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EMERGENCY RULES

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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 preemptory 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 2015

| Issue# | Rules Due Date | Date of Issue |
|---------------|-----------------------|----------------------|
| 1 | December 22, 2014 | January 2, 2015 |
| 2 | December 29, 2014 | January 9, 2015 |
| 3 | January 5, 2015 | January 16, 2015 |
| 4 | January 12, 2015 | January 23, 2015 |
| 5 | January 20, 2015 | January 30, 2015 |
| 6 | January 26, 2015 | February 6, 2015 |
| 7 | February 2, 2015 | February 13, 2015 |
| 8 | February 9, 2015 | February 20, 2015 |
| 9 | February 17, 2015 | February 27, 2015 |
| 10 | February 23, 2015 | March 6, 2015 |
| 11 | March 2, 2015 | March 13, 2015 |
| 12 | March 9, 2015 | March 20, 2015 |
| 13 | March 16, 2015 | March 27, 2015 |
| 14 | March 23, 2015 | April 3, 2015 |
| 15 | March 30, 2015 | April 10, 2015 |
| 16 | April 6, 2015 | April 17, 2015 |
| 17 | April 13, 2015 | April 24, 2015 |
| 18 | April 20, 2015 | May 1, 2015 |
| 19 | April 27, 2015 | May 8, 2015 |

| | | |
|----|--------------------|--------------------|
| 20 | May 4, 2015 | May 15, 2015 |
| 21 | May 11, 2015 | May 22, 2015 |
| 22 | May 18, 2015 | May 29, 2015 |
| 23 | May 26, 2015 | June 5, 2015 |
| 24 | June 1, 2015 | June 12, 2015 |
| 25 | June 8, 2015 | June 19, 2015 |
| 26 | June 15, 2015 | June 26, 2015 |
| 27 | June 22, 2015 | July 6, 2015 |
| 28 | June 29, 2015 | July 10, 2015 |
| 29 | July 6, 2015 | July 17, 2015 |
| 30 | July 13, 2015 | July 24, 2015 |
| 31 | July 20, 2015 | July 31, 2015 |
| 32 | July 27, 2015 | August 7, 2015 |
| 33 | August 3, 2015 | August 14, 2015 |
| 34 | August 10, 2015 | August 21, 2015 |
| 35 | August 17, 2015 | August 28, 2015 |
| 36 | August 24, 2015 | September 4, 2015 |
| 37 | August 31, 2015 | September 11, 2015 |
| 38 | September 8, 2015 | September 18, 2015 |
| 39 | September 14, 2015 | September 25, 2015 |
| 40 | September 21, 2015 | October 2, 2015 |
| 41 | September 28, 2015 | October 9, 2015 |
| 42 | October 5, 2015 | October 16, 2015 |
| 43 | October 13, 2015 | October 23, 2015 |
| 44 | October 19, 2015 | October 30, 2015 |
| 45 | October 26, 2015 | November 6, 2015 |
| 46 | November 2, 2015 | November 13, 2015 |
| 47 | November 9, 2015 | November 20, 2015 |
| 48 | November 16, 2015 | November 30, 2015 |
| 49 | November 23, 2015 | December 4, 2015 |
| 50 | November 30, 2015 | December 11, 2015 |
| 51 | December 7, 2015 | December 18, 2015 |
| 52 | December 14, 2015 | December 28, 2015 |

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Financial Assurance Requirements
 - 2) Code Citation: 32 Ill. Adm. Code 326
 - 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 326.80 | Amendment |
| 326.90 | Amendment |
 - 4) Statutory Authority: Implementing and authorized by Section 9 of the Radiation Protection Act of 1990 [420 ILCS 40/9]
 - 5) A Complete Description of the Subjects and Issues Involved: The Agency is amending Section 326.80 and 326.90 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 30 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these proposed amendments and provided comments, which have been incorporated. The proposed amendments include requiring further information for the licensee's or applicant's reclamation plan and cost estimate and requiring the licensee to submit a signed original financial surety instrument instead of a copy.
 - 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.335: No, this rule has been amended solely on the basis of compatibility with the USNRC's changes to 10 CFR 30 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011).
 - 7) Will this rulemaking replace an emergency rule currently in effect? No
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Does this rulemaking contain incorporations by reference? No
 - 10) Are there any other rulemakings pending on this Part? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 326.40 | Amendment | 39 Ill. Reg. 6743; May 15, 2015 |

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/785-9860
Fax: 217/524-3698
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes this rulemaking may have an impact on any of these entities that may have a radioactive material license issued by the Agency.
- B) Reporting, bookkeeping or other procedures required for compliance: Submission of reclamation funding plans for Agency approval at the time of license renewal and at intervals not to exceed three years. The licensee will be required to provide more information for financial surety cost estimates and to review and revise the cost estimate for more circumstances.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

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

PART 326

FINANCIAL ASSURANCE REQUIREMENTS

Section

| | |
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| 326.30 | General Provisions |
| 326.40 | Definitions |
| 326.50 | Exemptions |
| 326.60 | Low-Level Radioactive Waste Licensees |
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| 326.80 | Cost Estimates and Reclamation Plans |
| 326.90 | Financial Assurance Arrangements |
| 326.100 | Surety Bond as a Financial Assurance Arrangement |
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| 326.APPENDIX F | Wording for Parent Company Guarantee Documents |

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 24 Ill. Reg. 7989, effective June 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20781, effective December 16, 2005; amended at 39 Ill. Reg. 11900, effective August 17, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 326.80 Cost Estimates and Reclamation Plans

- a) Licensees required to perform cost estimates, as described in Sections 326.60 and 326.70(b) ~~of this Part~~, shall submit reclamation plans and cost estimates to the Agency for approval prior to securing financial assurance arrangements. The Agency shall allow material described in Section 326.50(b) ~~of this Part~~ as exempt to be excluded from all financial assurance estimates. For licensees described in Section 326.70(b) ~~of this Part~~, the material described in Section 326.50(c) ~~of this Part~~ shall also be excluded from financial assurance estimates. The plan shall describe reclamation actions to be taken in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. ~~The Agency shall consider, but is not limited to, the following in approving the reclamation plan and cost estimates, and determining the financial assurance requirements for each individual licensee:~~
- b) The reclamation plan and cost estimate shall include the following:
- 1a) The probable extent of contamination resulting from the use or possession of radioactive material as authorized by a radioactive material license at the facility or site, and the probable cost of removal of ~~thesuch~~ contamination in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. This consideration shall encompass probable contaminating events associated with the licensee's methods or modes of operation and shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;
- 2b) The extent of possible offsite property damage caused by operation of the facility or site that is to be reclaimed;
- 3e) The ~~costseost~~ and ~~methods;method~~ of ~~the following;removal and disposal of radioactive material and sources of radiation that are or would be generated, stored, processed, or otherwise present at the facility or site;~~ ~~and~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Removal and disposal of radioactive material and sources of radiation that are or would be generated, stored, processed or otherwise present at the facility or site, including the volume of onsite subsurface material containing residual radioactivity in order to meet 32 Ill. Adm. Code 330.325 requirements for unrestricted use; and
- B) Reclamation of the site or the property where the facility is located and all other properties contaminated by radioactive material authorized by the license, in order to meet 32 Ill. Adm. Code 330.325 requirements for unrestricted use;
 - 4) The cost of an independent contractor to perform all decommissioning and decontamination activities;
 - 5) A contingency factor of 25 percent of the total cost estimate;
 - 6) Identification of and justification for using key assumptions contained in the reclamation plan;
 - 7) A description of the method of assuring funds for decommissioning from the financial assurance arrangements authorized by Sections 326.100 through 326.160, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility; and
 - 8) A certification by the licensee that the financial assurance for decommissioning has been provided in the amount of the cost for decommissioning.
- c) The Agency shall consider, but is not limited to, the requirements of subsection (b) in approving the reclamation plan and cost estimates and determining the financial assurance requirements for each individual licensee.
- d) At the time of license renewal and at intervals not to exceed 3 years, the reclamation funding plan shall be resubmitted to the Agency for approval, with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated reclamation funding plan is approved. The

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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reclamation funding plan shall update the information submitted with the original or prior approved plan and shall specifically consider the effect of the following events on decommissioning costs:

- 1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;
 - 2) Waste inventory increasing above the amount previously estimated;
 - 3) Waste disposal costs increasing above the amount previously estimated;
 - 4) Facility modifications;
 - 5) Changes in authorized possession limits;
 - 6) Actual remediation costs that exceed the previous cost estimate;
 - 7) Onsite disposal; and
 - 8) Use of a settling pond.
- d) ~~The costs and methods involved in reclamation of the site or the property on which the facility is located and all other properties contaminated by radioactive material authorized by the license.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 326.90 Financial Assurance Arrangements

This Section shall apply to applicants for specific licenses and general and specific licensees required to secure and file financial assurance arrangements with the Agency.÷

- a) The licensee or applicant shall choose from the financial assurance arrangements specified in Sections 326.100 through 326.160 ~~of this Part.~~
- b) The wording of the financial assurance arrangement shall contain the provisions described in this Part, and may use wording identical to the wording of the corresponding arrangement in Appendices B through F ~~of this Part.~~ No additional restrictions may be placed on any financial assurance arrangement filed with the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Agency.

- c) A signed original of theThe financial assurance arrangement~~arrangements~~ shall be provided to and filed with the Agency in a dollar amount greater than or equal to either the amount specified in Section 326.70(a) ~~of this Part~~ or the amount specified in a cost estimate approved by the Agency in order to continuously cover the cost estimate for decommissioning.
- 1) The cost estimate and reclamation plan shall be reviewed annually by the licensee or when required by the Agency. The Agency may require the licensee to adjust the value of the cost estimate and reclamation plan to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclamation. These changes will be required to ensure that sufficient financial assurance amounts are provided and retained to cover cost of reclamation.
 - 2) When a change in activities not requiring a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Agency, the licensee shall notify the Agency within 60 days after the increase. This notification shall include submission of revised cost estimates and reclamation plans for Agency review and approval. Upon approval of the revised cost estimates, the licensee may be required to file additional financial assurance arrangements at least equal to this increase.
 - 3) When a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Agency, the amendment shall be held until the required financial assurance arrangements are established.
 - 4) When the current reclamation cost estimate decreases, upon the written request of the licensee, and provided that the decrease is verified by the Agency, the Agency shall authorize the reduction in the amount of financial assurance required for the facility to the amount of the approved amended reclamation cost estimate.

AGENCY NOTE: If the license is amended and the licensee no longer meets the criteria for needing a reclamation plan (specified in Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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326.60 or 326.70(b) ~~of this Part~~, but still must secure financial assurance in accordance with Section 326.70(a) ~~of this Part~~, the licensee may substitute new arrangements to meet the requirements of Section 326.70(a) ~~of this Part~~.

- 5) For specific licensees, the term of the financial assurance arrangement shall be for the period from issuance of the license until termination of the license by the Agency in accordance with 32 Ill. Adm. Code 330.
 - 6) For general licensees, the term of the financial assurance arrangement shall be for the period from approval of the financial assurance arrangement until all devices covered by the instrument have been properly transferred or disposed of.
 - 7) The Agency will release all financial assurance arrangements not drawn upon pursuant to Section 326.180 ~~of this Part~~, upon termination of the license, or if the license is amended so that the license is no longer subject to financial assurance requirements of Section 326.60 or 326.70 ~~of this Part~~.
- d) Use of Multiple Financial Assurance Arrangements. The licensee or applicant may utilize more than one financial assurance arrangement per facility to satisfy the requirement specified in this Section. Unless agreed otherwise by the Agency and the licensee, financial assurance arrangements may be drawn upon in any order determined by the Agency. The arrangements shall be as specified in Appendices B-F ~~of this Part~~, and the sum value of all arrangements shall be in an amount greater than or equal to either the amount specified in Section 326.70(a) ~~of this Part~~, or the amount specified in a cost estimate approved by the Agency.
- e) Use of a Financial Assurance Arrangement for Multiple Facilities or Multiple Licensees at a Facility. The licensee or applicant may use a financial assurance arrangement specified in Appendices B-F ~~of this Part~~ to meet the requirements of this Section for more than one license, or more than one facility owned or operated in Illinois. The arrangement submitted to the Agency shall include a list indicating, for each facility, the registration numbers, license numbers, names, addresses and amounts of funds for reclamation assured by the arrangement. The amount of funds available through the financial assurance arrangement shall not be less than the aggregate total of the funds that would be available if separate arrangement had been filed and maintained for each license or facility. If more

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

than one license exists for a facility, the amount of funds for each license shall be specified.

- f) Any applicant or licensee who fulfills the requirements of this Section by obtaining a surety bond or letter of credit will be deemed to be without the required financial assurance arrangement in the event of commencement of bankruptcy proceedings involving the issuing institution, or a suspension, termination, or revocation of the authority of the institution issuing the surety bond or letter of credit to issue ~~thosesuch~~ instruments. The applicant or licensee shall establish other Agency-approved financial assurance arrangements within 30 days after such an event.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 330.240 | Amendment |
| 330.310 | Amendment |
- 4) Statutory Authority: Implementing and authorized by Section 9, 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9, 10 and 11] and the Freedom of Information Act [5 ILCS 140]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is amending Section 330.310 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 20, 30 and 40 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these proposed amendments and has provided comments, which have been incorporated. The proposed amendments include requiring a person accepting transfer of licensed radioactive material to have the appropriate financial surety in order to possess such material and requiring a licensee to minimize contamination, including subsurface, from operations. The Agency is also amending Section 330.240 to update an old reference for public requests for information.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.335: No, this rule has been amended solely on the basis of compatibility with the USNRC's changes to 10 CFR 20, 30 and 40 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011).
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860
fax: 217/524-3698

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes this rulemaking may have an impact on any of these entities if they hold a radioactive material license with the Agency.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

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

PART 330

LICENSING OF RADIOACTIVE MATERIAL

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

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. 11905, effective August 17, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.240 Filing Applications for Specific Licenses

- a) Application requirements:
- 1) Applications for the issuance, renewal or amendment of specific licenses shall be filed in duplicate and in English.

AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.

- 2) Applications for initial issuance, amendment and renewal of specific licenses shall be in the format prescribed by the Agency. Each application filed shall be complete with all requested information submitted, including all applicable attachments. The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements from the applicant or licensee to enable the Agency to determine whether the application should be granted or

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denied or whether an existing license should be modified or revoked in accordance with Section 330.500.

- 3) Each application shall include all information required by this Part and any other Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, applicable to the requested authorizations.
- 4) An application may incorporate by reference information contained in previous applications, statements or reports filed with the Agency, provided ~~thesueh~~ references are clear and specific.
- 5) Each application and each request for amendment shall be signed by the applicant, licensee, or a person duly authorized in writing to act for and on the licensee or applicant's behalf.
- 6) Each application shall identify the radiation safety officer. The proposed activities shall be under the same administrative control for radiation safety purposes and the same radiation protection program.
- 7) An application may request authority to receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive materials. The request can include one or more of these activities.
- 8) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source:
 - A) Shall identify the sealed source or device that contains a sealed source by manufacturer and model as registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210, or with an Agreement State or, for a source or device containing naturally occurring or accelerator-produced material, with a state under provisions comparable to 10 CFR 32.210; or
 - B) Shall contain the information identified in Section 330.280(m); or
 - C) Shall describe, for a sealed source or device containing radioactive material manufactured prior to October 23, 2015, that is not

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registered with NRC in accordance with 10 CFR 32.210 or with an Agreement State and for which the applicant is unable to provide the information described in Section 330.280(m)(3):

- i) The information required by Section 330.280(m)(3) concerning the source and, if applicable, the device; and
 - ii) Sufficient additional information to demonstrate that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. The information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test; or
- D) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with Section 330.280(m)(7), may ~~describe~~^{supply} only the manufacturer, model number, radionuclide and quantity; or
- E) If it is not feasible to identify each sealed source and device individually, may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.
- 9) For each location to be listed on the license as an authorized use location, the applicant shall submit:
- A) A statement that the applicant owns the facility where radioactive material is used or stored; or
 - B) A copy of a certified letter sent to the facility owner or authorized representative of the owner informing the owner that radioactive material is being or will be used or stored at the facility; or
 - C) A copy of a letter or statement from the facility owner or authorized representative of the owner indicating that the owner is

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aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: The Radiation Protection Act requires the Agency to provide written notice to a municipality of an application for a new license for a fixed location facility or a license amendment for a new location for a facility.

