment for Leaks**

- a) For all permitted CAFOs that land apply livestock waste, the CAFO owner or operator must periodically inspect equipment used for land application of livestock waste for leaks or problems that result in improper operation.
- b) The CAFO owner or operator must ensure that the land application equipment is properly calibrated for application of livestock waste on a routine basis.
- c) Calibration procedures and schedules shall be described for all equipment in the CAFO's nutrient management plan.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.645 Land Application Setback Requirements**

- a) Distance from Residences  
Livestock waste shall not be land applied within ¼ mile of any residence not part of the CAFO, unless it is injected or incorporated on the day of application.
- b) Setbacks from Waters
  - 1) Livestock waste shall not be land applied within 200 feet of surface water, unless the water is upgrade or there is adequate diking, which includes, but is not limited to, diking that prevents runoff from the land application from entering surface waters that are within 200 feet of the land application area.

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- 2) Livestock waste shall not be land applied within 100 feet of down gradient open subsurface drainage intakes, agricultural drainage wells, sinkholes, grassed waterways or other conduits to surface waters, unless a 35 foot vegetative buffer exists between the land application area and the grassed waterways, open subsurface drainage intakes, agricultural drainage wells, sinkholes or other conduits to surface water.
- 3) The setback requirements in subsection (b)(2) do not apply if the CAFO is able to demonstrate to the Agency that a setback or buffer is not necessary because implementation of alternative conservation practices (including, but not limited to, injection and incorporation) or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback.
- c) Livestock waste shall not be applied in a 10-year flood plain unless the injection or incorporation method of application is used.
- d) Livestock waste shall not be land applied to waters of the United States, grassed waterways or other conduits to surface waters.
- e) Livestock waste shall not be land applied within 150 feet of potable water supply wells.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.710 New Source Performance Standards for Dairy Cows and Cattle Other Than Veal Calves**

- a) New Source Performance Standards (NSPS) Applicability  
Any CAFO with the capacity to stable or confine 700 or more mature dairy cows, whether milked or dry, or 1,000 or more cattle other than mature dairy cows or veal calves that is a new source must achieve the livestock waste discharge limitations representing the application of NSPS as of the date of permit coverage or within the timelines provided in Section 502.303.
- b) The livestock waste discharge limitations representing NSPS for the CAFO production area for CAFOs subject to this Section are the livestock waste discharge limitations found in Sections 502.605 and 502.610.

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- c) The livestock waste discharge limitations representing NSPS for the CAFO land application area are the livestock waste discharge limitations and requirements found in Sections 502.615 through 502.645.
- d) CAFOs subject to this Section shall attain the limitations and requirements in Subpart F as of the date of permit coverage or within the timelines provided in Section 502.303.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.720 Horse and Sheep CAFOs: BPT, BAT and NSPS**

This Section contains the effluent limitations applicable to discharges resulting from the production area at horse and sheep CAFOs. CAFOs subject to this Section shall attain the limitations and requirements of this Section as of the date of permit coverage. CAFOs with the capacity to stable or confine fewer than 10,000 sheep or fewer than 500 horses are exempt from these effluent limitations.

- a) Effluent Limitations Attainable by the Application of the Best Practicable Control Technology Currently Available (BPT) for Horse and Sheep CAFOs
  - 1) Except as provided in subsection (a)(2), any existing point source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the effluent limitation representing the application of BPT for horse and sheep CAFOs.
  - 2) Process waste pollutants in the overflow may be discharged to waters of the United States whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated wastewaters plus the runoff from a 10-year, 24-hour rainfall event for the location of the point source.
- b) Effluent Limitations Attainable by the Application of the Best Available Technology Economically Achievable (BAT) for Horse and Sheep CAFOs

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- 1) Except when the provisions of subsection (b)(2) apply, any existing point source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the effluent limitation representing the application of BAT for Horse and Sheep CAFOs.
- 2) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged to waters of the United States.
- c) New Source Performance Standards (NSPS) for Horse and Sheep CAFOs  
Except as provided in subsection (b)(2), any new source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the performance standard representing NSPS for horse and sheep CAFOs.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.730 Duck CAFOs: BPT and NSPS**

This Section contains the effluent limitations applicable to discharges resulting from the production areas at dry lot and wet lot duck CAFOs. CAFOs subject to this Section shall attain the limitations and requirements of this Section as of the date of permit coverage. CAFOs with the capacity to stable or confine fewer than 5,000 ducks are exempt from these effluent limitations.

- a) Effluent Limitations Attainable by the Application of the Best Practicable Control Technology Currently Available (BPT) for Wet Lot and Dry Lot Duck CAFOs.  
Any existing point source subject to this Section shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of BPT:
  - 1) BOD<sub>5</sub> is limited to a maximum daily limit of 3.66 pounds/1,000 ducks or 1.66 kg/1,000 ducks.

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- 2) BOD<sub>5</sub> is limited to a maximum monthly average of 2.0 pounds/1,000 ducks or 0.91 kg/1,000 ducks.
  - 3) Fecal coliform is not to exceed the most probable number (MPN) of 400/100 ml at any time.
- b) New Source Performance Standards for Wet Lot and Dry Lot Duck CAFOs
- 1) Except as provided in subsection (b)(2), any new source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the performance standard representing NSPS for duck CAFOs.
  - 2) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged to waters of the United States.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.800 Applicability**

- a) This Subpart applies to all new swine, poultry and veal CAFOs with the capacity to stable or confine the numbers of animals of the types provided for in the definition of large CAFOs in Section 502.103.
- b) The requirements of this Subpart H are in addition to the livestock waste discharge limitations and technical standards in Subpart F, except Section 502.605.
- c) The limitations and requirements of this Subpart must be attained as of the date of NPDES permit coverage or within the timelines provided in Section 502.303.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

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**Section 502.810 Production Area Requirements**

There must be no discharge of livestock waste pollutants to waters of the United States from the production area unless the CAFO complies with the alternative livestock waste discharge limitations provided in Section 502.830.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.820 Land Application Area Requirements**

For CAFOs subject to this Subpart, the land application areas shall attain the same limitations and requirements as specified in Sections 502.615 through 502.645.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.830 Alternative Best Management Practice Livestock Waste Discharge Limitations**

- a) Any CAFO subject to this Subpart may request that the Agency establish NPDES permit best management practice (BMP) livestock waste discharge limitations designed to ensure no discharge of livestock waste based upon a site-specific evaluation of the CAFO's open surface livestock storage structure.
- b) The NPDES permit BMP livestock waste discharge limitations must address the CAFO's entire production area. In the case of any CAFO using an open surface livestock waste storage structure for which the Agency establishes such livestock waste discharge limitations, "no discharge of livestock waste pollutants," as used in this Subpart H, means that the storage structure is designed, operated, and maintained in accordance with BMP established by the Agency on a site-specific basis after a technical evaluation of the storage structure.
- c) The technical evaluation must address the elements listed in Section 502.840.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

**Section 502.840 Technical Evaluation**

All technical evaluations conducted pursuant to this Subpart H must address the minimum elements contained in this Section. Waste management and storage facilities designed,

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constructed, operated, and maintained consistent with the analysis conducted in subsections (a) through (g) and operated in accordance with the additional measures and records required by Section 502.610 will fulfill the requirements of this Subpart.