- 10) The applicant shall ensure that all applicable fees specified in 32 Ill. Adm. Code 331 are paid in full when due.
 - 11) The applicant shall address the Emergency Plan requirements of Section 330.250(e), when applicable.
- b) Review of application. When evaluating an application or request for amendment, the Agency shall consider:
- 1) The completeness of the application;
 - 2) The complexity, similarity and proximity of the proposed activities;
 - 3) The radiation protection program proposed by the applicant to ensure the protection of the licensee's personnel, the public and the environment;
 - 4) The qualifications and experience of the applicant's proposed Radiation Safety Officer and authorized users;
 - 5) The applicant's history of compliance; and
- c) Public access to information. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. Code [1800+076](#) and the requirements of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 330.310 Terms and Conditions of Specific and General Licenses

- a) Each specific or general license issued pursuant to this Part shall be subject to all

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applicable license conditions, provisions of the Act, and all applicable rules, regulations and orders of the Agency.

- b) Each person granted a general license by this Part shall provide information required by the Agency to track the location and use of generally-licensed radioactive material. The information shall be in the format prescribed by the Agency, shall be complete and accurate, and shall be due within the time frame indicated on the notification. In accordance with 32 Ill. Adm. Code 310.50, the Agency may inspect and investigate premises, operations or personnel and have access to or copy records:
- 1) Of a person who fails to provide information as required by this subsection (b); or
 - 2) For the purpose of evaluating past, current or potential hazards to the public health, workers or the environment resulting from radiation.
- c) No specific license issued or granted to any person pursuant to this Part and no right to possess or use radioactive material granted to any person by any specific license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the specific license to any other person unless the Agency, after securing full information, including the identity and technical qualifications of the proposed transferee, first:
- 1) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act; ~~and~~
 - 2) Consents in writing to the proposed transfer, assignment or disposal; and;
 - 3) Finds the transferee, when applicable, to be compliant with the requirements of 32 Ill. Adm. Code 326.

AGENCY NOTE: Agency consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written consent may subject the purported transferor or assignor to penalties for violating this Section. Likewise, a purported transferee or assignee may also be subject to penalties if it does not have a valid specific license and possesses radioactive material or performs activities requiring a valid specific license.

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- d) Upon approval from the Agency under subsection (c)(2) for transfer, assignment or disposal of a specific license, the transferor shall ensure the following information is provided to the transferee:
- 1) The radioactive material license and all documents referenced in the license;
 - 2) Records maintained in accordance with 32 Ill. Adm. Code 340, Subpart L, inventory records, and any other records required by subsections (k) and (l); and
 - 3) Any other information required by the Agency pursuant to the approval granted.
- e) Each person licensed by the Agency pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license and, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site and/or facility of operation, including the subsurface.
- f) Each person issued a specific license pursuant to this Part shall maintain the license in accordance with the requirements of Section 330.320.
- g) When temporary jobsites are authorized on a specific license, radioactive material may be used at temporary jobsites, in areas not under exclusive federal jurisdiction, throughout the State of Illinois.

AGENCY NOTE: Authorization for use of byproduct radioactive materials at jobsites under exclusive federal jurisdiction must be obtained from NRC, either by filing an NRC Form-241 in accordance with 10 CFR 150.20(b), "Recognition of Agreement State Licenses", or by applying for a specific license from NRC. Also, specific licenses issued by the Agency do not authorize activities in other states. Before radioactive materials can be used at a temporary jobsite in another state, a license must be obtained from the appropriate state or federal regulatory agency.

- h) Each person issued a specific license pursuant to this Part shall apply for an appropriate license amendment not later than 30 days after a Radiation Safety

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Officer permanently discontinues performance of duties under the license.

i) Notification

- 1) Each specific licensee shall notify the Agency in writing not later than 60 days after principal activities involving the use of radioactive materials, other than sealed sources, at the site or in a separate building or outdoor area have not occurred for a period of 2 years, and the licensee has not decontaminated the site or area.

AGENCY NOTE: Principal activities are those originally authorized on the license for that site or location. For example, licensees could not store radioactive material in an otherwise unused building to avoid end-of-use decommissioning, unless storage was a principal activity for that building.

- 2) This notification shall include a description of the location of the site, building or outdoor area and a plan for reclaiming or decommissioning these facilities (including a proposed schedule) for release in accordance with applicable regulations. The notification shall include an evaluation of any changes, if required, to financial assurance arrangements submitted in accordance with 32 Ill. Adm. Code 326. Upon approval of the plan by the Agency, implementation shall begin within 6 months and be completed within 24 months after approval (unless the Agency approves a different schedule).

AGENCY NOTE: 32 Ill. Adm. Code 340.1310 requires licensees to notify the Agency no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with radioactive material.

j) Notification of Bankruptcy

- 1) Each specific or general licensee shall notify the Agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:

A) The licensee;

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- B) An entity (as the term is defined in 11 USC 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as the term is defined in 11 USC 101(2)) of the licensee.
- 2) This notification shall indicate:
- A) The bankruptcy court in which the petition for bankruptcy was filed;
 - B) The date of the filing of the petition;
 - C) The chapter under which the bankruptcy petition has been filed;
 - D) The name, address and phone number of the bankruptcy trustee (if a trustee has been named at the time of the notification);
 - E) Whether the licensed radiation source remains in the possession and control of the licensee and whether any change in possession or control is expected or contemplated;
 - F) The name of the person in possession and control of the licensed radiation source if the licensee no longer maintains possession or control; and
 - G) Whether the Agency has been named in the bankruptcy petition either as a creditor or in some other capacity.
- k) Recordkeeping Requirements for Potentially Contaminated Areas. Except for areas containing only sealed sources, provided the sources have not leaked, or no contamination remains after any leakage, and except for areas where only radioactive materials with half-lives less than 90 days were used or stored, each specific licensee shall keep:
- 1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment or site, when contamination remains after any cleanup procedures or when there is

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reasonable likelihood the contaminants may have spread to inaccessible areas (as in the case of possible seepage into porous materials such as concrete). These records must include the location and any known information on identification of involved radionuclides, quantities, chemical and physical forms, and concentrations.

- 2) Drawings and subsequent modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, such as buried or enclosed pipes, that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- 1) Each licensee shall maintain the following records, if applicable:
 - 1) Records of all areas where low-level radioactive wastes were buried, including areas previously authorized by and documented pursuant to 10 CFR 20.2108.
 - 2) Records of the Agency-approved cost estimate for the amount certified for reclaiming and the associated reclamation plan, for licensees required by 32 Ill. Adm. Code 326 to secure financial assurance arrangements.
 - 3) All records required to be maintained pursuant to 32 Ill. Adm. Code Chapter II, Subchapters b and d.
 - m) To lawfully obtain termination for a specific license, each licensee shall meet the termination requirements of this Part.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 332.40 | Amendment |
| 332.150 | Amendment |
| 332.260 | Amendment |
- 4) Statutory Authority: Implementing and authorized by Section 9 and 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10] and Section 30 of the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42/30]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is amending Sections 332.150 and 332.260 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 40 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these proposed amendments and has provided comments to the Agency, which have been incorporated. The proposed amendments include an increase in the amount of information the licensee must provide in their financial surety cost estimate and adds circumstances to when a cost estimate needs to be reviewed and revised. In addition, the Agency is amending Section 332.40 to update an old reference for public information requests and to amend the number of copies of a license application needed.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.335: No, this rule has been amended solely on the basis of compatibility with the USNRC's changes to 10 CFR 40 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011).
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: The requirements imposed by this proposed rulemaking are not expected to require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/785-9860
Fax: 217/524-3698
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking may have an impact on any small businesses or not-for-profit corporations that hold a radioactive material license with the Agency.
- B) Reporting, bookkeeping or other procedures required for compliance: The licensee will be required to provide more information for financial surety cost estimates and to review and revise the cost estimate for more circumstances.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

| Section | |
|---------|--|
| 332.10 | Purpose and Scope |
| 332.20 | Definitions |
| 332.30 | License Required |
| 332.40 | Application Content and Procedure |
| 332.50 | General Information |
| 332.60 | Technical Information |
| 332.70 | Technical Analyses |
| 332.80 | Institutional Information |
| 332.90 | Financial Information |
| 332.100 | Evaluation of License Application and Issuance of a License |
| 332.110 | General Conditions of Licenses |
| 332.120 | Application for Renewal or Closure |
| 332.130 | Contents of Application for Site Closure and Stabilization |
| 332.140 | Postclosure Observation and Maintenance |
| 332.150 | Termination of Source Material Milling Facility License |
| 332.160 | General Requirements |
| 332.170 | Protection of the General Population from Radiation |
| 332.180 | Protection of Individuals from Inadvertent Access |
| 332.190 | Protection of Individuals During Operations |
| 332.200 | Stability of the Byproduct Material Disposal Site After Closure |
| 332.210 | Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria |
| 332.220 | Technical Criteria for Byproduct Material Disposal Sites – Design Criteria |
| 332.230 | Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection |
| 332.240 | Technical Criteria for Byproduct Material Disposal Sites – Control of Radiation Hazards |
| 332.250 | Technical Criteria – Source Material Milling Operations |
| 332.260 | Financial Surety Requirements |
| 332.270 | Long-Term Care Payment |
| 332.280 | Land Ownership |
| 332.290 | Maintenance of Records, Reports, and Transfers |

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AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16765, effective October 6, 2008; amended at 38 Ill. Reg. 21459, effective October 31, 2014; amended at 39 Ill. Reg. _____, effective _____.

Section 332.40 Application Content and Procedure

- a) In addition to the requirements set forth in 32 Ill. Adm. Code 330.250, an application filed pursuant to this Part shall contain the required information as set forth in Sections 332.50 through 332.90 ~~of this Part~~.
- b) The Agency will review the application for completeness within 60 days after receipt of the application and will notify the applicant whether the application is acceptable for filing. This review of the application shall not constitute the Agency's approval of the adequacy of the information and data contained in the application.
- c) The Agency may, at any time after the filing of the original application and before the expiration of the license, require further statements or data to enable the Agency to determine whether the application should be denied or whether a license should be granted, modified or revoked.
- d) A license application may include a request for a licensee to engage in one or more activities, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Agency as to application for those licenses.
- e) In any application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Agency. The reference shall identify the document being referenced by subject, date and page number.

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- f) All materials considered by the applicant to be proprietary or confidential in nature shall be separated and marked proprietary or confidential by the applicant before submission to the Agency. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. ~~Code 1800-1076~~ and the requirements of the Freedom of Information Act [5 ILCS 140].
- g) ~~An~~ ~~Thirty copies of an~~ application for a specific license, or ~~an~~ amendment to a license, shall be filed with the Agency both in hard copy and electronic form. The number of hard copies to be provided will be determined by the Agency depending on the scope of activities to be conducted under the license and the cost effectiveness of providing the copies (e.g., number of consultants or other parties involved and number of documents being submitted).
- h) Each application for a specific license, or amendment to a license, shall be accompanied by the fee prescribed in 32 Ill. Adm. Code 331.
- i) Each application shall be signed by the applicant or a person duly authorized to act on behalf of the applicant.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 332.150 Termination of Source Material Milling Facility License

- a) Following closure and the period of postclosure observation and maintenance, the licensee may apply for termination of the license. The license shall be terminated when the Agency finds:
- 1) That the closure of the licensed site has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
 - 2) That the licensee has established that the technical criteria ~~of this Part~~ have been met;
 - 3) That any long-term care funds and records are transferred to the federal or State agency that will assume institutional control of the disposal site;
 - 4) That the federal or State agency that will assume responsibility for long-term care, observation and maintenance of the disposal site is prepared to

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assume such responsibilities;

- 5) That permanent monuments or markers warning against intrusion have been installed;
 - 6) That the U.S. Nuclear Regulatory Commission has made a determination of compliance with the decontamination, decommissioning, reclamation and stabilization standards; ~~and~~
 - 7) That title to the byproduct material and to the disposal site has been transferred to the United States of America or the State; ~~and-~~
 - 8) That any buildings and material have been decontaminated to criteria specified in 32 Ill. Adm. Code 330.325.
- b) In addition to satisfying requirements in subsection (a) ~~of this Section~~, the licensed site, other than the buildings and disposal area, shall be decontaminated to the following limits prior to termination of the license:
- 1) Concentration of radionuclides in soil above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 5 picocuries per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 15 picocuries per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
 - 2) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.
 - 3) Soil contamination levels with nonradioactive hazardous substances shall not exceed the levels specified as contamination limits in other applicable State or federal regulations.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 332.260 Financial Surety Requirements

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- a) The license applicant shall establish financial surety arrangements, prior to the Agency authorization of commencement of operations, to assure the availability of sufficient funds for decontaminating, decommissioning and reclaiming the source material milling facility, including reclamation of any tailings or waste disposal areas, and licensed site, as well as the stabilization and closure of the byproduct material disposal site and the long-term care payment.
- b) An acceptable surety arrangement may consist of cash or negotiable securities deposited with the Agency, irrevocable assignments of savings or certificates of deposit, or the deposit of an instrument executed by the applicant or licensee and a corporate surety or financial institution with the Agency designated as the beneficiary. However, self insurance, or any arrangement that essentially constitutes self insurance (e.g., a contract with a State or federal agency) will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements. The value of the deposit shall be equal to or greater than the amount of the surety required by subsection (c). Any surety arrangement must be available in Illinois subject to judicial process and execution in the event required for the purposes set forth in this Part.
- c) The amount of funds to be ensured by ~~theseth~~ surety arrangements shall be greater than or equal to the Agency approved decommissioning cost estimates. Each decommissioning cost estimate shall be submitted for review and Agency approval and shall contain for:
- 1) A detailed cost estimate for the decontamination, decommissioning, restoration and reclamation of buildings and the licensed site, stabilization and closure of the disposal area and the requirements of Section 332.270 for the long-term care payment in the amount reflecting:
- A) The cost of an independent contractor to perform all decommissioning activities;
- B) The cost of meeting Section 332.150 for unrestricted use;
- C) The volume of onsite subsurface material containing residual radioactivity that will require remediation; and

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- D) A contingency factor of 25 percent of the total decommissioning cost estimate.
- 2) Identification of and justification for using the key assumptions contained in the decommissioning cost estimate; stabilization and closure of the disposal area; and
- 3) A description of the method outlined in subsection (b) that will be used to assure funds for decommissioning, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility; the requirements of Section 332.270 for the long-term care payment.
- 4) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and
- 5) A signed original of the financial surety instrument obtained to satisfy the requirements of subsection (b), unless a previously submitted and accepted financial surety instrument continues to cover the cost estimate for decommissioning.
- d) ~~In establishing specific surety arrangements, the applicant's or licensee's cost estimates shall take into account the total costs that would be incurred if an independent contractor were hired to perform the work identified in subsections (e)(1) and (2).~~
- de) To avoid duplication and expense, the Agency will accept surety arrangements that have been consolidated with surety arrangements established to meet requirements of other agencies in Illinois for decontamination, reclamation, restoration and disposal, if the applicant demonstrates, in writing, that the surety provides the same or a greater degree of protection for the licensed site, provided that the arrangements are adequate to satisfy these requirements and that the portion of the surety that covers the decommissioning, decontamination, reclamation and stabilization of the site and the long-term site surveillance and control~~care payment~~ is specifically identified and committed for use in accomplishing these activities.
- ef) The applicant's or licensee's surety arrangements and decommissioning cost

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estimate will be reviewed annually and at the time of license renewal by the Agency to assure that sufficient funds will be available for completion of the closure plan if the work was to be performed by an independent contractor. The amount of surety shall be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, spills, leakage or migration of radioactive material producing additional contamination in onsite subsurface material that must be remediated to meet applicable remediation criteria, waste inventory increasing above the amount previously estimated, waste disposal cost increasing above the amount previously estimated, facility modifications, changes in authorized possession limits, actual remediation costs that exceed the previous cost estimate, onsite disposal, use of settling ponds, and any other conditions affecting costs. Financial surety shall be sufficient at all times to cover the cost of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. Regardless of whether closure is phased through the life of the operation or takes place at the end of operations, an appropriate portion of the surety shall be retained until final compliance with the closure plan is determined by the Agency. The appropriate portion of the surety to be retained shall be determined by the Agency after review and analysis of the decommissioning cost estimate.