- a) Information to be used in the design of the open manure storage structure including, but not limited to:
- 1) Minimum storage periods for rainy seasons;
  - 2) Additional minimum capacity for chronic rainfalls;
  - 3) Applicable technical standards that prohibit or otherwise limit land application on frozen, saturated or snow-covered ground found in Section 502.630;
  - 4) Planned emptying and dewatering schedules consistent with the CAFO's nutrient management plan;
  - 5) Additional storage capacity for livestock waste intended to be transferred to another recipient at a later time; and
  - 6) Any other factors that would affect the sizing of the structure.
- b) The design of the open livestock waste storage structure as determined in accordance with 40 CFR 412.46(a)(1)(ii), incorporated by reference at 35 Ill. Adm. Code 501.200 or equivalent design software or procedures approved by the Agency.
- BOARD NOTE: NRCS' Animal Waste Management (AWM) software specified under 40 CFR 412.46(a)(1)(ii) is available at <http://www.nrcs.usda.gov>. Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656.
- c) All inputs used in the open livestock waste storage structure design, including:
- 1) actual climate data for the previous 30 years, consisting of historical average monthly precipitation and evaporation values;

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- 2) the number and types of animals;
  - 3) anticipated animal sizes or weights;
  - 4) any added water and bedding;
  - 5) any other process wastewater; and
  - 6) the size and condition of outside areas exposed to rainfall and contributing runoff to the open livestock waste storage structure.
- d) The planned minimum period of storage in months, including, but not limited to, the factors for designing an open livestock waste storage structure described in subsection (a). Alternatively the CAFO may determine the minimum period of storage by specifying times the storage pond will be emptied consistent with the CAFO's nutrient management plan.
- e) Site-specific predicted design specifications, including:
- 1) dimensions of the storage facility;
  - 2) daily manure and wastewater additions;
  - 3) the size and characteristics of the land application areas; and
  - 4) the total calculated storage period in months.
- f) An evaluation of the adequacy of the designed manure storage structure in accordance with 40 CFR 412.46(a)(1)(vi), incorporated by reference at 35 Ill. Adm. Code 501.200.
- 1) The evaluation must include all inputs used in the simulation, including but not limited to:
    - A) daily precipitation, temperature, and evaporation data for the previous 100 years;
    - B) user-specified soil profiles representative of the CAFO's land application areas;

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- C) planned crop rotations consistent with the CAFO's nutrient management plan; and
- D) the final modeled result of no overflows from the designed open livestock waste storage structure.
- 2) For those CAFOs where 100 years of local weather data for the CAFO's location is not available, CAFOs may use a simulation with a confidence interval analysis conducted over a period of 100 years.
- 3) The adequacy of the designed manure storage structure may be evaluated using equivalent evaluation and simulation procedures approved by the Agency.

BOARD NOTE: The Soil Plant Air Water (SPAW) Hydrology Tool specified at 40 CFR 412.46(a)(1)(vi) is available at <http://hydrolab.arsusda.gov/SPAW/Index.htm>. Additional information may be obtained from the United States Department of Agricultural, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656.

- g) The Agency may waive the requirement in subsection (f) for a site-specific evaluation of the designed livestock waste storage structure and instead authorize a CAFO to use a technical evaluation developed for a class of specific facilities within a specified geographical area.
- h) The Agency may request additional information to support a request for livestock waste discharge limitations based on a site-specific open surface livestock waste storage structure.

(Source: Added at 38 Ill. Reg. 17687, effective August 11, 2014)

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## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Implementation Program
- 2) Code Citation: 35 Ill. Adm. Code 504
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
504.101	Repeal
504.102	Repeal
504.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Sections 9, 12, 13, 21, and 22 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22, and 27]
- 5) Effective Date of Repealer: August 11, 2014
- 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 rule, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: December 2, 2013; 37 Ill. Reg. 19074
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In proceeding from First Notice publication to adoption, the Board made no change to its proposed repeal of Part 504.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Not applicable
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more complete description of this proposal may be found in the Board's opinion and order of August 7, 2014, in docket R12-23.

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## NOTICE OF ADOPTED REPEALER

The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend Parts 501, 502 and 504 of the Board's agriculture-related pollution regulations. The Agency sought to amend the regulations to make them consistent with, and as stringent as, the current federal Concentrated Animal Feeding Operations regulations. The Agency also sought to establish State technical standards required by the federal rule. As one element of its proposal, the Agency sought to repeal the entire Part 504.

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

Timothy J. Fox  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago IL 60601

312/814-6085  
tim.fox@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-23 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.321                      Adopted Action:  
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-25
- 5) Effective Date of Rule: August 6, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 38 Ill. Reg. 7555, April 4, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.2080	Amendment	38 Ill. Reg. 9171, May 2, 2014
130.Illustration A	Amendment	38 Ill. Reg. 9171, May 2, 2014
130.601	Repealed	38 Ill. Reg. 13161, June 27, 2014
130.605	Amendment	38 Ill. Reg. 13161, June 27, 2014
130.610	Repealed	38 Ill. Reg. 13161, June 27, 2014

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This rulemaking implements the provisions of PA 98-422, which broadened the existing exemption for "Fuel Used by Air Common Carriers in International Flights", which will now be entitled "Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions."

PA 98-422 provides that beginning July 1, 2013, notwithstanding the fact that sales may be at retail, tax does not apply to fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

This exemption will terminate by operation of the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act on August 16, 2018.

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

Debra M. Boggess  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 130  
RETAILERS' OCCUPATION TAX

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**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April

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11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264,

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effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.321 Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its PossessionsInternational Flights**

- a) Until June 30, 2013, notwithstanding~~Notwithstanding~~ the fact that sales may be at retail, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or

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*returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers is exempt from tax. (Section 2-5 of the Act).*

b) Exemptions Beginning July 1, 2013

1) Beginning July 1, 2013, notwithstanding the fact that sales may be at retail, tax does not apply to fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that:

A) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions; and

B) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft [35 ILCS 120/2-5].

2) This exemption will terminate by operation of the sunset provisions of Section 2-70 of the Act on August 16, 2018. ~~An air common carrier means a commercial air common carrier certified and authorized to conduct international flights involving passengers or cargo for hire, on a regularly-scheduled basis.~~

c) Until July 1, 2013, flights~~Flights~~ destined for a destination outside the United States include flights which originate in Illinois or have a stopover in Illinois and which may have intermediate stops at other locations in the United States prior to arriving at the destination outside the United States. Beginning July 1, 2013, subject to the provisions in subsection (b) ~~In such situations,~~ all fuel loaded for such ~~flights~~~~a flight~~ shall be considered to be exempt, notwithstanding the fact that a portion of the fuel will be consumed within the United States or any of its possessions. If a flight is loaded with exempt fuel for a flight engaged in foreign trade or trade between the United States and any of its possessions,~~an intended international flight,~~ but for some reason does not meet the provisions of subsection (b),~~the flight stops at an intermediate location in the United States and does not continue to the foreign destination,~~ the fuel will be taxable.

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- d) In general, exempt international fuel shall be treated in the same manner as bonded fuel with respect to the sale, accountability and eligibility of tax exemption.
- e) Aviation fuel used as provided in this Section~~Exempt international fuel~~ may be commingled with other jet fuel within the hydrant systems at qualifying airports. However, accurate records must be maintained with respect to the purchaser, gallonage of fuel loaded, flight number, aircraft tail number, ultimate foreign destination and intermediate stops. Beginning July 1, 2013, records must also contain information that indicates that the flight was engaged in foreign trade or trade between the United States or any of its possessions and transported at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in flight number of that aircraft.
- f) EXAMPLES:  
Aircraft A, Aircraft B, and Aircraft C are operated by an air common carrier.
- 1) Situation 1. A flight originates in the United States and its final destination is outside the United States. Aircraft A fuels up in Chicago, Illinois for a flight bound for Vancouver, Canada. En route to Vancouver, Aircraft A stops in Seattle, Washington. The flight from Chicago to Seattle is designated Flight No. 111 and the flight from Seattle to Vancouver is designated Flight No. 333. Although the flight numbers change, the aircraft does not change. Aircraft A transports at least one person or package for hire from Chicago to Vancouver.
- Determination 1. Aircraft A is engaged in foreign trade within the meaning of Section 2-5 of the Act. Aircraft A's flight originates within the United States (Chicago) bound for a destination outside the United States (Vancouver), and Aircraft A transports for hire at least one person or package from Chicago to Vancouver. The intermediate stop in Seattle, en route to Vancouver, does not negate the exemption. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax. The change in the flight number does not affect the determination of whether the aircraft is engaged in foreign trade as long as the aircraft remains the same and at least one person or package was transported for hire from Chicago to Vancouver.

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- 2) Situation 2. A flight originates outside the United States and its final destination is inside the United States. Aircraft B flies from Cancun, Mexico to New York City, New York. En route to New York City, Aircraft B stops in Chicago, Illinois to refuel. The flight from Cancun to Chicago is designated Flight No. 555 and the flight from Chicago to New York City is designated Flight No. 777. Although the flight numbers change, the aircraft does not change. Aircraft B transports at least one person or package for hire from Cancun to New York City.