- f) The term of the surety mechanism shall be open-ended, unless the licensee proposes another arrangement that provides an equivalent or greater level of assurance. The surety instrument shall provide that the surety mechanism will be automatically renewed and will not be cancelled unless the surety notifies both the Agency and the licensee at least 90 days prior to cancellation. Upon notice by the surety, the licensee shall submit an acceptable replacement surety within 30 days after the notice. Proof of forfeiture shall not be necessary to collect the surety so that, in the event the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration or cancellation.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for Protection Against Radiation
- 2) Code Citation: 32 Ill. Adm. Code 340
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 340.510 | Amendment |
| 340.1130 | Amendment |
- 4) Statutory Authority: Implementing and authorized by Section 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is amending Sections 340.510 and 340.1130 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 20 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these proposed amendments and has provided comments to the Agency, which have been incorporated. The proposed amendments includes additional surveys for radioactive contamination of subsurface areas that are potentially contaminated as a result of facility operations. The results of the surveys will be kept until license termination in order to facilitate site decommissioning.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.335: No, this rule has been amended solely on the basis of compatibility with the USNRC's changes to 10 CFR 20 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011).
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify

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their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860
fax: 217/524-3698

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: These entities may be affected if they hold an Agency-issued radioactive material license.
 - B) Reporting, bookkeeping or other procedures required for compliance: The radioactive material licensee must keep records from surveys for radioactive contamination of subsurface areas that are potentially contaminated as a result of facility operations until termination of the license.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 340

STANDARDS FOR PROTECTION AGAINST RADIATION

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: RADIATION PROTECTION PROGRAMS

| | |
|---------|-------------------------------|
| Section | |
| 340.110 | Radiation Protection Programs |

SUBPART C: OCCUPATIONAL DOSE LIMITS

| | |
|---------|---|
| Section | |
| 340.210 | Occupational Dose Limits for Adults |
| 340.220 | Compliance with Requirements for Summation of External and Internal Doses |
| 340.230 | Determination of External Dose from Airborne Radioactive Material |
| 340.240 | Determination of Internal Exposure |
| 340.250 | Determination of Prior Occupational Dose |
| 340.260 | Planned Special Exposures |
| 340.270 | Occupational Dose Limits for Minors |
| 340.280 | Dose Equivalent to an Embryo/Fetus |

SUBPART D: RADIATION DOSE LIMITS FOR
INDIVIDUAL MEMBERS OF THE PUBLIC

| | |
|---------|--|
| Section | |
| 340.310 | Dose Limits for Individual Members of the Public |
| 340.320 | Compliance with Dose Limits for Individual Members of the Public |

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SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section
340.410 Testing for Leakage or Contamination of Sealed Sources

SUBPART F: SURVEYS AND MONITORING

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

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

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

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

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

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

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

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SUBPART J: PRECAUTIONARY PROCEDURES

Section

| | |
|---------|---|
| 340.910 | Caution Signs |
| 340.920 | Posting Requirements |
| 340.930 | Exceptions to Posting Requirements |
| 340.940 | Labeling Containers and Radiation Machines |
| 340.950 | Exemptions to Labeling Requirements |
| 340.960 | Procedures for Receiving and Opening Packages |

SUBPART K: WASTE DISPOSAL

Section

| | |
|----------|---|
| 340.1010 | General Requirements |
| 340.1020 | Method for Obtaining Approval of Proposed Disposal Procedures |
| 340.1030 | Disposal by Release into Sanitary Sewerage |
| 340.1040 | Treatment or Disposal by Incineration |
| 340.1045 | Decay-In-Storage |
| 340.1050 | Disposal of Specific Wastes |
| 340.1052 | Classification of Radioactive Waste for Land Disposal |
| 340.1055 | Radioactive Waste Characteristics |
| 340.1057 | Labeling |
| 340.1060 | Transfer for Disposal and Manifests |
| 340.1070 | Compliance with Environmental and Health Protection Regulations |

SUBPART L: RECORDS

Section

| | |
|----------|--|
| 340.1110 | General Provisions |
| 340.1120 | Records of Radiation Protection Programs |
| 340.1130 | Records of Surveys and Calibrations |
| 340.1135 | Records of Tests for Leakage or Contamination of Sealed Sources |
| 340.1140 | Records of Prior Occupational Dose |
| 340.1150 | Records of Planned Special Exposures |
| 340.1160 | Records of Individual Monitoring Results |
| 340.1170 | Records of Dose to Members of the Public |
| 340.1180 | Records of Waste Disposal |
| 340.1190 | Records of Testing Entry Control Devices for Very High Radiation Areas |
| 340.1195 | Form of Records (Repealed) |

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SUBPART M: REPORTS AND NOTIFICATIONS

Section

| | |
|----------|---|
| 340.1205 | Notification of Credible Threats |
| 340.1210 | Reports of Stolen, Lost or Missing Sources of Radiation |
| 340.1220 | Notification of Incidents |
| 340.1230 | Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Constraints or Limits |
| 340.1240 | Reports of Planned Special Exposures |
| 340.1250 | Notifications and Reports to Individuals |
| 340.1260 | Reports of Leaking or Contaminated Sealed Sources |
| 340.1270 | Reports of Missing Waste Shipments |

SUBPART N: ADDITIONAL REQUIREMENTS

Section

| | |
|--------------------|--------------------------------------|
| 340.1310 | Vacating Premises |
| 340.1320 | Removal of Radioactive Contamination |
| 340.APPENDIX A | Decontamination Guidelines |
| 340.ILLUSTRATION A | Radiation Symbol |

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

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 19 Ill. Reg. 8264, effective June 12, 1995; emergency amendment at 27, Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5445, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20841, effective December 16, 2005; amended at 31 Ill. Reg. 11593, effective July 26, 2007; amended at 35 Ill. Reg. 934, effective December 30, 2010; amended at 39 Ill. Reg. _____, effective _____.

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SUBPART F: SURVEYS AND MONITORING

Section 340.510 General

- a) Each licensee or registrant shall make, or cause to be made, surveys, including surveys of the subsurface, where appropriate:
 - 1) That demonstrate compliance with this Part; and
 - 2) That evaluate:
 - A) The extent of radiation levels;
 - B) Concentrations or quantities of radioactive material; and
 - C) The potential radiological hazards of radiation levels and residual radioactivity detected~~that could be present~~.
- b) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured or at alternative intervals specified in regulations of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. To satisfy this requirement, the licensee shall:
 - 1) Post a legible note on the instrument showing the date of calibration; and
 - 2) Ensure that instrument calibrations are performed by persons specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such calibrations.
- c) On each day of use, prior to using an instrument to perform required monitoring, the licensee or registrant shall verify that the instrument is operational. Operational checks for radiation measurement or radiation detection instruments shall include verification of response to a source of radiation.
- d) Except for those dosimeters used to measure the dose to any extremity, personnel dosimeters that require processing to determine the radiation dose and that are used by licensees or registrants to comply with Section 340.210 ~~of this Part~~, with

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other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if:

- 1) It holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and
 - 2) It is approved by NVLAP for the type of radiation or radiations that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.
- e) A licensee or registrant shall obtain Agency approval prior to using pocket ionization chambers or electronic dosimeters to determine radiation dose, to comply with Section 340.210 ~~of this Part~~, or with other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d or with conditions specified in a license. The Agency will grant approval provided the licensee or registrant submits information describing the type and range of the dosimeters and describes a program to ensure the accuracy, reliability, precision and security of the dosimetry data.
- f) The licensee or registrant shall ensure that adequate precautions are taken to prevent deceptive exposure of an individual monitoring device.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART L: RECORDS

Section 340.1130 Records of Surveys and Calibrations

- a) Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by Sections 340.510 and 340.960(b) ~~of this Part~~. The licensee or registrant shall retain these records for 5 years after the record is made.
- 1) Records of surveys shall include:
 - A) The location and date of the survey and the model and serial number of the instrument used to perform the survey;

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- B) The identity of the individual performing the survey; and
 - C) The results of the survey and any corrective actions that were taken as a result.
- 2) For each survey instrument calibrated in accordance with Section 340.510(b) ~~of this Part~~, the licensee shall maintain the following records:
- A) A copy of the licensee's own calibration procedures or a copy of a license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State authorizing the person that performed the calibrations to perform calibrations as a customer service; and
 - B) A record identifying the manufacturer, model and serial number of the instrument that was calibrated, the calibration results, the identity of the individual who performed the calibration and the date of the calibration.
- 3) Each licensee authorized to perform instrument calibrations shall maintain a copy of each calibration document created in accordance with subsection (a)(2)(B) ~~of this Section~~ and a copy of the procedures followed to perform that calibration.
- 4) The licensee shall retain a record of each check required in Section 340.540(a) ~~of this Part~~ for 5 years. The record shall include the manufacturer, model and serial number of the instrument being checked, a description of the source used, the radiation level indicated by the instrument being checked, the identity of the individual who performed the check, and the date of the check.
- b) The licensee or registrant shall retain each of the following records until the Agency terminates each license or registration for which the record is required:
- 1) Records of the results of surveys to determine the dose from external sources of radiation that are used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

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- 2) Records of the results of measurements and calculations that are used to determine individual intakes of radioactive material and that are used in the assessment of internal dose;
- 3) Records showing the results of air sampling, surveys and bioassays required pursuant to ~~Section~~Sections 340.730(a)(3)(A) and (B) ~~of this Part; and~~
- 4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment; ~~and;~~
- 5) Records from surveys describing the location and amount of subsurface residual radioactivity identified at the site.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code Citation: 35 Ill. Adm. Code 611
- 3)

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 611.102 | Amendment |
| 611.261 | Amendment |
| 611.262 | Amendment |
| 611.351 | Amendment |
| 611.357 | Amendment |
| 611.358 | Amendment |
| 611.383 | Amendment |
| 611.609 | Amendment |
| 611.732 | Amendment |
| 611.745 | Amendment |
| 611.901 | Amendment |
| 611.902 | Amendment |
| 611.903 | Amendment |
| 611.904 | Amendment |
| 611.908 | Amendment |
| 611.909 | Amendment |
| 611.956 | Amendment |
| 611.976 | Amendment |
| 611.APPENDIX G | Amendment |
| 611.APPENDIX H | Amendment |
- 4) Statutory Authority: 415 ILCS 5/7.2, 17, 17.5, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R16-4 rulemaking, which amends Part 611. A comprehensive description is contained in the Board's opinion and order of August 20, 2015, proposing amendments in docket R16-4, which opinion and order is available from the address below.

This Board reserved this docket to update the Illinois Safe Drinking Water Act (SDWA) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the update period January 1, 2015 through June 30, 2015. During this period, USEPA did not amend the federal regulations. Rather, JCAR and the Illinois Environmental Protection

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Agency have each suggested various corrections to the text of the rule. The Board discovered other corrections. The Board found that the corrections are needed, as is provided in Section 7.2(b) of the Environmental Protection Act [415 ILCS 5/7.2(b)].

The limited number of corrections and clarifying amendments are not directly derived from the instant federal amendments. A comprehensive description of the subjects and issues involved in the docket R16-4 rulemaking is contained in the Board's opinion and order of August 20, 2015, proposing amendments in docket R16-4, which opinion and order is available from the address below.

Tables appear in the Board's opinion and order of August 20, 2015 in docket R16-4 that list the corrections and amendments. One table contains lists of the several corrections and clarifications that the Board made in the text of the rules. A second table indicates a correction suggested by JCAR that the Board has declined to follow. Persons interested in the details of those corrections and amendments should refer to the August 20, 2015 opinion and order in docket R16-4.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2012)].
- 11) Are there any rulemakings pending on this Part? Yes

Section Numbers: Proposed Actions: Illinois Register Citation:

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| | | |
|---------|-------------|----------------------------------|
| 611.125 | Amendment | 39 Ill. Reg. 8691, June 26, 2015 |
| 611.858 | New Section | 39 Ill. Reg. 8691, June 26, 2015 |

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-4 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R16-4:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.

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- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2015

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

| | |
|---------|---|
| Section | |
| 611.100 | Purpose, Scope, and Applicability |
| 611.101 | Definitions |
| 611.102 | Incorporations by Reference |
| 611.103 | Severability |
| 611.105 | Electronic Reporting |
| 611.107 | Agency Inspection of PWS Facilities |
| 611.108 | Delegation to Local Government |
| 611.109 | Enforcement |
| 611.110 | Special Exception Permits |
| 611.111 | Relief Equivalent to SDWA Section 1415(a) Variances |
| 611.112 | Relief Equivalent to SDWA Section 1416 Exemptions |
| 611.113 | Alternative Treatment Techniques |
| 611.114 | Siting Requirements |
| 611.115 | Source Water Quantity |
| 611.120 | Effective Dates |
| 611.121 | Maximum Contaminant Levels and Finished Water Quality |
| 611.125 | Fluoridation Requirement |
| 611.126 | Prohibition on Use of Lead |
| 611.130 | Special Requirements for Certain Variances and Adjusted Standards |
| 611.131 | Relief Equivalent to SDWA Section 1415(e) Small System Variance |
| 611.160 | Composite Correction Program |
| 611.161 | Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems |

SUBPART B: FILTRATION AND DISINFECTION

| | |
|---------|--------------------------------------|
| Section | |
| 611.201 | Requiring a Demonstration |
| 611.202 | Procedures for Agency Determinations |

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| | |
|---------|---|
| 611.211 | Filtration Required |
| 611.212 | Groundwater under Direct Influence of Surface Water |
| 611.213 | No Method of HPC Analysis |
| 611.220 | General Requirements |
| 611.230 | Filtration Effective Dates |
| 611.231 | Source Water Quality Conditions |
| 611.232 | Site-Specific Conditions |
| 611.233 | Treatment Technique Violations |
| 611.240 | Disinfection |
| 611.241 | Unfiltered PWSs |
| 611.242 | Filtered PWSs |
| 611.250 | Filtration |
| 611.261 | Unfiltered PWSs: Reporting and Recordkeeping |
| 611.262 | Filtered PWSs: Reporting and Recordkeeping |
| 611.271 | Protection during Repair Work |
| 611.272 | Disinfection Following Repair |
| 611.276 | Recycle Provisions |

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

| | |
|---------|--|
| Section | |
| 611.280 | Point-of-Entry Devices |
| 611.290 | Use of Point-of-Use Devices or Bottled Water |

SUBPART D: TREATMENT TECHNIQUES

| | |
|---------|--------------------------------|
| Section | |
| 611.295 | General Requirements |
| 611.296 | Acrylamide and Epichlorohydrin |
| 611.297 | Corrosion Control |

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

| | |
|---------|--|
| Section | |
| 611.300 | Old MCLs for Inorganic Chemical Contaminants |
| 611.301 | Revised MCLs for Inorganic Chemical Contaminants |
| 611.310 | State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants |

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| | |
|---------|--|
| 611.311 | Revised MCLs for Organic Chemical Contaminants |
| 611.312 | Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs) |
| 611.313 | Maximum Residual Disinfectant Levels (MRDLs) |
| 611.320 | Turbidity (Repealed) |
| 611.325 | Microbiological Contaminants |
| 611.330 | Maximum Contaminant Levels for Radionuclides |
| 611.331 | Beta Particle and Photon Radioactivity (Repealed) |

SUBPART G: LEAD AND COPPER

| | |
|---------|--|
| Section | |
| 611.350 | General Requirements |
| 611.351 | Applicability of Corrosion Control |
| 611.352 | Corrosion Control Treatment |
| 611.353 | Source Water Treatment |
| 611.354 | Lead Service Line Replacement |
| 611.355 | Public Education and Supplemental Monitoring |
| 611.356 | Tap Water Monitoring for Lead and Copper |
| 611.357 | Monitoring for Water Quality Parameters |
| 611.358 | Monitoring for Lead and Copper in Source Water |
| 611.359 | Analytical Methods |
| 611.360 | Reporting |
| 611.361 | Recordkeeping |

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS,
AND DISINFECTION BYPRODUCT PRECURSORS

| | |
|---------|--|
| Section | |
| 611.380 | General Requirements |
| 611.381 | Analytical Requirements |
| 611.382 | Monitoring Requirements |
| 611.383 | Compliance Requirements |
| 611.384 | Reporting and Recordkeeping Requirements |
| 611.385 | Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors |

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

| | |
|---------|-----------------------------------|
| Section | |
| 611.480 | Alternative Analytical Techniques |

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| | |
|---------|--|
| 611.490 | Certified Laboratories |
| 611.491 | Laboratory Testing Equipment |
| 611.500 | Consecutive PWSs |
| 611.510 | Special Monitoring for Unregulated Contaminants (Repealed) |

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section

| | |
|---------|--|
| 611.521 | Routine Coliform Monitoring |
| 611.522 | Repeat Coliform Monitoring |
| 611.523 | Invalidation of Total Coliform Samples |
| 611.524 | Sanitary Surveys |
| 611.525 | Fecal Coliform and E. Coli Testing |
| 611.526 | Analytical Methodology |
| 611.527 | Response to Violation |
| 611.528 | Transition from Subpart L to Subpart AA Requirements |
| 611.531 | Analytical Requirements |
| 611.532 | Unfiltered PWSs |
| 611.533 | Filtered PWSs |

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section

| | |
|---------|-----------|
| 611.560 | Turbidity |
|---------|-----------|

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

| | |
|---------|--|
| 611.591 | Violation of a State MCL |
| 611.592 | Frequency of State Monitoring |
| 611.600 | Applicability |
| 611.601 | Monitoring Frequency |
| 611.602 | Asbestos Monitoring Frequency |
| 611.603 | Inorganic Monitoring Frequency |
| 611.604 | Nitrate Monitoring |
| 611.605 | Nitrite Monitoring |
| 611.606 | Confirmation Samples |
| 611.607 | More Frequent Monitoring and Confirmation Sampling |

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| | |
|---------|---|
| 611.608 | Additional Optional Monitoring |
| 611.609 | Determining Compliance |
| 611.610 | Inorganic Monitoring Times |
| 611.611 | Inorganic Analysis |
| 611.612 | Monitoring Requirements for Old Inorganic MCLs |
| 611.630 | Special Monitoring for Sodium |
| 611.631 | Special Monitoring for Inorganic Chemicals (Repealed) |

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

| | |
|---------|---|
| Section | |
| 611.640 | Definitions |
| 611.641 | Old MCLs |
| 611.645 | Analytical Methods for Organic Chemical Contaminants |
| 611.646 | Phase I, Phase II, and Phase V Volatile Organic Contaminants |
| 611.647 | Sampling for Phase I Volatile Organic Contaminants (Repealed) |
| 611.648 | Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants |
| 611.650 | Monitoring for 36 Contaminants (Repealed) |
| 611.657 | Analytical Methods for 36 Contaminants (Repealed) |
| 611.658 | Special Monitoring for Organic Chemicals (Repealed) |

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

| | |
|---------|---|
| Section | |
| 611.680 | Sampling, Analytical, and other Requirements (Repealed) |
| 611.683 | Reduced Monitoring Frequency (Repealed) |
| 611.684 | Averaging (Repealed) |
| 611.685 | Analytical Methods (Repealed) |
| 611.686 | Modification to System (Repealed) |
| 611.687 | Sampling for THM Potential (Repealed) |
| 611.688 | Applicability Dates (Repealed) |

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| 611.858 | Fluoride Secondary Standard (Repealed) |
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SUBPART X: ENHANCED FILTRATION AND DISINFECTION –
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SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

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SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

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- 611.1008 Disinfection Profiling and Benchmarking Requirements: Requirements When Making a Significant Change in Disinfection Practice
- 611.1009 Disinfection Profiling and Benchmarking Requirements: Developing the Disinfection Profile and Benchmark
- 611.1010 Treatment Technique Requirements: Bin Classification for Filtered Systems
- 611.1011 Treatment Technique Requirements: Filtered System Additional Cryptosporidium Treatment Requirements
- 611.1012 Treatment Technique Requirements: Unfiltered System Cryptosporidium Treatment Requirements
- 611.1013 Treatment Technique Requirements: Schedule for Compliance with Cryptosporidium Treatment Requirements
- 611.1014 Treatment Technique Requirements: Requirements for Uncovered Finished Water Storage Facilities
- 611.1015 Requirements for Microbial Toolbox Components: Microbial Toolbox Options for Meeting Cryptosporidium Treatment Requirements
- 611.1016 Requirements for Microbial Toolbox Components: Source Toolbox Components
- 611.1017 Requirements for Microbial Toolbox Components: Pre-Filtration Treatment Toolbox Components
- 611.1018 Requirements for Microbial Toolbox Components: Treatment Performance Toolbox Components
- 611.1019 Requirements for Microbial Toolbox Components: Additional Filtration Toolbox Components
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SUBPART AA: REVISED TOTAL COLIFORM RULE

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- 611.1052 Analytical Methods and Laboratory Certification
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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

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SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-6 at 39 Ill. Reg. 3713, effective February 24, 2015; amended in R16-4 at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.102 Incorporations by Reference

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"AMI Turbiwell Method" means "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," available from NEMI or from SWAN Analytische Instrumente AG.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

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"ChlordioX Plus Test" means "Chlorine Dioxide and Chlorite in Drinking Water by Amperometry using Disposable Sensors," available from Palintest Ltd.

"Charm Fast Phage" means "Fast Phage Test Procedure. Presence/Absence for Coliphage in Ground Water with Same Day Positive Prediction," version 009 (Nov. 2012), available from Charm Sciences Inc.

"Colilert® Test" means Standard Methods, 21st ed., Method 9223 B, Chromogenic Substrate Coliform Test (using IDEXX Laboratories, Inc. Colilert® medium).

"Colilert-18® Test" means Standard Methods, 21st ed., Method 9223 B, Chromogenic Substrate Coliform Test (using IDEXX Laboratories, Inc. Colilert-18® medium).

"Colisure™ Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from IDEXX Laboratories, Inc.

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.

"Chromocult® Method" means "Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Millipore.

"Determination of Inorganic Oxyhalide" means "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," available from NTIS.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

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"E*Colite Test" means "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," available from Charm Sciences, Inc. and USEPA, Water Resource Center.

"EC-MUG" means "Method 9221 F: Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia coli Procedure (Proposed)," available from American Public Health Association and American Waterworks Association.

"EML Procedures Manual" means "EML Procedures Manual, HASL 300," available from USDOE, EML.

"Enterolert" means "Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," available from American Society for Microbiology.

"Georgia Radium Method" means "The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge(Li) Detectors," Revision 1.2, December 2004, available from the Georgia Tech Research Institute.

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Filtration and Disinfection" means "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," March 1991, available from USEPA, NSCEP.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"Hach Method 10260" means "Hach Method 10260 – Determination of Chlorinated Oxidants (Free and Total) in Water Using Disposable Planar Reagent-filled Cuvettes and Mesofluic Channel Colorimetry," available from the Hach Company.

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"Hach SPDANS 2 Method 10225" means "Hach Company SPADNS 2 (Arsenic-free) Fluoride Method 10225 – Spectrophotometric Measurement of Fluoride in Water and Wastewater," available from the Hach Co.

"Hach TNTplus 835/836 Method 10206" means "Hach Company TNTplus 835/836 Nitrate Method 10206 – Spectrophotometric Measurement of Nitrate in Water and Wastewater," available from the Hach Co.

"ITS Method D99-003" means Method D99-003, Revision 3.0, "Free Chlorine Species (HOCl⁻ and OCl⁻) by Test Strip," available from Industrial Test Systems, Inc.

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, available from NTIS.

"m-ColiBlue24 Test" means "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," available from USEPA, Water Resource Center and Hach Company.

"Method ME355.01" means "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," available from NEMI or from H&E Testing Laboratory.

"Mitchell Method M5271" means "Determination of Turbidity by Laser Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Mitchell Method M5331" means "Determination of Turbidity by LED Nephelometry," available from NEMI and Leck Mitchell, PhD.

"Modified Colitag™ Test" means "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water," available from NEMI and CPI International.

"NA-MUG" means "Method 9222 G: Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures," available from American Public Health Association and American Waterworks Association.

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"NCRP Report Number 22" means "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," available from NCRP.

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

"OI Analytical Method OIA-1677" means "Method OIA-1677, DW Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," available from ALPKEM, Division of OI Analytical.

"ONPG-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Colilert® Test," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 18th, 19th, 20th, or 21st ed., from American Public Health Association and the American Water Works Association.

"Orion Method AQ4500" means "Determination of Turbidity by LED Nephelometry," available from Thermo Scientific.

"Palintest ChloroSense" means "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," available from NEMI or Palintest Ltd.

"Palintest Method 1001" means "'Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry,' Method Number 1001," available from Palintest, Ltd. or the Hach Company.

"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

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"Readycult® 2000" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.0, available from EMD Millipore.

"Readycult® 2007" means "Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," v. 1.1, available from EMD Millipore.

"SimPlate Method" means "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," available from the American Public Health Association or the American Waterworks Association.

"Standard Methods Online" means the website maintained by the Standard Methods Organization (at www.standardmethods.org) for purchase of the latest versions of methods in an electronic format.

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Systea Easy (1-Reagent)" means "Systea Easy (1-Reagent) Nitrate Method," available from NEMI or Systea Scientific LLC.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Thermo Scientific.

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

"Tecta EC/TC P-A Test" means "[TECTA™ EC/TC medium and the TECTA™ Instrument: a Tecta EC/TC P-A Test](#)" "Presence/Absence Method for Simultaneous Detection of Total Coliforms and Escherichia coli (E. coli) in Drinking Water," available from Veolia Water Solutions and Technologies.

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"USEPA Asbestos Method 100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Method 100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganic Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976. Available from NTIS.

"USEPA Method 1600" means "Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," available from USEPA, Water Resource Center.

"USEPA Method 1601" means "Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1602" means "Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1604" means "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," available from USEPA, Water Resource Center.

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"USEPA NERL Method 200.5 (rev. 4.2)" means Method 200.5, Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 415.3 (rev. 1.1)" means Method 415.3, Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, February 2005, EPA 600/R-05/055. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 415.3 (rev. 1.2)" means Method 415.3, Revision 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, September 2009, EPA 600/R-09/122. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 525.3 (ver. 1.0)" means Method 525.3, Version 1.0, "Determination of Total Semivolatile Organic Chemicals in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)," USEPA, February 2012, EPA 600/R-12/010. Available from USEPA, Office of Research and Development.

"USEPA NERL Method 549.2" means Method 549.2, Revision 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997. Available from USEPA, Office of Research and Development.

"USEPA OGWDW Methods" means the methods listed as available from the USEPA, Office of Ground Water and Drinking Water (Methods 302.0, 317.0 (rev. 2.0), 326.0 (rev. 1.0), 327.0 (rev. 1.1), 334.0, 515.4 (rev. 1.0), 523 (rev. 1.0), 524.3 (rev. 1.0), 524.4, 531.2 (rev. 1.0), 536 (rev. 1.0), 552.3 (rev. 1.0), 557, 1622 (99), 1622 (01), 1622 (05), 1623 (99), 1623 (01), 1623 (05), and 1623.1). Available from NTIS; USEPA, NSCEP; or USEPA, OGWDW.

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"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991) (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0)); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990 (Methods 547, 550, and 550.1); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0)); and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0)). Available from NTIS; USEPA, NSCEP; or USEPA, EMSL.

"USEPA Organic and Inorganic Methods" means "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," EPA 815/R-00/014, PB2000-106981, August 2000. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Procedures" means "Radiochemistry Procedures Manual," EPA 520/5-84/006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS and USEPA, NSCEP.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

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BOARD NOTE: The USGS Methods are available in three volumes published in 1977, 1989, and 1993, as outlined in subsection (b) of this Section.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

- b) The Board incorporates the following publications by reference:

ALPKEM, Division of OI Analytical, P.O. Box 9010, College Station, TX 77842-9010, telephone: 979-690-1711, Internet: www.oico.com.

"Method OIA-1677 DW, Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," EPA 821/R-04/001, January 2004 (referred to as "OI Analytical Method OIA-1677"), referenced in Section 611.611.

BOARD NOTE: Also available online for download from www.epa.gov/waterscience/methods/method/cyanide/1677-2004.pdf.

APHA. American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 202-777-2742.

"Standard Methods for the Examination of Water and Wastewater," 16th Edition, 1985 (referred to as "Standard Methods, 16th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods,

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18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 22nd Edition, 2012 (referred to as "Standard Methods, 22nd ed."). See the methods listed separately for the same references under American Waterworks Association.

American Society for Microbiology, 1752 N Street N.W., Washington, DC 20036, 202-737-3600:

"Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," Applied and Environmental Microbiology, Oct. 1996, vol. 62, no. 10, p. 3881 (referred to as "Enterolert"), referenced in Section 611.802.

BOARD NOTE: At the table to 40 CFR 141.402(c)(2), USEPA approved the method as described in the above literature review. The method itself is embodied in the printed instructions to the proprietary kit available from IDEXX Laboratories, Inc. (accessible on-line and available by download from www.asm.org, as "Enterolert™ Procedure"). ASTM approved the method as "Standard Test Method for Enterococci in Water Using Enterolert™," which is available in two versions from ASTM:

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ASTM Method D6503-99 (superseded) and ASTM Method D6503-99. While it is more conventional to incorporate the method as presented in the kit instructions or as approved by ASTM by reference, the Board is constrained to incorporate the version that appears in the technical literature by reference, which is the version that USEPA has explicitly approved.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303-794-7711).

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method," S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988), referenced in Appendix D to this Part.

"Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 303, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 304, Radium in Water by Precipitation, referenced in Section 611.720.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 306, Tritium in Water, referenced in Section 611.720.

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"Standard Methods for the Examination of Water and Wastewater," 16th Edition, 1985 (referred to as "Standard Methods, 16th ed.").

Method 907A, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.213.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium in Water, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium in Water by Precipitation, referenced in Section 611.720.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

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Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic

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Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

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Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

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Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 6651 B, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

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Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

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Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members

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of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9223, Chromogenic Substrate Coliform Test (Proposed) (also referred to as the variations "Colilert® Test" and "Colisure™ Test"), referenced in Sections 611.526 and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

"Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption

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Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

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Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II, referenced in Sections 611.381 and 611.531.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

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Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for

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Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Section 611.381.

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651 B, Glyphosate Herbicide, referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of

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Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test" and "Colisure™ Test"), referenced in Sections 611.526 and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

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"Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3125, Metals by Inductively Coupled Plasma/Mass Spectrometry, referenced in Section 611.720.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

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Method 3500-Mg B, Magnesium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

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Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

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Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-SiO₂ C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-SiO₂ D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-SiO₂ E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251 B, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.381.

Method 6610 B, Carbamate Pesticide Method, referenced in Section 611.645.

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Method 6651 B, Glyphosate Herbicide, Liquid Chromatographic Post-Column Fluorescence Method, referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

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Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9060 A, Samples, Collection, referenced in Section 611.1052.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Sections 611.526 and 611.1052.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

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Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test " and "Colisure™ Test"), referenced in Sections 611.526 and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test" and "Colisure™ Test"), referenced in Sections 611.526, 611.802, 611.1004, and 611.1052.

Method 9230 B, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

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Method 9230 C, Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques, referenced in Section 611.802.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

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Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3125, Metals by Inductively Coupled Plasma/Mass Spectrometry, referenced in Section 611.720.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.381.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.381.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.381.

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Method 4500-Cl⁻ I, Chlorine, Iodometric Electrode Method, referenced in Section 611.381.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.381.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

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Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-SiO₂ C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-SiO₂ D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-SiO₂ E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

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Method 6251 B, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatography Method, referenced in Section 611.381.

Method 6610 B, Carbamate Pesticide Method, High-Performance Liquid Chromatographic Method, referenced in Section 611.645.

Method 6640 B, Acidic Herbicide Compounds, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.645.

Method 6651 B, Glyphosate Herbicide, Liquid Chromatographic Post-Column Fluorescence Method, referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9060 A, Samples, Collection, referenced in Section 611.1052.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526, 611.531, and 611.1052.

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Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526 and 611.1052.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

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Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test" and "Colisure™ Test"), referenced in Sections 611.526 and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test" "Colisure™ Test," and "Colilert-18® Test", based on the particular medium used, available from IDEXX Laboratories, Inc.), referenced in Sections 611.526, 611.802, 611.1004, and 611.1052.

BOARD NOTE: See the Board note appended to Standard Methods Online in this Section about methods that appear in Standard Methods, 21st ed. which USEPA has cited as available from Standard Methods Online.

"Standard Methods for the Examination of Water and Wastewater," 22nd Edition, 2012 (referred to as "Standard Methods, 22nd ed."). See the methods listed separately for the same references under American Waterworks Association.

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

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Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.381.

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Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.381.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.381.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.381.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.381.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.381.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

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Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-SiO₂ C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-SiO₂ D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-SiO₂ E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

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Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251 B, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

Method 6610 B, Carbamate Pesticide Method, High-Performance Liquid Chromatographic Method, referenced in Section 611.645.

Method 6640 B, Acidic Herbicide Compounds, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.645.

Method 6651 B, Glyphosate Herbicide, Liquid Chromatographic Post-Column Fluorescence Method, referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

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Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9060 A, Samples, Collection, referenced in Section 611.1052.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

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Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526, 611.531, and 611.1052.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802 and 611.1052.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

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Method 9223 B, Chromogenic Substrate Coliform Test (also referred to as the variations "Colilert® Test," "Colisure™ Test," and "Colilert-18® Test", based on the particular medium used, available from IDEXX Laboratories, Inc.), referenced in Sections 611.526, 611.802, 611.1004, and 611.1052.

BOARD NOTE: See the Board note appended to Standard Methods Online in this Section about methods that appear in Standard Methods, 22nd ed., which USEPA has cited as available from Standard Methods Online.