Determination 2. Aircraft B is engaged in foreign trade within the meaning of Section 2-5 of the Act. Aircraft B's flight originates outside of the United States (Cancun) bound for a destination within the United States (New York City), and Aircraft B transports for hire at least one person or package from Cancun to New York City. The stop in Chicago is an intermediate stop in the United States, en route to New York City. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax. The change in the flight numbers does not affect the determination of whether the aircraft is engaged in foreign trade as long as the aircraft remains the same and at least one person or package is transported for hire from Cancun to New York City.

- 3) Situation 3. A flight originates within the United States and its final destination is within the United States. Aircraft C fuels up in Chicago, Illinois for a flight destined for Dallas, Texas. Aircraft C transports persons for hire from Chicago to Dallas, some of whom will transfer to Aircraft A for a flight from Dallas to Acapulco, Mexico.

Determination 3. Aircraft C is not engaged in foreign trade or in trade between the United States and any of its possessions within the meaning of Section 2-5 of the Act. Aircraft C did not transport at least one person or package for hire from a city of origination within the United States bound for a city of final destination outside the United States or any of its possessions, even though some of the passengers' final destinations were outside the United States. Aircraft C's flight is only between two cities within the United States (Chicago to Dallas). Thus, the fuel loaded into the aircraft in Chicago is not exempt from tax.

- 4) Situation 4. A flight originates in the United States and its destination is a city in a possession of the United States. Aircraft B fuels up in Chicago,

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Illinois for a flight to San Juan, Puerto Rico. En route to San Juan, Aircraft B makes a stop in Savannah, Georgia. The flight from Chicago to Savannah is designated Flight No. 1122 and the flight from Savannah to San Juan is designated Flight No. 708. Although the flight number changes, the aircraft does not. Aircraft B transports two persons from Chicago to San Juan on the same plane.

Determination 4. Aircraft B is engaged in foreign trade between the United States and one of its possessions within the meaning of Section 2-5 of the Act. Aircraft B's flight originates in Chicago bound for San Juan, and Aircraft B transports for hire at least one person or package from Chicago to San Juan. The stop in Savannah is an intermediate stop within the United States during a flight to San Juan. The change in the flight number does not affect the determination of whether the flight is engaged in foreign trade as long as the aircraft remains the same. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax.

(Source: Amended at 38 Ill. Reg. 17756, effective August 6, 2014)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: Compassionate Use of Medical Cannabis Pilot Program
- 2) Code Citation: 8 Ill. Adm. Code 1000
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1000.100	Amendment
1000.110	Amendment
- 4) Statutory Authority: Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- 5) Effective Date of Rule: August 8, 2014
- 6) If these emergency rules are set to expire before the end of the 150-day period, please specify the date on which it is to expire: Emergency rules will expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: August 8, 2014
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Concern was expressed that the rule did not include the measurable criteria the Department will use in ranking cultivation center applications before those applications are made available to potential applicants. Definitions of some key words were omitted in the original rulemaking. It was also determined that provision needed to be made to allow for the submission of verification of compliance with local zoning regulations after submission of an application if the matter is still pending before the local zoning authority at the time of submission of the application.
- 10) A Complete Description of the Subjects and Issues Involved: While the selection criteria to be used by the Department in awarding cultivation center permits was included in the original rulemaking, the value or importance to be placed on each selection criteria was not indicated. This emergency amendment sets forth the maximum percentage of points available for each of the selected criteria.

In the bonus point section of the rules, reference is made to the minority, female, or disabled person applicant. Definitions of those words were not included in the original

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rulemaking. In order to define those terms, the emergency amendment provides that they shall be defined as found in the cited act.

Once an application is submitted, further communication with the applicant is prohibited with one exception relating to breaking a tie between applicants or interviewing an applicant if there was no qualified applicant in a district. There will likely be cases where an applicant, during the time within which an application is required to be submitted to the Department, will have applied for zoning authorization yet the matter will be pending before the zoning authority. In order to allow an applicant to submit an application and later submit verification of zoning compliance once the authority has acted, another exception is required.

- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/524-6905  
fax: 217/785-4505

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

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: ILLINOIS DEPARTMENT OF AGRICULTURE  
SUBCHAPTER v: LICENSING AND REGULATIONS

## PART 1000

## COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

## SUBPART A: GENERAL PROVISIONS

## Section

1000.10	Definitions and Incorporations
1000.20	Referenced Materials
1000.30	Scope and Application
1000.40	Operation of a Cultivation Center
1000.50	Permits – General Provisions
1000.60	Evidence of Financial Responsibility – Terms
1000.70	Variances

## SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

1000.100	Permit Application
<u>EMERGENCY</u>	
1000.110	Permits – Selection Criteria
<u>EMERGENCY</u>	
1000.120	Permit Issuance; Transferability
1000.130	Permit Renewal
1000.140	Fees
1000.150	Modifications and Alterations
1000.160	Denial of Cultivation Center Application/Suspension or Revocation of Permit

## SUBPART C: CULTIVATION CENTER REQUIREMENTS

1000.200	Financial Disclosure
1000.210	Fingerprint-Based Criminal History Records Check
1000.220	Cultivation Center Facility Plans and Specifications
1000.230	Measuring Distances
1000.240	Failure to Open or Operate
1000.250	Cultivation Center Records
1000.260	Automated Data Processing (ADP) and/or Point-of-Sale (POS) Systems

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1000.270 Mandatory Signage

## SUBPART D: CULTIVATION CENTER AGENTS/AGENTS-IN-CHARGE

1000.300 Cultivation Center Agents Application; Issuance; Surrender  
1000.310 Suspension or Revocation of Agent Identification Card  
1000.320 Cultivation Center Agent-in-Charge  
1000.330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

## SUBPART E: CULTIVATION CENTER OPERATIONS

1000.400 Production Areas – Plants  
1000.405 Production Areas – Infused or Processed Products  
1000.410 Cultivation Center Management and Operations  
1000.415 Containment Management and Operations  
1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused Products  
1000.425 Advertising  
1000.430 Transportation of Cannabis and Cannabis-Infused Products  
1000.435 Inventory  
1000.440 Cultivation Center Storage  
1000.445 Electronic Security System  
1000.450 Alarm System  
1000.455 Hours of Operation  
1000.460 Waste Disposal  
1000.465 Connections to the Potable Water Supply  
1000.470 Pesticide Usage

## SUBPART F: LABORATORY TESTING

1000.500 Laboratory Approval  
1000.510 Laboratory Testing

## SUBPART G: CULTIVATION CENTER CLOSURE

1000.600 Closure of a Cultivation Center

## SUBPART H: ENFORCEMENT

1000.700 Investigations; Administrative Hearings and Penalties

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## 1000.APPENDIX A Authorized Pesticides

**AUTHORITY:** Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

**SOURCE:** Adopted at 38 Ill. Reg. 16731, effective July 25, 2014; emergency amendment at 38 Ill. Reg. 17772, effective August 8, 2014, for a maximum of 150 days.

## SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

**Section 1000.100 Permit Application****EMERGENCY**

- a) A cultivation center permit shall be obtained for each facility prior to commencement of any production activities. The permit shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.
- b) The Department shall accept applications for cultivation center permits for 14 calendar days after the date indicated on the Department's website as the commencement date for accepting applications.
  - 1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered or, if sent electronically, on the date received by the Department if received on or before 5 p.m. Central Time. If received electronically after 5 p.m. Central Time, they will be considered received on the next day.
  - 2) Submissions received after the 14 day period or any way other than required in this subsection (b) shall be returned to the applicant.
  - 3) Notification of the availability of applications will be posted on the Department's website at [www.agr.state.il.us/](http://www.agr.state.il.us/). Application forms will be made available online at that website and may be completed online and submitted electronically to that website, at the discretion of the Department, or sent via U.S. mail to the address set forth in the application.