BOARD NOTE: Individual Methods from Standard Methods are available online from Standard Methods Online.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 (610-832-9585).

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 1993, referenced in Section 611.611.

ASTM Method D511-03 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 2003, referenced in Section 611.611.

ASTM Method D511-09 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 2009, referenced in Section 611.611.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water," "Test Method A – Colorimetric Ascorbic

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Acid Reduction," approved August 19, 1988, referenced in Section 611.611.

ASTM Method D859-94, "Standard Test Method for Silica in Water," approved 1994, referenced in Section 611.611.

ASTM Method D859-00, "Standard Test Method for Silica in Water," approved 2000, referenced in Section 611.611.

ASTM Method D859-05, "Standard Test Method for Silica in Water," approved 2005, referenced in Section 611.611.

ASTM Method D859-10, "Standard Test Method for Silica in Water," approved 2010, referenced in Section 611.611.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved May 15, 1992, referenced in Section 611.611.

ASTM Method D1067-02 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved in 2002, referenced in Section 611.611.

ASTM Method D1067-06 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved in 2006, referenced in Section 611.611.

ASTM Method D1067-11 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved in 2011, referenced in Section 611.611.

ASTM Method D1125-95 (1999) A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A – Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved 1995, reapproved 1999, referenced

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in Section 611.611.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1993, referenced in Section 611.611.

ASTM Method D1179-99 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1999, referenced in Section 611.611.

ASTM Method D1179-04 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 2004, referenced in Section 611.611.

ASTM Method D1179-10 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 2010, referenced in Section 611.611.

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water," reapproved 1992, referenced in Section 611.381.

ASTM Method D1253-96, "Standard Test Method for Residual Chlorine in Water," approved 1996, referenced in Section 611.381.

ASTM Method D1253-03, "Standard Test Method for Residual Chlorine in Water," approved 2003, referenced in Sections 611.381 and 611.531.

ASTM Method D1253-08, "Standard Test Method for Residual Chlorine in Water," approved 2008, referenced in Sections 611.381 and 611.531.

ASTM Method D1293-95 A or B, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved 1995, referenced in Section 611.611.

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ASTM Method D1293-99 A or B, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved 1999, referenced in Section 611.611.

ASTM Method D1293-12, "Standard Test Methods for pH of Water," approved 2012, referenced in Section 611.611.

ASTM Method D1688-95 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1995, referenced in Section 611.611.

ASTM Method D1688-02 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2002, referenced in Section 611.611.

ASTM Method D1688-07 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2007, referenced in Section 611.611.

ASTM Method D2036-98 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved 1998, referenced in Section 611.611.

ASTM Method D2036-06 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved 2006, referenced in Section 611.611.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," approved July 28, 1972, discontinued 1988, referenced in Section 611.720.

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ASTM Method D2460-97, "Standard Test Method for Radionuclides of Radium in Water," approved 1997, referenced in Section 611.720.

ASTM Method D2460-07, "Standard Test Method for Radionuclides of Radium in Water," approved 2007, referenced in Section 611.720.

ASTM Method D2907-97, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," approved 1997, referenced in Section 611.720.

ASTM Method D2972-97 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1997, referenced in Section 611.611.

ASTM Method D2972-03 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

ASTM Method D2972-08 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3223-97, "Standard Test Method for Total Mercury in Water," approved 1997, referenced in Section 611.611.

ASTM Method D3223-02, "Standard Test Method for Total Mercury in Water," approved 2002, referenced in Section 611.611.

ASTM Method D3223-12, "Standard Test Method for Total Mercury in Water," approved 2012, referenced in Section 611.611.

ASTM Method D3454-97, "Standard Test Method for Radium-226 in Water," approved 1997, referenced in Section 611.720.

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ASTM Method D3454-05, "Standard Test Method for Radium-226 in Water," approved 2005, referenced in Section 611.720.

ASTM Method D3559-96 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved August 6, 1990, referenced in Section 611.611.

ASTM Method D3559-03 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

ASTM Method D3559-08 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3645-97 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 1997, referenced in Section 611.611.

ASTM Method D3645-03 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

ASTM Method D3645-08 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1991, referenced in Section 611.720.

ASTM Method D3649-98a, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1998, referenced in Section 611.720.

ASTM Method D3649-06, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 2006, referenced in Section 611.720.

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ASTM Method D3697-92, "Standard Test Method for Antimony in Water," approved 1992, referenced in Section 611.611.

ASTM Method D3697-02, "Standard Test Method for Antimony in Water," approved 2002, referenced in Section 611.611.

ASTM Method D3697-07, "Standard Test Method for Antimony in Water," approved 2007, referenced in Section 611.611.

ASTM Method D3859-98 A and B, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method" & "Method B – Atomic Absorption, Graphite Furnace," approved 1998, referenced in Section 611.611.

ASTM Method D3859-03 A and B, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method" & "Method B – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.

ASTM Method D3859-08 A and B, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method" & "Method B – Atomic Absorption, Graphite Furnace," approved 2008, referenced in Section 611.611.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water," "Test Method A – Automated Cadmium Reduction" & "Test Method B – Manual Cadmium Reduction," approved January 10, 1990, referenced in Section 611.611.

ASTM Method D3972-97, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 1997, referenced in Section 611.720.

ASTM Method D3972-02, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 2002, referenced in Section 611.720.

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ASTM Method D3972-09, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 2009, referenced in Section 611.720.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water," approved 1991, referenced in Section 611.720.

ASTM Method D4107-98, "Standard Test Method for Tritium in Drinking Water," approved 1998, referenced in Section 611.720.

ASTM Method D4107-08, "Standard Test Method for Tritium in Drinking Water," approved 2008, referenced in Section 611.720.

ASTM Method D4327-97, "Standard Test Method for Anions in Water by Ion Chromatography," approved 1997, referenced in Section 611.611.

ASTM Method D4327-03, "Standard Test Method for Anions in Water by Ion Chromatography," approved 2003, referenced in Section 611.611.

ASTM Method D4327-11, "Standard Test Method for Anions in Water by Ion Chromatography," approved 2011, referenced in Section 611.611.

ASTM Method D4785-93, "Standard Test Method for Low-Level Iodine-131 in Water," approved 1993, referenced in Section 611.720.

ASTM Method D4785-98, "Standard Test Method for Low-Level Iodine-131 in Water," approved 1998, referenced in Section 611.720.

ASTM Method D4785-08, "Standard Test Method for Low-Level Iodine-131 in Water," approved 2008, referenced in Section 611.720.

ASTM Method D5174-97, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved

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1997, referenced in Section 611.720.

ASTM Method D5174-02, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 2002, referenced in Section 611.720.

ASTM Method D5174-07, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 2007, referenced in Section 611.720.

ASTM Method D5317-93, "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1993, referenced in Section 611.645.

ASTM Method D5317-98 (2003), "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1998 (reapproved 2003), referenced in Section 611.645.

ASTM Method D5673-03, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2003, referenced in Section 611.720.

ASTM Method D5673-05, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2005, referenced in Section 611.720.

ASTM Method D5673-10, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2010, referenced in Section 611.720.

ASTM Method D6239-09, "Standard Test Method for Uranium in Drinking Water by High-Resolution Alpha-Liquid-Scintillation Spectrometry," approved 2009, referenced in Section 611.720.

ASTM Method D6508-00(2005), "Standard Test Method for Determination of Dissolved Inorganic Anions in Aqueous Matrices

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Using Capillary Ion Electrophoresis and Chromate Electrolyte," approved 2000 (revised 2005), referenced in Section 611.611.

ASTM Method D6581-00, "Standard Test Method for Bromate, Bromide, Chlorate, and Chlorite in Drinking Water by Chemically Suppressed Ion Chromatography," approved 2000, referenced in Section 611.381.

ASTM Method D6581-08 A and B, "Standard Test Method for Bromate, Bromide, Chlorate, and Chlorite in Drinking Water by Suppressed Ion Chromatography," "Test Method A – Chemically Suppressed Ion Chromatography" & "Test Method B – Electrolytically Suppressed Ion Chromatography," approved 2008, referenced in Section 611.381.

ASTM Method D6919-03, "Standard Test Method for Determination of Dissolved Alkali and Alkaline Earth Cations and Ammonium in Water and Wastewater by Ion Chromatography," approved 2003, referenced in Section 611.611.

ASTM Method D6919-09, "Standard Test Method for Determination of Dissolved Alkali and Alkaline Earth Cations and Ammonium in Water and Wastewater by Ion Chromatography," approved 2009, referenced in Section 611.611.

ASTM Method D6888-04, "Standard Test Method for Available Cyanide with Ligand Displacement and Flow Injection Analysis (FIA) Utilizing Gas Diffusion Separation and Amperometric Detection," approved 2004, referenced in Section 611.611.

BOARD NOTE: The most recent version of ASTM methods are available for paid download from the ASTM at www.astm.org. Note that the most recent version of an ASTM method may not be the version approved for use by USEPA and incorporated by reference in subsection (b) of this Section.

Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089.

"Fluoride in Water and Wastewater," Industrial Method #129-

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71W, December 1972 (referred to as "Technicon Methods, Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (2014), referenced in Section 611.611.

"Fluoride in Water and Wastewater," #380-75WE, February 1976 (referred to as "Technicon Methods, Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (2014), referenced in Section 611.611.

Charm Sciences, Inc., 659 Andover St., Lawrence, MA 01843-1032:

"Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998 (referred to as "E*Colite Test"), referenced in Section 611.802 and 611.1052 (also available from USEPA, Water Resource Center).

"Fast Phage Test Procedure. Presence/Absence for Coliphage in Ground Water with Same Day Positive Prediction," version 009 (Nov. 2012) (referred to as "Charm Fast Phage Test"), referenced in Section 611.802.

CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA 95403 (800-878-7654 /fax: 707-545-7901/Internet address: www.cpiinternational.com).

"Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," August 2001, referenced in Section 611.526.

"Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water (ATP D05-0035)," August 2009 (referred to as "Modified Colitag™ Test"), referenced in Sections 611.526 and 611.802. See also NEMI.

EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821 (800-645-5476 or 781-533-6000).

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"Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000 (referred to as "Chromocult® Method, Version 1.0"), referenced in Sections 611.526, 611.802, and 611.1052.

"Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000 (referred to as "Readycult® 2000"), Version 1.0, referenced in Section 611.526.

"Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1, January 2007 (referred to as "Readycult® 2007"), referenced in Section 611.802 and 611.1052.

Georgia Tech Research Institute, Robert Rosson, 925 Dalney Road, Atlanta, GA 30332 (404-407-6339).

"The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge(Li) Detectors," Revision 1.2, December 2004 (called "Georgia Radium Method"), referenced in Section 611.720.

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223.

GLI Method 2, "Turbidity," Nov. 2, 1992, referenced in Section 611.531.

H&E Testing Laboratory, 221 State Street, Augusta, ME 04333 (207-287-2727).

Method ME355.01, Revision 1, "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," May 2009, referenced in Section 611.611. See also NEMI.

The Hach Company, P.O. Box 389, Loveland, CO 80539-0389 (800-227-4224/Internet address: www.hach.com).

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"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999, referenced in Section 611.611.

"Determination of Turbidity by Laser Nephelometry," January 2000, Revision 2.0 (referred to as "Hach FilterTrak Method 10133"), referenced in Section 611.531.

"Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, Revision 2, August 17, 1999 (referred to as "m-ColiBlue24 Test"), referenced in Sections 611.802 and 611.1052 (also available from USEPA, Water Resource Center).

"Fluoride, USEPA SPADNS 2 Method 10225," revision 2.0, January 2011 (referred to as "Hach SPADNS 2 Method 10225"), referenced in Section 611.611.

"Hach Company TNTplus 835/836 Nitrate Method 10206 – Spectrophotometric Measurement of Nitrate in Water and Wastewater," revision 2.0, January 2011 (referred to as "Hach TNTplus 835/836 Method 10206"), referenced in Section 611.611.

"Hach Method 10260 – Determination of Chlorinated Oxidants (Free and Total) in Water Using Disposable Planar Reagent-filled Cuvettes and Mesofluic Channel Colorimetry," April 2013 (referred to as "Hach Method 10260"), referenced in Sections 611.381 and 611.531.

IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092 (800-321-0207).

"Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," February 28, 1994 (referred to as "Colisure™ Test"), referenced in Section 611.526.

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"IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000 (referred to as "SimPlate method"), referenced in Section 611.531.

Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.

Method D99-003, Revision 3.0, "Free Chlorine Species (HOCl⁻ and OCl⁻) by Test Strip," November 21, 2003 (referred to as "ITS Method D99-003"), referenced in Section 611.381.

Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218 (414-358-4200).

"Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," Revision 2.1, November 30, 2000 (referred to as "QuikChem Method 10-204-00-1-X"), referenced in Section 611.611.

Leck Mitchell, PhD, PE, 656 Independence Valley Dr., Grand Junction, CO 81507. See also NEMI.

Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531.

Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301-657-2652).

NCRP Report Number 22, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, June 5, 1959, referenced in Section 611.101.

NEMI. National Environmental Method Index (on-line at www.nemi.gov).

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AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009. See also SWAN Analytische Instrumente AG.

Method ME355.01, Revision 1, "Determination of Cyanide in Drinking Water by GC/MS Headspace Analysis," May 2009, referenced in Section 611.611. See also H&E Testing Laboratory.

Mitchell Method M5271, "Determination of Turbidity by Laser Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE.

Mitchell Method M5331, "Determination of Turbidity by LED Nephelometry," March 2009, referenced in Section 611.531. See also Leck Mitchell, PhD, PE.

Modified Colitag™ Method, "Modified Colitag™ Test Method for Simultaneous Detection of E. coli and other Total Coliforms in Water (ATP D05-0035)," August 2009, referenced in Sections 611.526 and 611.802. See also CPI International, Inc.

Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also Thermo Scientific.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009 (referred to as "Palintest ChloroSense"), referenced in Sections 611.381 and 611.531. See also Palintest.

"Systea Easy (1-Reagent) Nitrate Method," February 2009, referenced in Section 611.611. See also Systea Scientific, LLC.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (734-769-8010).

NSF Standard 61, section 9, November 1998, referenced in Sections 611.126 and 611.356.

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NTIS. National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 (703-605-6000 or 800-553-6847, www.ntis.gov).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, Revision B, EPA 821/B-94/005, Doc. No. 94-104774, referenced in Section 611.645. See also USEPA, NSCEP.

Kelada 01, "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, and Thiocyanate," Revision 1.2, August 2001, EPA 821/B-01-009, referenced in Section 611.611.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce, referenced in Section 611.330.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA, referenced in Section 611.720.

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA 600/4-83-043, September 1983, Doc. No. PB83-260471, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," EPA 600/R-94-134, June 1994, Doc. No. PB94-201902, referenced in Section 611.611. See also USEPA, NSCEP.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, Doc. No. PB94-121811, referenced in Sections 611.381, 611.531, and 611.611.

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(Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also USEPA, NSCEP.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, EPA 600/R-94-111, Doc. No. PB95-125472, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also USEPA, NSCEP.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, Doc. No. PB84-128677, referenced in Section 611.611. (Methods 150.1, 150.2, and 245.2 only.) See also USEPA, NSCEP.

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), Doc. No. PB253258, March 1976, referenced in Section 611.720.

USEPA OGWDW Methods, Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, Doc. No. PB2003-107402, referenced in Sections 611.381 and 611.382. See also USEPA, NSCEP and USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, Doc. No. PB2000-106981, referenced in Section 611.381. (For methods 300.1 (rev. 1.0), 321.8 (rev. 1.0), and 515.3 (rev. 1.0).) See also USEPA, NSCEP.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, Doc. No. PB91-231480, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic

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Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, Doc. No. PB91-146027, referenced in Section 611.645 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, Doc. No. PB92-207703, referenced in Sections 611.381 and 611.645. (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, Doc. No. PB95-261616, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 1.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only.) See also USEPA, EMSL and USEPA, NSCEP.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980, Doc. No. PB80-224744, referenced in Section 611.720 (Methods 900.0, 901.0, 901.1, 902.0, 903.0, 903.1, 904.0, 905.0, 906.0, 908.0, 908.1). See also USEPA, NSCEP.

USEPA Radiochemical Analyses, "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917, referenced in Section 611.720. (Pages 1-5, 19-32, 33-48, 65-73, 87-91, and 92-95 only.)

USEPA Radiochemistry Procedures, "Radiochemistry Procedures Manual," EPA 520/5-84-006, August 1984, Doc. No. PB84-215581, referenced in Section 611.720. (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04 only.)

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," EPA 600/R-94/173, October 1994, Doc. No. PB95-104766, referenced in Sections 611.531, 611.611, and 611.645. See also USEPA, NSCEP.

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BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2014): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173."

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

"Determination of Radium 228 in Drinking Water," August 1990 (referred to as "New Jersey Radium Method"), referenced in Section 611.720.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

"Determination of Ra-226 and Ra-228 (Ra-02)," January 1980, Revised June 1982 (referred to as "New York Radium Method"), referenced in Section 611.720.

Palintest, Ltd., 21455 Jamike Avenue, Suite 100, Erlanger, KY (800-835-9629).

ChlordioX Plus Test, "Chlorine Dioxide and Chlorite in Drinking Water by Amperometry using Disposable Sensors," November 2013, referenced in Sections 611.381 and 611.531.

Palintest Method 1001, "Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999, referenced in Section 611.611.

Palintest ChloroSense, "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009 (referred to as "Palintest ChloroSense"), referenced in Sections 611.381 and 611.531. See also NEMI.

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Standard Methods Online, available online from the Standard Methods Organization at www.standardmethods.org.

Method 3113 B-04, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 9230 B-04, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

BOARD NOTE: Where, in appendix A to subpart C of 40 CFR 141 (2014), USEPA has authorized use of an approved alternative method from Standard Methods Online, and that version of the method appears also in Standard Methods, 21st or 22nd ed., the Board cites only to Standard Methods, 21st or 22nd ed. for that method. The methods that USEPA listed as available from Standard Methods Online, and which are listed above as in Standard Methods, 21st or 22nd edition, are the following: 2320 B-97 (for alkalinity), 3112 B-09 (for mercury), 3114 B-09 (for arsenic and selenium), 4500-P E-99 and 4500-P F-99; (for orthophosphate); 4500-SO₄⁻² C-97, 4500-SO₄⁻² D-97, 4500-SO₄⁻² E-97, and 4500-SO₄⁻² F-97 (for sulfate); 6640 B-01 (for 2,4-D, 2,4,5-TP (silvex), dalapon, dinoseb, pentachlorophenol, and picloram); 5561 B-00 (for glyphosate); and 9223 B-97 (for E. coli). Since each method is the same version from both sources, the Board views a copy from Standard Methods Online as equivalent to a copy from Standard Methods Online, even though the Board does not also cite to Standard Methods Online. The Board intends that use of the version of the method that is incorporated by reference is acceptable from either source.

SWAN Analytische Instrumente AG, Studbachstrasse 13, CH-8340, Hinwil, Switzerland.

AMI Turbiwell Method, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009, referenced in Section 611.531. See also NEMI.

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Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419 (336-632-6000).

"Atrazine in Drinking Water by Immunoassay," February 2001 (referred to as "Syngenta AG-625"), referenced in Section 611.645.

Systea Scientific LLC, 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

Systea Easy (1-Reagent), "Systea Easy (1-Reagent) Nitrate Method," February 2009, referenced in Section 611.611. See also NEMI.

Thermo Scientific, 166 Cummings Center, Beverly, MA 01915 (800-225-1480 or www.thermo.com).

Orion Method AQ4500, "Determination of Turbidity by LED Nephelometry," May 2009, referenced in Section 611.531. See also NEMI.

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water," July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601"), referenced in Section 611.611.

USDHS, STD. United States Department of Homeland Security, Science and Technology Directorate (formerly United States Department of Energy, Environmental Measurements Laboratory), currently available online in the 28th edition only, at www.nbl.doe.gov/EML_Legacy_Website/procman.htm.

"EML Procedures Manual," HASL 300, 27th Edition, Volume 1, 1990 (referred to as "EML Procedures Manual (27th ed.)"), referenced in Section 611.720.

"EML Procedures Manual," HASL 300, 28th ed., 1997 (referred to as "EML Procedures Manual (28th ed.)"), referenced in Section 611.720.

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BOARD NOTE: Although only the 28th edition is currently available, USEPA has approved use of the methods from the 27th edition also. The Board has retained the reference to the 27th edition for the benefit of any laboratory that may be using that edition.

USEPA, EMSL. United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, OH 45268 (513-569-7586).

USEPA Interim Radiochemical Methods, "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976, referenced in Section 611.720. See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988 (revised July 1991), EPA 600/4-88/039, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, referenced in Sections 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, NSCEP.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," EPA-R4-73-014, May 1973, referenced in Section 611.720. See also NTIS.

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419,

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Cincinnati, OH 45242-0419 (accessible on-line and available by download from <http://www.epa.gov/nscep/>).

Dioxin and Furan Method 1613, Revision B, "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA 821/B-94/005, referenced in Section 611.645. See also NTIS.

Guidance Manual for Filtration and Disinfection, "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources," March 1991, EPA 570/3-91-001, referenced in Section 611.111.

USEPA Asbestos Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, EPA 600/4-83-043, referenced in Section 611.611. See also NTIS.

USEPA Asbestos Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, EPA 600/R-94-134, referenced in Section 611.611. See also NTIS.

USEPA Environmental Inorganic Methods, "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, referenced in Sections 611.381, 611.531, and 611.611. (Methods 180.1 (rev. 2.0), 300.0 (rev. 2.1), 335.4 (rev. 1.0), 353.2 (rev. 2.0), and 365.1 (rev. 2.0) only.) See also NTIS.

USEPA Environmental Metals Methods, "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, EPA 600/R-94-111, referenced in Sections 611.611, 611.612, and 611.720. (Methods 200.7 (rev. 4.4), 200.8 (rev. 5.3), 200.9 (rev. 2.2), and 245.1 (rev. 3.0) only.) See also NTIS.

USEPA Inorganic Methods, "Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, referenced in

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Section 611.611. (Methods 150.1, 150.2, and 245.2 only.) See also NTIS.

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection," September 2009, EPA 815/B-09/014, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 317.0, rev. 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," July 2001, EPA 815/B-01/001, referenced in Sections 611.381 and 611.382. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 326.0, rev. 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," June 2002, EPA 815/R-03/007, referenced in Sections 611.381 and 611.382. See also NTIS and USEPA, OGWDW.

USEPA OGWDW Methods, Method 327.0, rev. 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," May 2005, EPA 815/R-05/008, referenced in Sections 611.381 and 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 523, ver. 1.0, "Determination of Triazine Pesticides and Other Degradates in Drinking Water by Gas Chromatography/Mass Spectrometry (GC/MS)," February

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2011, EPA 815/R-11/002, referenced in Section 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 531.2, rev. 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf"), referenced in Section 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 552.3, rev. 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-Liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381, 611.382, and 611.645. See also USEPA, OGWDW.

USEPA OGWDW Methods, Method 1622 (01), "Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, referenced in Section 611.1007. See also USEPA, OGWDW.

USEPA Organic and Inorganic Methods, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," August 2000, EPA 815/R-00/014, referenced in Section 611.381. (Methods 300.1 (rev. 1.0), 321.8 (rev. 1.0), and 515.3 (rev. 1.0) only.) See also NTIS.

USEPA Organic Methods, "Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039, referenced in Sections 611.645 and 611.648 (Methods 508A (rev. 1.0) and 515.1 (rev. 4.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020,

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referenced in Section 611.645 and 611.648 (Methods 547, 550, and 550.1 only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, referenced in Sections 611.381 and 611.645 (Methods 548.1 (rev. 1.0), 552.1 (rev. 1.0), and 555 (rev. 1.0) only); "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, referenced in Sections 611.381, 611.645, and 611.648 (Methods 502.2 (rev. 2.1), 504.1 (rev. 1.1), 505 (rev. 2.1), 506 (rev. 1.1), 507 (rev. 2.1), 508 (rev. 3.1), 508.1 (rev. 2.0), 515.2 (rev. 4.1), 524.2 (rev. 4.1), 525.2 (rev. 2.0), 531.1 (rev. 3.1), 551.1 (rev. 1.0), and 552.2 (rev. 1.0) only). See also NTIS and USEPA, EMSL.

USEPA Radioactivity Methods, "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," August 1980, EPA 600/4-80/032, referenced in Section 611.720. (For methods 900.0, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1 only.) See also NTIS.

USEPA Technical Notes, "Technical Notes on Drinking Water Methods," October 1994, EPA 600/R-94/173, referenced in Sections 611.531, 611.611, and 611.645. See also NTIS.

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2014): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173."

USEPA, OGWDW. United States Environmental Protection Agency, Office of Ground Water and Drinking Water (accessible on-line and available by download from <http://www.epa.gov/safewater/methods/>).

USEPA OGWDW Methods, Method 302.0, "Determination of Bromate in Drinking Water Using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,"

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September 2009, EPA 815/B-09/014, referenced in Section 611.381. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 317.0, rev. 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," USEPA, July 2001, EPA 815/B-01/001, referenced in Section 611.381. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 326.0, rev. 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," USEPA, June 2002, EPA 815/R-03/007, referenced in Section 611.381. See also NTIS and USEPA, NSCEP.

USEPA OGWDW Methods, Method 327.0, rev. 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815/R-05/008, referenced in Sections 611.381 and 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 334.0, "Determination of Residual in Drinking Water Using an On-line Chlorine Analyzer," USEPA, August 2009, EPA 815/B-09/013, referenced in Section 611.531. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 515.4, rev. 1.0, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," April 2000, EPA 815/B-00/001 (document file name "met515_4.pdf"), referenced in Section 611.645.

USEPA OGWDW Methods, Method 523, ver. 1.0, "Determination of Triazine Pesticides and Other Degradates in Drinking Water by

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Gas Chromatography/Mass Spectrometry (GC/MS)," February 2011, EPA 815/R-11/002, referenced in Section 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 524.3, rev. 1.0, "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry," June 2009, EPA 815/B-09/009, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 524.4, "Measurement of Purgeable Organic Compounds in Water by Gas Chromatography/Mass Spectrometry Using Nitrogen Purge Gas," May 2013, EPA 815/R-13/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 531.2, rev. 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf"), referenced in Section 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 536, ver. 1.0, "Determination of Triazine Pesticides and Other Degradates in Drinking Water by Liquid Chromatography Electrospray Ionization Tandem Mass Spectrometry (LC/ESI-MS/MS)," October 2007, EPA 815/R-07/002, referenced in Section 611.645.

USEPA OGWDW Methods, Method 552.3, rev. 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," USEPA, July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645.

USEPA OGWDW Methods, Method 557, "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass

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Spectrometry," July 2003, EPA 815/B-03/002, referenced in Sections 611.381 and 611.645. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (05), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/001, referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1622 (01), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, referenced in Section 611.1007. See also USEPA, NSCEP.

USEPA OGWDW Methods, Method 1622 (99), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 1999, EPA 821/R-99/001, referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (05), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/002, referenced in Sections 611.1004 and 611.1007.

USEPA OGWDW Methods, Method 1623 (01), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/025, referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623 (99), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," January 1999, EPA 821/R-99/006, referenced in Section 611.1007.

USEPA OGWDW Methods, Method 1623.1, "Method 1623.1: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," January 2012, EPA 816/R-12/001, referenced in Section 611.1004.

BOARD NOTE: Many of the above-listed documents available from the USEPA, Office of Ground Water and Drinking Water are also listed as available from NTIS.

USEPA, ORD. USEPA, Office of Research and Development, National

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Exposure Research Laboratory, Microbiological & Chemical Exposure Assessment Research Division (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/ordmeth.htm>).

USEPA NERL Method 200.5, rev. 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115, referenced in Sections 611.611 and 611.612.

USEPA NERL Method 415.3, rev. 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," February 2005, EPA 600/R-05/055, referenced in Section 611.381.

USEPA NERL Method 415.3, rev. 1.2, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," September 2009, EPA 600/R-09/122, referenced in Section 611.381.

USEPA NERL Method 525.3, ver. 1.0, "Determination of Total Semivolatile Organic Chemicals in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)," February 2012, EPA 600/R-12/010, referenced in Section 611.645.

USEPA NERL Method 549.2, rev. 1.0, "Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection," June 1997, referenced in Section 611.645.

USEPA, Water Resource Center (RC-4100T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460:

E*Colite Test, "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998, referenced in Sections 611.802 and 611.1052. See also Charm Sciences, Inc.

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m-ColiBlue24 Test, "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, rev. 2, August 17, 1999, referenced in Sections 611.802 and 611.1052. See also The Hach Company.

USEPA Method 1600, "Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," September 2002, EPA 821/R-02/022 is an approved variation of Standard Methods, Method 9230 C, "Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques" (which has not itself been approved for use by USEPA) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1600sp02.pdf>), referenced in Section 611.802.

USEPA Method 1601, "Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," April 2001, EPA 821/R-01/030 (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1601ap01.pdf>), referenced in Section 611.802.

USEPA Method 1602, "Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," April 2001, EPA 821/R-01/029 (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1602ap01.pdf>), referenced in Section 611.802.

USEPA Method 1604, "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," September 2002, EPA 821/R-02/024 (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1604sp02.pdf>), referenced in Sections 611.802 and 611.1052.

USGS. United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Method available upon request by method number from "Methods

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for Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993 (referred to as "USGS Methods").

I-2601-90, referenced in Section 611.611.

Methods available upon request by method number from Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., USGS Techniques of Water-Resource Investigation: 05-A1, 1989 (referred to as "USGS Methods").

I-1030-85, referenced in Section 611.611.

I-1601-85, referenced in Section 611.611.

I-1700-85, referenced in Section 611.611.

I-2598-85, referenced in Section 611.611.

I-2700-85, referenced in Section 611.611.

I-3300-85, referenced in Section 611.611.

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey," 1977.

R-1110-76, referenced in Section 611.720.

R-1111-76, referenced in Section 611.720.

R-1120-76, referenced in Section 611.720.

R-1140-76, referenced in Section 611.720.

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R-1141-76, referenced in Section 611.720.

R-1142-76, referenced in Section 611.720.

R-1160-76, referenced in Section 611.720.

R-1171-76, referenced in Section 611.720.

R-1180-76, referenced in Section 611.720.

R-1181-76, referenced in Section 611.720.

R-1182-76, referenced in Section 611.720.

BOARD NOTE: USGS methods are freely available for download in an electronic format from the USGS Publications Warehouse, at pubs.er.usgs.gov/. Sections 611.611 and 611.720 do not distinguish the volume in which each USGS method appears. The distinction as to which volume where a particular method appears is made in this incorporation by reference.

Veolia Water Solutions and Technologies, Suite 4697, Biosciences Complex, 116 Barrie Street, Kingston, Ontario, Canada K7L 3N6.

"Tecta EC/TC P-A Test, "[TECTA™ EC/TC medium and the TECTA™ Instrument: a Presence/Absence Method for Simultaneous Detection of Total Coliforms and Escherichia coli \(E. coli\) in Drinking Water](#)," April 2014, referenced in Section 611.526.

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 (800-252-4752 or 508-478-2000, www.waters.com).

"Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011"), referenced in Section 611.611.

- c) The Board incorporates the following federal regulations by reference:

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40 CFR 3.2 (2014) (How Does This Part Provide for Electronic Reporting?), referenced in Section 611.105.

40 CFR 3.3 (2014) (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

40 CFR 3.10 (2014) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

40 CFR 3.2000 (2014) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

40 CFR 136.3(a) (2014), referenced in Section 611.1004.

Appendix B to 40 CFR 136 (2014), referenced in Sections 611.359, 611.609, and 611.646.

40 CFR 142.20(b)(1) (2014), referenced in Section 611.112.

Subpart G of 40 CFR 142 (2014), referenced in Section 611.113.

d) This Part incorporates no later amendments or editions.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six months after the Agency determines that the groundwater source is under the direct influence of surface

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water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place.

- a) Source water quality information must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:
 - 1) The cumulative number of months for which results are reported.
 - 2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.
 - 3) The number of samples during the month that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed.
 - 4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.
 - 5) The cumulative number of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
 - 6) The percentage of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
 - 7) The maximum turbidity level measured during the month, the dates of occurrence for any measurements that exceeded 5 NTU and the dates the occurrences were reported to the Agency.
 - 8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year

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of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

- 9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.
- b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:
- 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The daily RDCs (in mg/ℓ) and disinfectant contact times (in minutes) used for calculating the CT values.
 - 4) If chlorine is used, the daily measurements of pH of disinfected water following each point of chlorine disinfection.
 - 5) The daily measurements of water temperature in degrees C following each point of disinfection.
 - 6) The daily CT_{calc} and A_i values for each disinfectant measurement or sequence and the sum of all A_i values (B) before or at the first customer.
 - 7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether A_i is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.