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- c) The permit application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the permit request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1000.110. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If all materials, documentations, fees and information required by the application form are not submitted, the application shall be returned to the applicant. The applicant shall then have seven calendar days to resubmit the application in its entirety. Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed, except:
- 1) Asas provided in Section 1000.110(g) and (h); and,
  - 2) If the applicant has applied for zoning approval from the local zoning authority and the matter is pending before the authority. The applicant may submit verification of compliance with the local zoning rules once a ruling is issued by the local zoning authority. In no event, however, may the verification be submitted more than 60 days from the date of submission of the application to the Department.
- d) An applicant applying for a cultivation center permit shall submit, in duplicate, the following:
- 1) *The proposed legal name of the cultivation center;*
  - 2) *The proposed physical address of the cultivation center and description of the enclosed, locked facility as it applies to cultivation centers where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization;*

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- 3) *The name, address, and date of birth of each principal officer and board member of the cultivation center, provided that all those individuals shall be at least 21 years of age;*
- 4) *Any instance in which a business that any of the prospective board members of the cultivation center had managed or served on the board of the business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding;*
- 5) *Cultivation, inventory, and packaging plans;*
- 6) *Proposed operating by-laws (Operation and Management Practices Plan) that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, medical cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed by the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under the Act. A physical inventory shall be performed of all plants and medical cannabis containers on a weekly basis. ISP may utilize the services of a private security contractor licensed by DFPR to assist with performing a security plan review;*
- 7) *Experience with agricultural cultivation techniques and industry standards, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;*
- 8) *Any academic degrees, certifications, or relevant experience with related businesses;*
- 9) *The identity of every person, association, trust, producer backer, partnership, other entity or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; (Section 85 of the Act)*
- 10) *If a sole proprietorship, the name, residence and date of birth of the owner;*

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- 11) *If a partnership, the names and addresses of all partners, both general and limited (Section 85 of the Act) and any partnership or joint venture documents.*
  - A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.
  - B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
- 12) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents.
  - A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.
  - B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
- 13) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally,

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applicants shall include *the names and addresses of all stockholders and directors of the corporation* (Section 85 of the Act);

- 14) If a limited liability company:
  - A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information.
  - B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;
- 15) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (d);
- 16) *Verification from the Illinois State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense* (Section 85 of the Act).
- 17) *A copy of the current local zoning ordinance to the Department and verification from the local zoning authority that the proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140 of the Act* (Section 85 of the Act).
  - A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a cultivation center on the premises at least through December 31, 2017; and, if applicable, verification of notification by the property

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owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.

- B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a cultivation center until at least December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.
- C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders;
- 18) A non-refundable application fee as set forth in Section 1000.140 for each application. Each application for a particular District shall be a separate application requiring a separate fee;
- 19) A location area map of the area surrounding the proposed cultivation center. The map must clearly demonstrate that the proposed cultivation center is *not located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use* (Section 105 of the Act);
- 20) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation center building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of

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application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;

- 21) Documentation acceptable to the Department that the individual or entity filing the application has at least \$500,000 in liquid assets. Documentation acceptable to the Department includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;
  - 22) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required in Section 1000.50(b)(4)(B);
  - 23) All relevant financial information as set forth in Section 1000.200;
  - 24) The name of any agent-in-charge for each work shift;
  - 25) If currently or previously licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:
    - A) A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;
    - B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and
    - C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.
- e) The applicant shall sign a notarized statement certifying that:

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- 1) No prospective principal officer or board member has been convicted of an excluded offense in any state or country;
- 2) The cultivation center will register with the Illinois Department of Revenue should the applicant be granted a permit;
- 3) The application is complete and accurate; and
- 4) The applicant has actual notice that, notwithstanding any state law:
  - A) Cannabis is a prohibited Schedule I controlled substance under federal law;
  - B) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;
  - C) Any activity not sanctioned by the Act or this Part may be a violation of State law;
  - D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
  - E) Use of medical cannabis may affect an individual's ability to receive federal or State licensure in other areas;
  - F) Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;
  - G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and
  - H) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

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- 5) The Department has authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.
- 6) All of applicant's principal officers and producer backers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 17772, effective August 8, 2014, for a maximum of 150 days)

**Section 1000.110 Permits – Selection Criteria****EMERGENCY**

- a) Each application shall address all criteria and measures as set forth in this Part. The failure by an applicant to address all of the required criteria and measures will result in the application being denied.
- b) The required criteria and measures shall include the following with each criteria accounting for up to the indicated maximum percentage of the total required criteria and measures' points available:
  - 1) Suitability of the Proposed Facility (15 percent):
    - A) Measure 1: The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of medical cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of medical cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of medical cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight.
    - B) Measure 2: The applicant demonstrates the ability to continue to meet qualifying patient demand by expanding the cultivation facility in a quick and efficient manner with minimal impact on the environment and the surrounding community.

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- C) Measure 3: The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.
- 2) Proposed Staffing Plan and Knowledge of Illinois Law and Rules Relating to Medical Cannabis (10 percent):
- A) Measure 1: The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention; and
  - B) Measure 2: The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.
- 3) Security Plan (20 percent):
- A) Measure 1: The applicant's security plan demonstrates its ability to prevent the theft or diversion of medical cannabis and how the plan will assist with ISP, Department, and local law enforcement. Specifically, it shall evidence compliance with all items in Sections 1000.440, 1000.445 and 1000.450.
  - B) Measure 2: The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with and dispose of unused or surplus medical cannabis through ISP and the Department.
  - C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that medical cannabis is not visible to the public.

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- D) Measure 4: The applicant describes its transportation plan regarding procedures for safely and securely delivering medical cannabis to registered dispensaries.
- 4) Cultivation Plan [\(30 percent\)](#):
- A) Measure 1: The applicant shall describe its plan to provide a steady, uninterrupted supply of medical cannabis to registered dispensaries.
  - B) Measure 2: The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its experience, if applicable, with growing those strains or comparable agricultural products.
  - C) Measure 3: The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the medical cannabis to be provided to dispensaries.
- 5) Product Safety and Labeling Plan [\(15 percent\)](#):
- A) Measure 1: The applicant shall describe its plan for providing safe and accurate packaging and labeling of medical cannabis.
  - B) Measure 2: The applicant shall describe its plan for testing medical cannabis and ensuring that all medical cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent. If applicable, the applicant shall provide quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.
  - C) Measure 3: The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products

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involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.

- 6) Applicant's Business Plan and Services to be Offered (10 percent):
  - A) Measure 1: The applicant shall provide a business plan that describes how the cultivation center plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed cultivation center that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project.
  - B) Measure 2: The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having medical industry, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility.
  - C) Measure 3: The business plan demonstrates a start-up timetable that provides an estimated time from permit approval of the cultivation center to full operation, and the assumptions used for the basis of those estimates.
- c) The Department shall award bonus points for preferred but not required initiatives based on the applicant's ability to meet or exceed minimum requirements in the following categories, and will be equal to up to 16 percent of the maximum percentage of the total required criteria and measures' points available in subsection (b) above, with each of the following initiatives equal to no more than 2 percent of the total points available in the required criteria and measures:
  - 1) Labor and Employment Practices: The applicant may describe any plans it has to:

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- A) Provide a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, and wage standards.
  - B) Recruit and/or hire minorities, women, veterans, disabled persons and Illinois residents.
- 2) Research Plan: The applicant may provide the Department with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. To the extent it has been determined, the applicant may include in its proposal, a detailed description of:
- A) The methodology of the study;
  - B) The issues to be studied;
  - C) The methods that will be used to identify and select study participants;
  - D) The identity of all persons or organizations that will be worked with in connection with the study, including the role of each;
  - E) The duration of the study; and
  - F) The intended use of the study results.
- 3) Community Benefits Plan: The applicant may provide the Department with a detailed description of any plans the applicant has to give back to the local community if awarded a cultivation center permit.
- 4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will undertake, if awarded a cultivation center permit, to combat substance abuse in Illinois, including the extent to which the applicant will partner, or otherwise work with existing substance abuse programs.

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- 5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support regarding the potential impact of the proposed location to the local community and neighborhood. This may include the local community's concerns or support regarding the proposed location's proximity to substance abuse treatment centers, day care centers, schools and halfway houses.
  - 6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of medical cannabis. The applicant may describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.
  - 7) Verification of Minority Owned, Female Owned, Veteran Owned, or Disabled Person Owned Business: The Minority, Female, Veteran, or Disabled Person applicant must own at least 51 percent of the entity applying for registration. The percentage totals may include any combination of these types of businesses. The Minority, Female, Veteran, or Disabled Person applicant must also share in control of management and day-to-day operations of the permitted facility. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant, including, but not limited to, certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] for minority, female or disabled person applicants, or a DD214 for veteran applicants. [For purposes of this subsection, minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act \[30 ILCS 575/2\].](#)
  - 8) Verification that the applicant's principal place of business is headquartered in Illinois. The names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.
- d) Should the applicant be awarded a permit, the information and plan that an applicant provided in its application becomes a mandatory condition of the permit. If a permittee fails to comply with standard and special conditions of the

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permit, the Department may assess a penalty or seek suspension or revocation of the permit pursuant to Section 1000.700.

- e) The Department may issue a cultivation center permit with conditions addressing weaker areas of the cultivation center's application that shall be addressed and corrected in the manner and timeframe set forth in the permit.
- f) There shall not be more than one permit issued per each of the 22 ISP District boundaries as specified on January 1, 2013.
  - 1) A permit shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants within the applicable district.
  - 2) ISP District Chicago (District C) incorporates ISP Districts 3 and 4. Therefore, the Department shall issue two separate permits for ISP District C.
- g) In the event that two or more qualified applicants for a cultivation center permit receive the same total score, the Department shall select the applicant that received the highest score in the cultivation plan category. In the event that the same two applicants received the same score in the cultivation plan category, the Department shall select the applicant that received the highest score in the security plan category.
  - 1) If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the Department.
  - 2) The panel will judge the overall applications and suitability, sustainability and likelihood of success of the applicants and award the permit accordingly.
- h) In the event that there are no qualified applicants in a particular District, the applicant with the highest total score will meet with an unbiased panel selected by the Department to determine whether the applicant may be able to cure any deficiencies in the application to become qualified. If the applicant is unable to cure the deficiencies, the panel will meet with the applicant with the next highest score to determine whether it may be able to cure any deficiencies in its application to become qualified. If that applicant is unable to cure the

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deficiencies, and there are no qualified applicants in that particular District, the application process will be reopened. All applicants will be required to submit a new fee and application for that District.

- i) If no qualified applicants are found during the process described in subsections (g) and (h), or if an applicant that is issued a conditional permit fails to fulfill the conditions of the conditional permit, or if no permit is issued or active in a particular District for any other reason, the Department shall announce another period to submit an application for that District. The application period shall be for 30 calendar days from the date specified in the announcement.
- j) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a cultivation center. Notwithstanding an applicant satisfying the foregoing selection criteria, the Department may, in its discretion, refuse to issue a permit if it is not satisfied that an applicant, or any one required to be identified in the application by Section 1000.100, is a person of good character, honesty and integrity, and is not:
  - 1) A person whose background, including criminal charges, reputation and association, is injurious to the health, safety, morals, good order and general welfare of the People of the State of Illinois;
  - 2) A person whose background, criminal record, reputation, habits, social or business associations adversely affect public confidence and trust in the medical cannabis industry or poses a threat to the public interests of the State or to the security and integrity of the medical cannabis industry;
  - 3) A person who creates or enhances the dangers of unlawful practices, methods and activities in the medical cannabis industry, including, but limited to, product diversion;
  - 4) A person who presents questionable business practices and financial arrangements incidental to the medical cannabis industry;
  - 5) A person who associates with, either socially or in business affairs, or employs persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; or

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 6) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in any other jurisdiction.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 17772, effective August 8, 2014, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULEMAKING

- 1) Heading of the Part: State Employees Group Insurance Program Retiree Premium Contributions
- 2) Code Citation: 80 Ill. Adm. Code 2200
- 3) Section Number: 2200.520                      Emergency Action: Amendment
- 4) Statutory Authority: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375]
- 5) Effective Date of Emergency Repealer: August 11, 2014
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will expire upon the expiration of the 150-day period.
- 7) Date Filed with the Index Department: August 11, 2014
- 8) A copy of the emergency repealer, 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: The State Employees Group Insurance Act of 1971 (Act) permits the Department of Central Management Services to set the rates of premium contributions to be paid by retired employees, annuitants and survivors for health benefits. On June 26, 2014, the Department filed an emergency amendment to increase the contribution rates effective July 1, 2014. The Department of Central Management Services has decided to repeal its emergency amendment and return the contribution amounts to the levels in effect prior to July 1, 2014. Pursuant to Section 15(a) of the Act, rules to alter contributions to be paid by retired employees, annuitants, and survivors "shall be adopted as emergency rules." [5 ILCS 375/15(a)].
- 10) A Complete Description of the Subjects and Issues Involved: The July 1, 2014 emergency amendment was implemented to increase the percentage of annuity as follows: (1) for retired employees, annuitants, and survivors with primary coverage under the State program, the percentage of annuity increased from 2% of the total annual annuity to 4% of the total annual annuity; (2) for retired employees, annuitants, and survivors with primary coverage under Medicare (or who would have primary coverage under Medicare except for his/her inability to contribute to the Medicare system while

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULEMAKING

actively working), the percentage of annuity increased from 1% of the total annual annuity to 2% of the total annual annuity. The repeal of the July 1, 2014 emergency amendment will return the contribution rates to 2% and 1%, respectively.

- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency repealer neither creates nor expands any State mandate for units of local government, school districts or community college districts.
- 13) Information and questions regarding this emergency rule shall be directed to:

Tyson Rothermich  
Department of Central Management Services  
801 South 7<sup>th</sup> Street, Floor 6-M  
Springfield IL 62703

217/557-0600  
fax: 217/557-8331  
tyson.rothermich@illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULEMAKING

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2200

STATE EMPLOYEES GROUP INSURANCE PROGRAM

RETIREE PREMIUM CONTRIBUTIONS

SUBPART A: PURPOSE AND DEFINITIONS

Section

- 2200.110 Governing Authority
- 2200.120 Purpose
- 2200.130 Definitions
- 2200.140 Records and Certifications
- 2200.150 Severability

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section

- 2200.210 CMS Responsibility
- 2200.220 Determining Benefits
- 2200.230 Provision for Benefits
- 2200.240 Health Insurance Portability and Accountability Act (HIPAA)
- 2200.250 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

SUBPART C: RESPONSIBILITIES OF THE APPROPRIATE RETIREMENT SYSTEM

Section

- 2200.310 Annuity
- 2200.320 Enrollments and Terminations
- 2200.330 Premium Collection and Payment

SUBPART D: VALUE OF ANNUITY

Section

- 2200.410 Calculation

SUBPART E: PREMIUMS

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULEMAKING

## Section

2200.510	Calculation
2200.520	Percentage of Annuity
<u>EMERGENCY</u>	
2200.530	Percentage of Cost
2200.540	Dependent Premiums
2200.550	Optional Coverage Premiums
2200.560	Exempt from Premiums

AUTHORITY: Implementing and authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375].

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 10725, effective June 28, 2013, for a maximum of 150 days; adopted at 37 Ill. Reg. 18244, effective October 31, 2013; emergency amendment at 38 Ill. Reg. 14440, effective July 1, 2014, for a maximum of 150 days; emergency rule repealed by emergency rulemaking at 38 Ill. Reg. 17793, effective August 11, 2014, for the remainder of the 150 days.

## SUBPART E: PREMIUMS

**Section 2200.520 Percentage of Annuity**EMERGENCY

CMS shall calculate the premiums due under this Part as follows:

- a) For each Retired Employee, Annuitant or Survivor with primary coverage under the State program, the premium shall be equal to 24% of the total annual annuity received by the Retired Employee, Annuitant or Survivor from any and all of the five State Retirement Systems;
- b) For each Retired Employee, Annuitant or Survivor with primary coverage under the federal Medicare health insurance program (Title XVIII of the Social Security Act, as added by Public Law 89-97), the premium shall be equal to 12% of the total annual annuity received by the Retired Employee, Annuitant or Survivor from any and all of the five State Retirement Systems;
- c) For each Retired Employee, Annuitant or Survivor age 65 or older whose primary coverage would otherwise be coverage under the federal Medicare health

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULEMAKING

insurance program, except for his or her inability to contribute to Medicare while actively working, the premium shall be equal to 12% of the total annual annuity received by the Retired Employee, Annuitant or Survivor from any and all of the five State Retirement Systems.