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- 8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 through 611.242:
- A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is measured;
 - C) Number of instances where the RDC is measured but not detected and no HPC is measured;
 - D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
 - E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
 - F) For the current and previous month the system served water to the public, the value of "V" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

where the terms mean the following:

- a = Value in subsection (b)(8)(A) of this Section;
 - b = Value in subsection (b)(8)(B) of this Section;
 - c = Value in subsection (b)(8)(C) of this Section;
 - d = Value in subsection (b)(8)(D) of this Section; and
 - e = Value in subsection (b)(8)(E) of this Section.
- G) The requirements of subsections (b)(8)(A) through (b)(8)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

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- 9) A system need not report the data listed in subsections (b)(1) and (b)(3) through (b)(6) of this Section, if all data listed in subsections (b)(1) through (b)(8) of this Section remain on file at the system, and the Agency determines, by a SEP issued pursuant to Section 611.110, that the following is true:
 - A) The system has submitted to the Agency all the information required by subsections (b)(1) through (b)(8) of this Section for at least 12 months; and
 - B) The Agency has determined that the system is not required to provide filtration treatment.
- c) By October 10 of each year, each system must provide to the Agency a report that summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).
- d) By October 10 of each year, each system must provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must provide a copy of its report to the supplier.
- e) Reporting health threats.
 - 1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
 - 2) If at any time the turbidity exceeds 5 NTU, the system must consult with the Agency as soon as practical, but no later than 24 hours after the ~~exceedance~~~~exceedence~~ is known, in accordance with the public notification requirements under Section 611.903(b)(3).
 - 3) If at any time the RDC falls below 0.2 mg/ℓ in the water entering the distribution system, the system must notify the Agency as soon as possible, but no later than by the end of the next business day. The system

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also must notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/ℓ within four hours.

BOARD NOTE: Derived from 40 CFR 141.75(a) (~~20142003~~).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.262 Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Agency the information specified in this Section.

- a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) The total number of filtered water turbidity measurements taken during the month.
 - 2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
 - 3) The date and value of any turbidity measurements taken during the month that exceed 5 NTU.

- b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The following information on the samples taken in the distribution system

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in conjunction with total coliform monitoring pursuant to Sections 611.240 through 611.242:

- A) Number of instances where the RDC is measured;
- B) Number of instances where the RDC is not measured but HPC is measured;
- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the supplier serves water to the public, the value of "V" in the following formula:

$$V = \frac{100 (c + d + e)}{(a + b)}$$

where the terms mean the following:

- a = Value in subsection (b)(3)(A) of this Section;
- b = Value in subsection (b)(3)(B) of this Section;
- c = Value in subsection (b)(3)(C) of this Section;
- d = Value in subsection (b)(3)(D) of this Section; and
- e = Value in subsection (b)(3)(E) of this Section.

- G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

- c) Reporting health threats.

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- 1) Each supplier, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
- 2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the ~~exceedance~~~~exceedence~~ is known, in accordance with the public notification requirements under Section 611.903(b)(3).
- 3) If at any time the residual falls below 0.2 mg/ℓ in the water entering the distribution system, the supplier must notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier also must notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/ℓ within four hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) (~~2014~~~~2003~~).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.351 Applicability of Corrosion Control

- a) Corrosion control required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.
 - 1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must complete the corrosion control treatment steps specified in subsection (d) of this Section, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section.
 - 2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must

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complete the corrosion control treatment steps specified in subsection (e) of this Section, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section.

- b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.
- 1) Small- or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.
 - 2) SEP for equivalent activities to corrosion control. The Agency must, by a SEP issued pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must provide the Agency with the following information in order to support an Agency SEP determination under this subsection (b)(2):
 - A) The results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);

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- B) A report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
 - C) A report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
 - D) The results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).
- A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.
 - B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must have completed a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.

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- C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any upcoming long-term change in treatment or the addition of a new source, as described in that Section. The Agency must review and approve the addition of a new source or any long-term change in water treatment before the addition or long-term change is implemented by the water system.
 - D) A supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.
 - E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).
- c) Suppliers not required to complete corrosion control steps for having met both action levels.
- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its ~~exceedance~~~~exceedence~~ of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:
 - A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356; and
 - B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.

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- 2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section (or the Agency, if appropriate) must resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.
 - 3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must explain the basis for this decision.
 - 4) The requirement for any small- or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section) is triggered whenever any small- or medium-sized system supplier exceeds the lead or copper action level.
- d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section, large system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.
- 1) Step 1: The supplier must have conducted initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.
 - 2) Step 2: The supplier must have completed corrosion control studies (Section 611.352(c)) on or before July 1, 1994.
 - 3) Step 3: The Agency must have approved optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.
 - 4) Step 4: The supplier must have installed optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.

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- 5) Step 5: The supplier must have completed follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
 - 6) Step 6: The Agency must have reviewed installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
 - 7) Step 7: The supplier must operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).
- e) Treatment steps and deadlines for small- and medium-sized system suppliers. Except as provided in subsection (b) of this Section, small- and medium-sized system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) by the indicated time periods.
- 1) Step 1: The supplier must conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after the end of the monitoring period during which it exceeds one of the action levels.
 - 2) Step 2: Within 12 months after the end of the monitoring period during which a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the appropriate of the following timeframes:
 - A) For medium-sized systems, within 18 months after the end of the monitoring period during which such supplier exceeds the lead action level or the copper action level; or

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- B) For small systems, within 24 months after the end of the monitoring period during which such supplier exceeds the lead action level or the copper action level.
- 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section), the supplier must complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.
- 4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section), the Agency must, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six months after completion of step 3 (subsection (e)(3) of this Section).
- 5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.
- 6) Step 6: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.
- 7) Step 7: The Agency must review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six months after completion of step 6 (subsection (e)(6) of this Section).
- 8) Step 8: The supplier must operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 ([20142013](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

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All large system suppliers, and all small- and medium-sized system suppliers that exceed the lead action level or the copper action level, must monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Table G of this Part.

- a) General Requirements.
 - 1) Sample collection methods.
 - A) Use of tap samples. The totality of all tap samples collected by a supplier must be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).
 - B) Use of entry point samples. Each supplier must collect samples at entry points to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
 - 2) Number of samples.
 - A) Tap samples. Each supplier must collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) of this Section from the number of sites indicated in the first column of Table E of this Part.
 - B) Entry point samples.

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- i) Initial monitoring. Except as provided in subsection (c)(3) of this Section, each supplier must collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section.
 - ii) Subsequent monitoring. Each supplier must collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section.
- b) Initial Sampling.
 - 1) Large systems. Each large system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).
 - 2) Small- and medium-sized systems. Each small- and medium-sized system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.
 - 3) Water quality parameters.
 - A) pH;
 - B) Alkalinity;
 - C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
 - D) Silica, when an inhibitor containing a silicate compound is used;

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- E) Calcium;
 - F) Conductivity; and
 - G) Water temperature.
- c) Monitoring after installation of corrosion control.
- 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(A).
 - 2) Small- and medium-sized systems. Each small- or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.
 - 3) Any groundwater system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated groundwater sources mixes with water from treated groundwater sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.
 - 4) Tap water samples, two samples at each tap for each of the following water quality parameters:
 - A) pH;

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- B) Alkalinity;
 - C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
 - D) Silica, when an inhibitor containing a silicate compound is used; and
 - E) Calcium, when calcium carbonate stabilization is used as part of corrosion control.
- 5) Entry point samples, except as provided in subsection (c)(3) of this Section, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:
- A) pH;
 - B) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
 - C) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.
- 1) Large system suppliers. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must measure the applicable water quality parameters in accordance with subsection (c) of this Section and determine compliance with the requirements of Section 611.352(g) every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the Agency specifies the optimal values under Section 611.352(f).

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- 2) Small- and medium-sized system suppliers. Each small- or medium-sized system supplier must conduct such monitoring during each six-month monitoring period specified in this subsection (d) in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level ~~exceedance~~~~exceedence~~, the start of the applicable six-month monitoring period under this subsection (d) must coincide with the start of the applicable monitoring period under Section 611.356(d)(4).
 - 3) Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g).
- e) Reduced monitoring.
- 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section must continue monitoring at the entry points to the distribution system as specified in subsection (c)(4) of this Section. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Table E of this Part during each subsequent six-month monitoring period.
 - 2) Reduction in monitoring frequency.
 - A) Staged reductions in monitoring frequency.
 - i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from every six months to annually. This reduced sampling may only begin during the calendar year immediately following the end of the monitoring period in which the third consecutive year

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of six-month monitoring occurs.

- ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from annually to once every three years. This reduced sampling may only begin no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

B) A water supplier may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates that it has fulfilled the conditions set forth in subsections (e)(2)(B)(i) through (e)(2)(B)(iii) of this Section during two consecutive monitoring periods, subject to the limitation of subsection (e)(2)(B)(iv) of this Section.

- i) The supplier must demonstrate that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B).~~;~~
- ii) The supplier must demonstrate that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/l for copper in Section 611.350(c)(2).~~;~~ ~~and~~
- iii) The supplier must demonstrate that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f).
- iv) Monitoring conducted every three years must be done no later than every third calendar year.

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- 3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.
- 4) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.
- f) Additional monitoring by suppliers. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 [\(2014\)\(2007\)](#), as amended at [72 Fed. Reg. 57782 \(October 10, 2007\)](#).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.358 Monitoring for Lead and Copper in Source Water

- a) Sample location, collection methods, and number of samples.
 - 1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

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- A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

- C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
- D) The Agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/ℓ or the copper concentration is greater than or equal to 0.160 mg/ℓ, then the supplier must do either of the following:
- i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
 - ii) If duplicates of or sufficient quantities from the original

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samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.

- 2) SEP requiring an additional sample.
 - A) When the Agency determines that the results of sampling indicate an ~~exceedance~~ ~~exceedence~~ of the lead or copper MPC established under Section 611.353(b)(4), it must, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.
 - B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.
 - i) Any analytical result below the MDL must be considered as zero for the purposes of averaging.
 - ii) Any value above the MDL but below the PQL must either be considered as the measured value or be considered one-half the PQL.
- b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling must collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Agency has established an alternate monitoring period by a SEP issued pursuant to Section 611.110, the last day of that period.
- c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must collect an

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additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before 36 months after completion of step 2, as specified in Section 611.353(a)(4).

- d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.
 - 1) A supplier must monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).
 - A) GWS suppliers.
 - i) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
 - ii) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during each subsequent compliance period.
 - iii) Triennial samples must be collected every third calendar year.
 - B) A SWS or mixed system supplier must collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
 - 2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section.
- e) Reduced monitoring frequency.

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- 1) A GWS supplier may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 611.101), provided that the samples are collected no later than every ninth calendar year, and only if the supplier meets one of the following criteria:
 - A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or
 - B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/ℓ and the concentration of copper in source water was less than or equal to 0.65 mg/ℓ.

- 2) A SWS or mixed system supplier may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101), provided that the samples are collected no later than every ninth calendar year, and only if the supplier meets one of the following criteria:
 - A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or
 - B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/ℓ and the concentration of copper in source water was less than or equal to 0.65 mg/ℓ.

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- 3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).

BOARD NOTE: Derived from 40 CFR 141.88 ~~(2014)(2007)~~, as amended at 72 Fed. Reg. 57782 (October 10, 2007).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION
BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.383 Compliance Requirements

- a) General requirements.
 - 1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.
 - 2) All samples taken and analyzed under the provisions of this Subpart I must be included in determining compliance, even if that number is greater than the minimum required.
 - 3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that supplier to exceed the MCL for total trihalomethanes, haloacetic acids (five), or bromate or the MRDL for chlorine or chloramine, the supplier is out of compliance at the end of that quarter.

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- b) Disinfection byproducts (DBPs).
 - 1) TTHMs and HAA5.
 - A) For a supplier monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the supplier as prescribed by Section 611.382(b)(1).
 - B) For a supplier monitoring less frequently than quarterly, the supplier demonstrates MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceeds the MCL, the supplier must increase monitoring to once per quarter per treatment plant, and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the supplier is in violation at the end of that quarter. A supplier required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three quarters of monitoring.
 - C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part in addition to reporting to the Agency pursuant to Section 611.384.
 - D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
 - 2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the supplier takes more than one sample, the average of all samples taken

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during the month) collected by the supplier, as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS supplier fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

- 3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- c) Disinfectant residuals.
- 1) Chlorine and chloramines.
 - A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the supplier under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the supplier is in violation of the MRDL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
 - B) In cases where a supplier switches between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate that residual disinfectant was analyzed for each sample.
 - 2) Chlorine dioxide.
 - A) Acute violations. Compliance must be based on consecutive daily

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samples collected by the supplier under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the supplier is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an ~~exceedance~~ ~~exceedence~~ of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for acute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

- B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the supplier is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must notify the public pursuant to the procedures for nonacute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for nonacute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this

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period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDWR. A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Subpart V of this Part.

BOARD NOTE: Derived from 40 CFR 141.133 ([20142006](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.609 Determining Compliance

Compliance with the MCLs of Section 611.300 or 611.301 (as appropriate) must be determined based on the analytical results obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at each sampling point.
 - 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
 - 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
 - 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The "method detection limit" is different from the

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"detection limit," as set forth in Section 611.600. The "method detection limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in appendix B to 40 CFR 136, incorporated by reference at Section 611.102.

- 4) If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by the level of the contaminant at any sampling point. If confirmation samples are required by the Agency, the determination of compliance will be based on the average of the annual average of the initial MCL ~~exceedance~~ and any Agency-required confirmation samples. If a supplier fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite in the initial sample exceed the MCLs, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.
- d) Arsenic sampling results must be reported to the nearest 0.001 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.23(i) (~~2014~~2012).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.732 Beta Particle and Photon Radioactivity

Monitoring and compliance requirements for manmade radioactivity. To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows:

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- a) A CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.
- 1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/l (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in subsection (a) of this Section during the reduced monitoring period.
 - 2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's entry points in accordance with subsection (b)(1) of this Section.
- b) A CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.
- 1) Quarterly monitoring for gross beta particle activity must be based on the

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analysis of monthly samples or the analysis of a composite of three monthly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency must require, by a SEP issued pursuant to Section 611.110, more frequent monitoring for iodine-131 where iodine-131 is identified in the finished water.
- 3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

- 4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/ℓ, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect the same type of samples required in subsection (b) of this Section during the reduced monitoring period.
 - 5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in accordance with subsection (b) of this Section.
- c) A CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b) of this Section.

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- d) A CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.
- e) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the appropriate screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
- f) A supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the ~~exceedance~~exceedence occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in subsection (a)(1) or (b)(4) of this Section.

BOARD NOTE: Derived from 40 CFR 141.26(b) (2014).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION:
SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a PWS supplier subject to the requirements of this Subpart R that provides conventional filtration treatment or direct filtration must report monthly to the Agency the information specified in subsections (a) and (b) of this Section. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a PWS supplier subject to the requirements of this Subpart R that provides filtration approved under Section 611.743(b) must report monthly to

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the Agency the information specified in subsection (a) of this Section. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

- a) Turbidity measurements, as required by Section 611.743, must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported is the following:
 - 1) The total number of filtered water turbidity measurements taken during the month.
 - 2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).
 - 3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for a supplier using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).

- b) A supplier must maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. A supplier must report that it has conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. A supplier must report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the supplier serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (b)(4) of this Section. A supplier that uses lime softening may apply to the Agency for alternative ~~exceedance~~ levels for the levels specified in subsections (b)(1) through (b)(4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.
 - 1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the supplier must report the filter number, the turbidity measurement, and the dates on which the ~~exceedance~~ occurred. In addition, the supplier must either produce a filter profile for the filter within seven days after the ~~exceedance~~ (if the supplier is not able to identify an obvious reason for the abnormal filter performance) and report that the

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profile has been produced or report the obvious reason for the ~~exceedance~~ ~~exceedence~~.

- 2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the supplier must report the filter number, the turbidity, and the dates on which the ~~exceedance~~ ~~exceedence~~ occurred. In addition, the supplier must either produce a filter profile for the filter within seven days after the ~~exceedance~~ ~~exceedence~~ (if the supplier is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the ~~exceedance~~ ~~exceedence~~.
 - 3) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the supplier must report the filter number, the turbidity measurement, and the dates on which the ~~exceedance~~ ~~exceedence~~ occurred. In addition, the supplier must conduct a self-assessment of the filter within 14 days after the ~~exceedance~~ ~~exceedence~~ and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.
 - 4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the supplier must report the filter number, the turbidity measurement, and the dates on which the ~~exceedance~~ ~~exceedence~~ occurred. In addition, the supplier must arrange for the conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the ~~exceedance~~ ~~exceedence~~ and have the evaluation completed and submitted to the Agency no later than 90 days following the ~~exceedance~~ ~~exceedence~~.
- c) Additional reporting requirements.