(Source: Emergency amendment adopted at 38 Ill. Reg. 14440, effective July 1, 2014, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 38 Ill. Reg. 17793, effective August 11, 2014, for the remainder of the 150 days)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program
- 2) Code Citation: 68 Ill. Adm. Code 1290
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1290.40	Amendment
1290.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- 5) Effective Date of Rule: August 8, 2014
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendments will be replaced by adopted amendments prior to the expiration of the 150 day period.
- 7) Date Filed with Index Department: August 8, 2014
- 8) A copy of the adopted emergency rule, 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: Rules were recently adopted (effective July 24, 2014) for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act signed into law on August 1, 2013, and taking effect January 1, 2014. The Act was designed to decriminalize medical cannabis at the State level for qualifying patients with verified debilitating medical conditions. The Department has been developing a system for selecting, approving, renewing, regulating and disciplining registrations of those chosen to serve as dispensing organizations and dispensing organization agents.

The new rules set forth the requirements and criteria that will apply to dispensing organizations and dispensaries, including oversight for the dispensing of medical cannabis and cannabis infused products, policies and procedures, interaction with law enforcement, patient education, recordkeeping, security, inventory and preventing theft and diversion of cannabis. The Joint Committee on Administrative Rules (JCAR) and the Department of Financial and Professional Regulation agreed that the rules should be amended after adoption to include application scoring criteria before it makes applications available to potential applicants.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking adds the scoring percentages the Department will use when scoring dispensing organization applications for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act. Applications will be scored based on five required categories. Should the applicant meet the minimum percentage in the five required categories, it may be eligible to be scored in the bonus category. The required five categories and the bonus category will be scored based on percentages. The rule also amends the Selection Criteria Section (1290.70) to clarify that minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding this emergency rule should be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield IL 62786

217/785-0813  
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1290

RULES FOR ADMINISTRATION OF THE COMPASSIONATE  
USE OF MEDICAL CANNABIS PILOT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section  
1290.10 Definitions

SUBPART B: DISPENSING ORGANIZATION DISTRICTS

Section  
1290.20 Dispensing Organization Districts

SUBPART C: APPLICATION REQUIREMENTS FOR A  
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

Section  
1290.30 Dispensing Organization Principal Officers  
1290.40 Dispensing Organization Authorization Process  
EMERGENCY  
1290.50 Dispensing Organization – Application Requirements for Authorization  
1290.60 Selection Process  
1290.70 Selection Criteria  
EMERGENCY  
1290.80 Fees

SUBPART D: DISPENSARY REGISTRATION

Section  
1290.100 Dispensing Organization – Registration Process  
1290.110 Dispensing Organization – Registration Requirements  
1290.120 Dispensing Organization – Registration Bond  
1290.130 Changes to a Dispensing Organization Registration  
1290.140 Request to Relocate a Dispensary  
1290.150 Dispensing Organization Renewals

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART E: REGISTRATION OF DISPENSING ORGANIZATION AGENTS

## Section

- 1290.200 Dispensing Organization Agent-in-Charge
- 1290.210 Dispensing Organization Agents
- 1290.220 Persons with Significant Influence or Control; Disassociation
- 1290.230 State and Federal Criminal History Records Check

## SUBPART F: DISPENSARY OPERATION

## Section

- 1290.300 Operational Requirements

## SUBPART G: SECURITY AND RECORDKEEPING

## Section

- 1290.400 Inventory Control System
- 1290.405 Storage Requirements
- 1290.410 Security Requirements
- 1290.415 Recordkeeping
- 1290.420 Cleaning and Sanitation
- 1290.425 Administration
- 1290.430 Dispensing Medical Cannabis
- 1290.435 Signage
- 1290.440 Recall of Medical Cannabis
- 1290.445 Report of Loss or Theft of Cannabis
- 1290.450 Destruction and Disposal
- 1290.455 Dispensary Advertisements
- 1290.460 Closure of a Dispensary
- 1290.465 Zoning Rules Related to Dispensary

## SUBPART H: DISCIPLINE

## Section

- 1290.500 Investigations
- 1290.510 Grounds for Discipline
- 1290.520 Temporary Suspension
- 1290.530 Consent to Administrative Supervision Order
- 1290.540 Subpoenas; Oaths; Attendance of Witnesses

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

1290.550	Request for Hearing
1290.560	Findings and Recommendations
1290.570	Restoration of Registration from Discipline
1290.575	Appointment of a Hearing Officer
1290.580	Transcript; Record of Proceedings
1290.590	Certification of Record; Receipt

## SUBPART I: GENERAL

## Section

1290.600	Intergovernmental Cooperation
1290.610	Variances
1290.620	Administrative Decisions

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. 16875, effective July 24, 2014; emergency amendment at 38 Ill. Reg. 17798, effective August 8, 2014, for a maximum of 150 days.

SUBPART C: APPLICATION REQUIREMENTS FOR A  
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

**Section 1290.40 Dispensing Organization Authorization Process****EMERGENCY**

- a) The Division shall review applications and issue authorizations according to the requirements of the Act and this Part.
  - 1) An applicant shall file an application with the Division for authorization to register a dispensing organization.
  - 2) Applications for authorizations shall be made on forms furnished by the Division. The application shall be signed by all principal officers certifying under penalty of perjury that all information contained in the application is true and accurate.
  - 3) An applicant is limited to one application for authorization per District per application period.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 4) The instructions on the application will reflect the total maximum number of points available for each required criteria and bonus point category. The instructions and application will also identify the minimum number of points necessary from the required criteria to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner.
- 5) An applicant may submit separate applications for authorization in up to five Districts.
- 6) Each application requires one application fee (see Section 1290.80). Applications for authorization will be scored in five required categories. Should the applicant meet the minimum percentage in the five required categories, it may be eligible to be scored in the bonus category. The required five categories and the bonus category will be scored based on percentages, as follows:
  - A) The suitability of the proposed dispensary category is 15%.
  - B) The business and operation plan category is 20%.
  - C) The security plan category is 20%.
  - D) The recordkeeping and inventory plan category is 20%.
  - E) The financial disclosure category is 15%.
  - F) The bonus category is 10%.
- 7) If submitting an application in more than one District, the applicant shall identify the Districts it has applied in or Districts where it is registered.
- 8) Each applicant must submit to and qualify through a fingerprint-based criminal history records check as set forth in Section 1290.230.
- 9) The Division shall review each application to determine whether it meets the minimum criteria and shall determine qualified applicants.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 10) The Division may consider the location of a proposed dispensary relevant to other proposed or existing dispensaries, in the same or adjacent Districts, to ensure that dispensaries are geographically dispersed.
  - 11) If the Division determines that the number of qualified applicants exceeds the number of authorizations available, the Division will select the most qualified applicant in that District using the selection process established in Section 1290.60.
  - 12) Qualified applicants chosen through the selection process will receive an authorization issued by the Division.
  - 13) If the Division determines that a District has no qualified applicants or fewer qualified applicants than authorized registrations, the Division shall post a notification on the Division's website detailing the dates of the next open application period.
  - 14) No person or entity shall hold more than five registrations. If a qualified applicant has been granted more than five authorizations or registrations by the Division, the applicant shall promptly notify the Division. No person shall be a principal officer in more than five registered dispensing organizations.
  - 15) If a dispensing organization's registration is void or invalid for any reason, including but not limited to revocation, suspension or nonrenewal, the Division will post a notification on the Division's website detailing the dates of the next open application period.
- b) Upon receipt of the authorization notice, the applicant may submit for registration approval.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 17798, effective August 8, 2014, for a maximum of 150 days)

**Section 1290.70 Selection Criteria****EMERGENCY**

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- a) Applicants must submit all required information, including that required in Section 1290.50. Failure by an applicant to submit all required information may result in the application being disqualified.
- b) If the Division receives an application with missing exhibits, the Division may issue a notice to the applicant that its application is incomplete. The notice from the Division will identify the missing exhibits. The applicant shall have seven calendar days from the date of the notice to resubmit the incomplete exhibits. Applications that are still incomplete after this one opportunity to cure, will not be scored and will be disqualified.
- c) The Division will award points to administratively complete applications based on the clarity, organization and quality of the applicant's responses to required information. Applicants will be awarded points according to the following categories:
  - 1) Suitability of the Proposed Dispensary
    - A) A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of medical cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA accessible entry and exits, product handling, and storage.
    - B) A statement of reasonable assurance that the issuance of a registration will not have a detrimental impact on the community.
  - 2) Security and Recordkeeping
    - A) The security plan will demonstrate the capability for the prevention of the theft or diversion of medical cannabis. The security plan will demonstrate safety procedures for dispensary employees, patients and caregivers, and safe delivery and storage of cannabis and currency. It will evidence compliance with all security requirements in this Part.
    - B) A plan for recordkeeping, tracking and monitoring inventory, quality control and other policies and procedures that will promote standard recordkeeping and discourage unlawful activity. This

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

plan will include the applicant's strategy to communicate with the Division and ISP on the destruction and disposal of cannabis.

- 3) Applicant's Business Plan, Financials and Operating Plan
  - A) The business plan shall describe, at a minimum, how the dispensing organization will be managed on a long-term basis. This shall include a description of the patient verification system, purchases and denials of sale, confidentiality, and products and services to be offered.
  - B) The financial plan shall describe, at a minimum, the source of the \$400,000 liquid asset requirement and the amount and source of the organization's equity and debt commitment to ensure financial stability, including a demonstration of the immediate and long-term financial health and resources for the design, development and operation of the dispensary.
  - C) The operating plan shall include, at a minimum, a timetable that provides an estimated time from authorization through year one of registration and the assumptions used as the basis for those estimates. It will include best practices for day-to-day dispensary operation and staffing.
- 4) Knowledge and Experience
  - A) The applicant's principal officers must demonstrate experience and qualifications in business management or experience with the medical cannabis industry. This includes ensuring optimal safety and accuracy in the dispensing and sale of cannabis.
  - B) The applicant must demonstrate knowledge of various cannabis product strains or varieties, and describe the types and quantities of products planned to be sold. This includes confirmation of whether the dispensary plans to sell medical cannabis paraphernalia or edibles.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- d) The Division will award additional points for preferred, but not required, initiatives based on the applicant's ability to meet requirements in the following categories:
- 1) Labor and Employment Practices: The applicant may describe plans to provide a safe, healthy and economically beneficial working environment for its agents, including, but not limited to, codes of conduct, healthcare benefits, educational benefits, retirement benefits, and living wage standards.
  - 2) Research Plan: The applicant may provide the Division with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. The applicant may include in its proposal a detailed description of:
    - A) The methodology of the study to accurately assess the effects of cannabis;
    - B) The issues to be studied;
    - C) The methods that will be used to identify and select study participants;
    - D) The identity of each person or organization associated with the study, including the role of each;
    - E) The duration of the study and anticipated peer review; and
    - F) The intended use of the study results.
  - 3) Community Benefits Plan: The applicant may provide a description of plans the applicant has to support the local community, the class of citizens served, or a plan for reduction in product costs for indigent patients that qualify.
  - 4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will take to combat substance abuse in its District, including the extent to which the applicant will partner or work with existing substance abuse programs.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support received regarding the potential impact of the proposed location on the local community and neighborhood.
  - 6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the dispensary.
  - 7) Verification of Minority-Owned, Female-Owned, Veteran-Owned or Disabled Person-Owned Business: The minority, female, veteran or disabled applicants must own at least 51% of the entity applying for registration. The percentage totals may include any combination of minority, female, veteran or disabled applicants. The minority, female, veteran or disabled applicant must also share in control of management and day-to-day operations of the dispensary. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant, including, but not limited to, certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] for minority, female or disabled person applicants, or a DD214 for veteran applicants. [For purposes of this subsection, minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act \[30 ILCS 575/2\].](#)
  - 8) Illinois Based Applicants: Documentation that the applicant's principal place of business is headquartered in Illinois, including the names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.
- e) The Division may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a dispensary. In addition to the qualifications required in the Act and this Part, the Division may not grant an authorization or registration unless it is satisfied that the applicant is:
- 1) A person of good character, honesty and integrity;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- 2) A person whose background, including criminal record, reputation, habits and social or business associations, does not discredit or tend to discredit public confidence and trust in the Illinois medical cannabis industry or the State of Illinois, or pose a threat to the public health, security, safety, morals, good order and general welfare of the State of Illinois;
  - 3) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of owning a medical cannabis dispensary;
  - 4) A person who does not present questionable business practices and financial arrangements incidental to the conduct of owning a medical cannabis dispensary or otherwise;
  - 5) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made; and
  - 6) A person who does not associate with, either socially or in business affairs, or employ, persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with an officially constituted investigatory or administrative body.
- f) The Division may, in its discretion, refuse to issue an authorization to any applicant:
- 1) Who is unqualified to perform the duties required of the applicant;
  - 2) Who fails to disclose or states falsely any information called for in the application;
  - 3) Who has been found guilty of a violation of the Act, or whose medical cannabis dispensary or cultivation center license was suspended, restricted, revoked or denied for just cause in any other state; or
  - 4) For any other just cause.
- g) Should the applicant be awarded an authorization, the information and plans provided in the application become a condition of the authorization. Dispensing

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

organizations have a duty to disclose any material changes to the application. Failure to comply with the conditions or requirements in the application may subject the dispensing organization to discipline, up to and including suspension or revocation of its authorization by the Division. Revocation of an authorization shall serve as a final administrative decision by the Division.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 17798, effective August 8, 2014, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES  
OBJECTION TO AND FILING PROHIBITION OF PROPOSED RULE

- 1) Heading of the Part: Partner Abuse Intervention
- 2) Code Citation: 89 Ill. Adm. Code 501
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
501.10	New Section
501.20	New Section
501.30	New Section
501.40	New Section
501.50	New Section
501.60	New Section
501.70	New Section
501.80	New Section
501.90	New Section
501.105	New Section
501.115	New Section
501.125	New Section
501.135	New Section
501.145	New Section
501.155	New Section
501.160	New Section
501.170	New Section
501.180	New Section
501.190	New Section
501.200	New Section
501.210	New Section
501.220	New Section
501.230	New Section
501.240	New Section
501.250	New Section
501.260	New Section
501.270	New Section
501.280	New Section
501.290	New Section
501.300	New Section
501.310	New Section
501.400	New Section

## DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES  
OBJECTION TO AND FILING PROHIBITION OF PROPOSED RULE

- 4) Illinois Register Citation: 37 Ill. Reg. 19457; December 6, 2013
- 5) Agency Response to Specific Joint Committee Objections: At its meeting on June 17, 2014 the Joint Committee on Administrative Rules voted to object to the Department of Human Services rules titled Partner Abuse Intervention (89 Ill. Adm. Code 501; 37 Ill. Reg. 19457) and prohibit its filing with the Secretary of State, along with the accompanying repealer. The reason for the Objection and Prohibition is as follows:

the rulemakings contain language that make assumptions and generalizations that may be unfounded and, thus, would not be appropriate for State administrative law. JCAR believes the proposed language is not in the public interest.

The Department of Human Services has reviewed the Objection from the Joint Committee on Administrative Rules regarding the above-referenced rulemakings. The Department will make JCAR's suggested modifications to the proposed rulemaking.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2014 SECOND QUARTER SALES &amp; MISCELLANEOUS TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act Citation: 20 ILCS 2515/1

2. Summary of information: Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2014. Private Letter Rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private Letter Rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling (See 2 Ill. Adm. Code 1200.110). General Information Letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General Information Letters contain general discussions of tax principles or applications. General Information Letters are designed to provide general background information on topics of interest to taxpayers. General Information Letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act (See 2 Ill. Adm. Code 1200.120).*

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Aircraft Use Tax	Miscellaneous
Computer Software	Nexus
Construction Contractors	Rolling Stock Exemption
Electricity Excise Tax	Sale For Resale
Farm Machinery & Equipment	Service Occupation Tax
Food	Telecommunications Excise Tax Act
Gross Receipts	Use Tax
Leasing	
Manufacturing Machinery & Equipment	

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2014 SECOND QUARTER SALES & MISCELLANEOUS TAX SUNSHINE INDEX

the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.tax.illinois.gov/](http://www.tax.illinois.gov/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Lisa Marcure  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson Street  
Springfield, IL 62794

217/782-2844

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2014 SECOND QUARTER SALES &amp; MISCELLANEOUS TAX SUNSHINE INDEX

**AIRCRAFT USE TAX**

ST 14-0026-GIL                      04/30/2014   The Aircraft Use Tax Law applies to non-retail transactions, gifts, or transfers of aircraft. See 86 Ill. Adm. Code 152.101.

**COMPUTER SOFTWARE**

ST 14-0017-GIL                      04/04/2014   This letter discusses the taxability of computer software licenses and maintenance agreements. See 86 Ill. Adm. Code 130.1935 and 86 Ill. Adm. Code 140.301.

**CONSTRUCTION CONTRACTORS**

ST 14-0029-GIL                      05/05/2014   As end users of such tangible personal property, construction contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

**ELECTRICITY EXCISE TAX**

ST 14-0011-GIL                      04/03/2014   The purchase price on which a self assessing purchaser must pay tax under the Electricity Excise Tax Law includes charges for transmission or any other service related to the sale or delivery of the electricity. See 35 ILCS 640/2-4(a) and 86 Ill. Adm. Code 511.110(c).

**FARM MACHINERY & EQUIPMENT**

ST 14-0014-GIL                      04/04/2014   Nursery stock is not considered equipment under the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305.

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**FOOD**

- ST 14-0013-GIL                      04/04/2014   This letter discusses the State tax rates applicable to sales of food. See 86 Ill. Adm. Code 130.310.
- ST 14-0016-GIL                      04/04/2014   This letter discusses the applicable sales tax rates for food and candy. See 86 Ill. Adm. Code 130.310.
- ST 14-0019-GIL                      04/04/2014   This letter discusses the applicable sales tax rates for food. See 86 Ill. Adm. Code 130.310.

**GROSS RECEIPTS**

- ST 14-0018-GIL                      04/04/2014   This letter discusses the rules regarding handling and installation charges. See 86 Ill. Adm. Code 130.410. See also 86 Ill. Adm. Code 130.415 and 86 Ill. Adm. Code 130.450.
- ST 14-0021-GIL                      04/08/2014   Costs of doing business are an element of the retailer's gross receipts subject to tax even if separately stated on the bill to the customer. See 86 Ill. Adm. Code 130.410.

**LEASING**

- ST 14-0023-GIL                      04/11/2014   This letter discusses the taxability of various items which are the subject of a lease. See 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

**MANUFACTURING MACHINERY & EQUIPMENT**

- ST 14-0027-GIL                      04/30/2014   Machinery used to shred and bale paper could qualify for the exemption if such equipment is used primarily in the

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ST 14-0002-PLR manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330(b). 06/26/14 Post-production storage facilities do not generally qualify for the manufacturing machinery and equipment exemption. However, a refrigeration or freezer facility maintained at a specific temperature which is required in order to preserve a manufactured product, can qualify for the exemption. See 86 Ill. Adm. Code 130.330.

**MISCELLANEOUS**

ST 14-0031-GIL 05/12/2014 The electronic download of a book is not subject to Retailers' Occupation Tax, Use Tax, Service Occupation Tax or Service Use Tax. See 86 Ill. Adm. Code 130. 2105.(a)(3).

**NEXUS**

ST 14-0020-GIL 04/07/2014 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

ST 14-0025-GIL 04/24/2014 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

ST 14-0028-GIL 04/04/2014 This letter responds to a questionnaire regarding nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

**ROLLING STOCK EXEMPTION**

ST 14-0015-GIL 04/04/2014 This letter concerns the rolling stock exemption. See 86 Ill. Adm. Code Section 130.340.

**SALE FOR RESALE**

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ST 14-0024-GIL 04/24/2014 This letter is a response to a survey regarding drop shipments. For information regarding drop shipments, see the Department's regulation entitled "Drop Shipments," found at 86 Ill. Adm. Code 130.225.

**SERVICE OCCUPATION TAX**

ST 14-0012-GIL 04/03/2014 Membership fees are generally considered intangibles and are not subject to Retailers' Occupation Tax or Use Tax. If a membership charge entitles the customer to receive an item of tangible personal property or to receive a service and tangible personal property is transferred incident to the service, the charge may result in Retailers' Occupation Tax liability, Service Occupation Tax liability, or Use Tax liability. See 86 Ill. Adm. Code 130.401(d) and 86 Ill. Adm. Code 140.101.

**TELECOMMUNICATIONS EXCISE TAX ACT**

ST 14-0022-GIL 04/08/2014 This letter provides an overview of items subject to the Telecommunications Excise Tax Act. *See* 35 ILCS 630.

ST 14-0003-PLR 06/26/2014 In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. 35 ILCS 630/2(n).

**USE TAX**

ST 14-0030-GIL 05/05/2014 For watercraft or aircraft, if the period of demonstration use or interim use by the retailer exceeds 18 months, the retailer shall pay Use Tax on the original cost price of the aircraft or watercraft, and no credit for that tax is permitted

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if the aircraft or watercraft is subsequently sold by the retailer.  
See 86 Ill. Adm. Code 150.306.

## EXECUTIVE ORDER

**2014-9**  
**EXECUTIVE ORDER ESTABLISHING THE ILLINOIS PET ADVOCACY**  
**TASK FORCE**

**WHEREAS**, the State of Illinois has an obligation to protect the overall health and safety of domestic pets;

**WHEREAS**, over half of Illinois households own a pet and are invested in the health and welfare of those animals; and

**WHEREAS**, pets in Illinois deserve proper care and adequate living conditions whether housed in breeding facilities, animal control facilities, shelters, kennels, pet stores or private homes; and

**WHEREAS**, for the sixth consecutive year, the Animal Legal Defense Fund has ranked Illinois as holding strong as the top jurisdiction for animal protection; and

**WHEREAS**, youth participation is essential to understanding and protecting the overall health and safety of domestic pets; and

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority vested in me by Article V, Section 8 of the Illinois State Constitution of 1970, hereby order as follows:

**I. CREATION**

There is hereby created the Illinois Pet Advocacy Task Force (the “Task Force”) having the duties and powers set forth herein. The Task Force shall be appointed by the Governor and consist of no more than 15 members who are residents of the State of Illinois representing public and private organizations with an interest in ensuring the welfare of pets across the state.

The Governor shall select the chair of the Task Force. The Task Force members shall serve on the Task Force without compensation for a term of 12 months. The Governor may fill any vacancies when they occur.

There is also created within the Task Force a Student Advisory Committee to advise the Task Force on domestic pet safety issues from a youth perspective. Upon the recommendation of the Governor, the Student Advisory Committee shall be designated by the chair of the Task Force and consist of no more than 15 members who are Illinois elementary, middle, or high school students with an interest in ensuring the welfare of pets across the state. The Student Advisory Committee members shall serve without compensation for a term of one school year. Upon the recommendation of the Governor, the chair of the Task Force may fill any vacancies when they occur.

## EXECUTIVE ORDER

**II. PURPOSE**

The purpose of the Task Force shall be to study issues of animal cruelty, neglect and abuse and make recommendations that will ensure proper treatment and care of Illinois pets. The Task Force shall:

- a. Conduct a comprehensive review of the animal cruelty and welfare laws in Illinois; and
- b. Examine the laws regulating pet shops, catteries, kennels, dog dealers, animal control facilities, shelters, and foster homes in Illinois;
- c. Analyze the reporting requirements for pet shops, catteries, kennels, dog dealers, animal control facilities, shelters, and foster homes in Illinois;
- d. Discuss animal shelter rescue efforts and interstate transportation of rescued pets; and
- e. Analyze current spay/neuter programs and ways to encourage participation in the various programs;
- f. Assess current levels of state funding for the enforcement of pet welfare laws and regulations and consider alternative funding sources; and
- g. Prepare a final report to the Governor and the General Assembly making specific recommendations to improve the health, safety, and welfare of pets across Illinois.

**III. FUNCTION**

- a. The Illinois Department of Agriculture shall provide administrative support to the Task Force as needed, including providing an ethics officer, an Open Meetings Act officer, and a Freedom of Information Act officer.
- b. The Task Force shall hold at least 4 meetings throughout the State, but otherwise shall meet at the call of the chair.
- c. The Task Force shall submit its final report to the Governor and the General Assembly within 12 months of the issuance of this Order.
- d. Upon submission of its final report the Task Force shall be dissolved.

**IV. TRANSPARENCY**

In addition to whatever policies or procedures it may adopt, all operations of the Task Force will be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*).

**V. SEVERABILITY**

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

EXECUTIVE ORDER

**VI. EFFECTIVE DATE**

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by Governor: August 2, 2014

Filed with Secretary of State: August 4, 2014

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 38, Issue 34 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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