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- 1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the supplier must consult with the Agency as soon as possible, but no later than the end of the next business day.
- 2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the Agency under Section 611.743(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the supplier must inform the Agency as soon as possible, but no later than the end of the next business day.

BOARD NOTE: Derived from 40 CFR 141.175 ([20142002](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section 611.901 General Public Notification Requirements

The requirements of this Subpart V replace former notice requirements.

- a) Who must give public notice. Each owner or operator of a public water system (a CWS, an NTNCWS, or a transient non-CWS) must give notice for all violations of an NPDWR and for other situations, as listed in this subsection (a). The term "NPDWR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G to this Part identifies the tier assignment for each specific violation or situation requiring a public notice.
 - 1) NPDWR violations.
 - A) A failure to comply with an applicable MCL or MRDL.
 - B) A failure to comply with a prescribed treatment technique.
 - C) A failure to perform water quality monitoring, as required by this Part.

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- D) A failure to comply with testing procedures as prescribed by this Part.
- 2) Relief equivalent to a variance and exemptions under sections 1415 and 1416 of SDWA.
 - A) Operation under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1416 exemption, under Section 611.112.
 - B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1415 exemption, under Section 611.112.
 - 3) Special public notices.
 - A) The occurrence of a waterborne disease outbreak or other waterborne emergency.
 - B) An ~~exceedance~~~~exceedence~~ of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).
 - C) The notice required by Section 611.908 for an exceedance~~An exceedence~~ of 2 mg/l fluoride (the federal secondary MCL for fluoride (see 40 CFR 143.3))~~standard of Section 611.858.~~

BOARD NOTE: See the Board Note appended to Section 611.908 for explanation.

 - D) The availability of unregulated contaminant monitoring data collected as required by USEPA pursuant to 40 CFR 141.40.
 - E) Other violations and situations determined by the Agency by a SEP issued pursuant to Section 611.110 to require a public notice under this Subpart V, not already listed in Appendix G of this Part.
- b) The type of public notice required for each violation or situation. The public

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notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) of this Section are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Tier 1 public notice: required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
 - 2) Tier 2 public notice: required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
 - 3) Tier 3 public notice: required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.
- c) Who must receive notice.
- 1) Each PWS supplier must provide public notice to persons served by the water supplier, in accordance with this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.
 - 2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system that is out of compliance. Permission by the Agency for limiting distribution of the notice must be granted in writing, by a SEP issued pursuant to Section 611.110.
 - 3) A copy of the notice must also be sent to the Agency, in accordance with the requirements under Section 611.840(d).

BOARD NOTE: Derived from 40 CFR 141.201 (2014).

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.902 Tier 1 Public Notice: Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation. The violation categories include:
- 1) Until March 31, 2016, violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525). Beginning April 1, 2016, violation of the MCL for E. coli (as specified in Section 611.325(c)).
 - 2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier's receipt of the results from the first sample showing an ~~exceedance~~ ~~exceedence~~ of the nitrate or nitrite MCL, as specified in Section 611.606(b).
 - 3) ~~Exceedance~~ ~~Exceedence~~ of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909.
 - 4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an ~~exceedance~~ ~~exceedence~~ of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A).
 - 5) This subsection (a)(5) refers to a violation of the former turbidity standard of Section 611.320, which the Board repealed because it applied to no suppliers in Illinois. This statement maintains structural consistency with the federal regulations.

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- 6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single ~~exceedance~~ ~~exceedence~~ of the maximum allowable turbidity limit (as identified in Appendix G), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation.
 - 7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination).
 - 8) Detection of E. coli, enterococci, or coliphage in source water samples, as specified in Section 611.802(a) and (b).
 - 9) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by a SEP issued pursuant to Section 611.110.
- b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must do the following:
- 1) It must provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;
 - 2) It must initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and
 - 3) It must comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

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- c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:
- 1) Appropriate broadcast media (such as radio and television);
 - 2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;
 - 3) Hand delivery of the notice to persons served by the water supplier; or
 - 4) Another delivery method approved in writing by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.202 ([20142013](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.903 Tier 2 Public Notice: Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 2 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.
- 1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 1 notice is required.
 - 2) Violations of the monitoring and testing procedure requirements, where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.

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- 3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA section 1415 variance or a SDWA section 1416 exemption in place.
 - 4) Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer pursuant to Section 611.803(a).
- b) When Tier 2 public notice is to be provided.
- 1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by a SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.
 - 2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL or treatment technique violation under the Total Coliform Rule or Subpart AA of this Part or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.
 - 3) For the turbidity violations specified in this subsection (b)(3), a PWS

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supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

- A) Violation of the turbidity MCL under Section 611.320(b); or
 - B) Violation of the SWTR, IESWTR, or treatment technique requirement resulting from a single ~~exceedance~~ exceedence of the maximum allowable turbidity limit.
- c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:
- 1) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by the following:
 - A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and
 - B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to

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others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

- 2) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following means:
 - A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and
 - B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

BOARD NOTE: Derived from 40 CFR 141.203 ([20142013](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.904 Tier 3 Public Notice: Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 3 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 3 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.
 - 1) Monitoring violations under this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;
 - 2) Failure to comply with a testing procedure established in this Part, except

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where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

- 3) Operation under relief equivalent to a SDWA section 1415 variance granted under Section 611.111 or relief equivalent to a SDWA section 1416 exemption granted under Section 611.112;
- 4) Availability of unregulated contaminant monitoring results, as required under Section 611.907;
- 5) The notice for an exceedance~~Exceedence~~ of 2 mg/l fluoride (the federal secondary MCL standard for fluoride (see 40 CFR 143.3))~~under Section 611.858~~, as required under Section 611.908; and

BOARD NOTE: See the Board Note appended to Section 611.908 for explanation.

- 6) Reporting and recordkeeping violations under Subpart AA of this Part.
- b) When the Tier 3 public notice is to be provided.
- 1) A PWS supplier must provide the public notice not later than one year after the supplier learns of the violation or situation or begins operating under relief equivalent to a SDWA section 1415 variance or section 1416 exemption. Following the initial notice, the supplier must repeat the notice annually for as long as the violation, relief equivalent to a SDWA section 1415 variance or section 1416 exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, relief equivalent to a SDWA section 1415 variance or section 1416 exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).
 - 2) Instead of individual Tier 3 public notices, a PWS supplier may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of subsection (b)(1) of this Section are met.
- c) The form and manner of the Tier 3 public notice. A PWS supplier must provide

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the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

- 1) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a CWS supplier must provide notice by the following:
 - A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier; and
 - B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include the following: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.
- 2) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a non-CWS supplier must provide notice by the following:
 - A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and
 - B) Any other method reasonably calculated to reach other persons served by the supplier, if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those who may not see a posted notice

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because the notice is not in a location they routinely pass by. Other methods may include the following: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

- d) When the Consumer Confidence Report may be used to meet the Tier 3 public notice requirements. For a CWS supplier, the Consumer Confidence Report (CCR) required under Subpart U of this Part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as the following is true:
- 1) The CCR is provided to persons served no later than 12 months after the supplier learns of the violation or situation as required under Section 611.904(b);
 - 2) The Tier 3 notice contained in the CCR follows the content requirements under Section 611.905; and
 - 3) The CCR is distributed following the delivery requirements under Section 611.904(c).

BOARD NOTE: Derived from 40 CFR 141.204 (~~2014~~2013).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.908 Special Notice for ~~Exceedance~~Exceedence of the Fluoride Secondary Standard

- a) When to give special notice. A CWS supplier that exceeds the federal fluoride secondary ~~MCL standard (SMCL)~~ of 2 mg/l (see 40 CFR 143.3), ~~as specified in Section 611.858~~ (determined by the last single sample taken in accordance with Section 611.603), but does not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride (as specified in Section 611.301), must provide the public notice in subsection (c) of this Section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the supplier learns of the ~~exceedance~~exceedence. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the Department of Public Health. The PWS supplier must repeat the notice at

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least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the fluoride SMCL is exceeded, but in no case less than seven days (even if the ~~exceedance~~~~exceedence~~ is eliminated). On a case-by-case basis, the Agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

BOARD NOTE: The federal regulations provide at 40 CFR 143.1 that secondary MCLs relate to the aesthetic qualities of water; they are not enforceable standards. The National Primary Drinking Water Regulations, however, include an enforceable requirement, at corresponding 40 CFR 141.208, that requires public notice upon exceedance of the secondary MCL for fluoride.

- b) The form and manner of a special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in Section 611.904(c), (d)(1), and (d)(3).
- c) Mandatory language in a special notice. The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system (name) has a fluoride concentration of (insert value) mg/l. Dental fluorosis, in its moderate or severe forms, may result in a brown staining or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the USEPA's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the

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fluoride levels in your drinking water exceed 2 mg/ℓ because of this cosmetic dental problem.

For more information, please call (name of water system contact) of (name of community water system) at (phone number). Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

BOARD NOTE: Derived from 40 CFR 141.208 (~~20142002~~).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 611.909 Special Notice for Nitrate ~~Exceedances~~Exceedences above the MCL by a Non-Community Water System

- a) When the special notice is to be given. The owner or operator of a non-CWS supplier granted permission by the Agency under Section 611.300(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Section 611.902(a) and (b).
- b) The form and manner of the special notice. A non-CWS supplier granted permission by the Agency to exceed the nitrate MCL under Section 611.300(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/ℓ and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under Section 611.902(c) and the content requirements under Section 611.905.

BOARD NOTE: Derived from 40 CFR 141.209 (~~20142002~~).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

**SUBPART X: ENHANCED FILTRATION AND DISINFECTION –
SYSTEMS SERVING FEWER THAN 10,000 PEOPLE**

Section 611.956 Individual Filter Turbidity Requirements

- a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons and utilizing conventional filtration or direct filtration must conduct continuous

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monitoring of turbidity for each individual filter in a supplier's system. The following requirements apply to continuous turbidity monitoring:

- 1) Monitoring must be conducted using an approved method in Section 611.531;
 - 2) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
 - 3) Results of turbidity monitoring must be recorded at least every 15 minutes;
 - 4) Monthly reporting must be completed according to Section 611.957(a); and
 - 5) Records must be maintained according to Section 611.957(b).
- b) Failure of turbidity monitoring equipment. If there is a failure in the continuous turbidity monitoring equipment, the supplier must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. The supplier has 14 days to resume continuous monitoring before a violation is incurred.
- c) Special requirements for systems with two or fewer filters. If a supplier's system only consists of two or fewer filters, the supplier may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a)(1) through (a)(4) and (b) of this Section.
- d) Follow-up action. Follow-up action is required according to the following requirements:
- 1) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for a system with two filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart, the supplier must report to the Agency by the 10th of the following month and include the filter numbers, corresponding dates, turbidity values that exceeded 1.0 NTU, and the cause (if known) for the ~~exceedances~~exceedences.

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- 2) If a supplier was required to report to the Agency for three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must conduct a self-assessment of the filters within 14 days of the day on which the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month, unless a CPE, as specified in subsection (d)(3) of this Section, was required. A supplier that has a system with two filters that monitor CFE in lieu of individual filters must conduct a self-assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance, development of a filter profile, identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self-assessment report.
- 3) If a supplier was required to report to the Agency for two months in a row and turbidity exceeded 2.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must arrange to have a comprehensive performance evaluation (CPE) conducted by the Agency or a third party approved by the Agency not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Agency or a third party approved by the Agency within the 12 prior months or the system and Agency are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Agency no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.
- e) Special individual filter monitoring for a lime-softening system. If a supplier's system utilizes lime softening, the supplier may apply to the Agency for alternative turbidity ~~exceedance~~ ~~exceedence~~ levels for the levels specified in subsection (d) of this Section. The supplier must be able to demonstrate to the Agency that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.

BOARD NOTE: Derived from 40 CFR 141.560 through 141.564 (2014).

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section 611.976 Operational Evaluation Levels

- a) A supplier has exceeded the operational evaluation level at any monitoring location where the sum of the two previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by four to determine an average, exceeds 0.080 mg/l, or where the sum of the two previous quarters' HAA5 results plus twice the current quarter's HAA5 result, divided by four to determine an average, exceeds 0.060 mg/l.
- b) Effects of exceeding the operational evaluation level.
 - 1) If a supplier exceeds the operational evaluation level, the supplier must conduct an operational evaluation and submit a written report of the evaluation to the Agency no later than 90 days after being notified of the analytical result that causes it to exceed the operational evaluation level. The written report must be made available to the public upon request.
 - 2) The supplier's operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future ~~exceedances~~ exceedences.
 - A) A supplier may request and the Agency may allow the supplier to limit the scope of its evaluation if the supplier is able to identify the cause of the operational evaluation level ~~exceedance~~ exceedence.
 - B) A supplier's request to limit the scope of the evaluation does not extend the schedule in subsection (b)(1) of this Section for submitting the written report. The Agency must approve this limited scope of evaluation in writing, and the supplier must keep that approval with the completed report.

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BOARD NOTE: Derived from 40 CFR 141.626 ([20142006](#)).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice

See note 1 at the end of this Appendix G for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

| Contaminant | MCL/MRDL/TT violations ² | | Monitoring & testing procedure violations | |
|-------------|-------------------------------------|----------|---|----------|
| | Tier of public notice required | Citation | Tier of public notice required | Citation |

I. Violations of National Primary Drinking Water Regulations (NPDWR):³

A. Microbiological Contaminants

| | | | | |
|--|---|----------------|-------------------|----------------------------------|
| 1a. Total coliform bacteria, until March 31, 2016 | 2 | 611.325(a) | 3 | 611.521-611.525 |
| 1b. Total coliform (TT violations resulting from failure to perform assessments or corrective actions, monitoring violations, and reporting violations), beginning April 1, 2016 | 2 | 611.1060(b)(1) | 3 | 611.1060(c)(1) 611.1060(d)(1) |
| 1c. Seasonal system failure to follow State-approved start-up plan prior to serving water to the public or failure to provide certification to the Agency, beginning April 1, 2016 | 2 | 611.1060(b)(2) | 3 | 611.1060(d)(3) |
| 2a. Fecal coliform/E. coli, until March 31, 2016 | 1 | 611.325(b) | ⁴ 1, 3 | 611.525 |
| 2b. E. coli (MCL, monitoring, and reporting violations), beginning April 1, 2016 | 1 | 611.1060(a) | 3 | 611.1060(c) 611.1060(d)(2) |

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| 2c. E. coli (TT violations resulting from failure to perform Level 2 assessments or corrective action), beginning April 1, 2016 | 2 | 611.1060(b)(1) | | |
| 3. Turbidity MCL | 2 | 611.320(a) | 3 | 611.560 |
| 4. Turbidity MCL (average of two days' samples greater than 5 NTU) | ⁵ 2, 1 | 611.320(b) | 3 | 611.560 |
| 5. Turbidity (for TT violations resulting from a single exceedance exceedence of maximum allowable turbidity level) | ⁶ 2, 1 | 611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b), 611.955(b)(2) | 3 | 611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)- (a)(3), 611.956(b) |
| 6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance exceedence of max. allowable turbidity level (TT) | 2 | 611.211, 611.213, 611.220, 611.230- 611.233, 611.240- 611.242, 611.250 | 3 | 611.531- 611.533 |
| 7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance exceedence of max. turbidity level (TT) | 2 | ⁷ 611.740- 611.743, 611.950- 611.955 | 3 | 611.742, 611.744, 611.953, 611.954, 611.956 |
| 8. Filter Backwash Recycling Rule violations | 2 | 611.276(c) | 3 | 611.276(b), (d) |
| 9. Long Term 1 Enhanced Surface Water Treatment Rule violations | 2 | 611.950- 611.955 | 3 | 611.953, 611.954, 611.956 |

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| 10. LT2ESWTR violations | 2 | 611.1010- 611.1020 | ¹⁹ 2, 3 | 611.1001- 611.1005 and 611.1008- 611.1009 |
| 11. Groundwater Rule violations | 2 | 611.804 | 3 | 611.802(h) |

B. Inorganic Chemicals (IOCs)

| | | | | |
|--|---|------------|---|---------------------------------|
| 1. Antimony | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 2. Arsenic | 2 | 611.301(b) | 3 | 611.601, 611.603 |
| 3. Asbestos (fibers greater than 10 μ m) | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.602 |
| 4. Barium | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 5. Beryllium | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 6. Cadmium | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 7. Chromium (total) | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 8. Cyanide | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 9. Fluoride | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 10. Mercury (inorganic) | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |

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|-------------------------------|---|------------|-------------------|---|
| 11. Nitrate | 1 | 611.301(b) | ⁸ 1, 3 | 611.600, 611.601, 611.604, 611.606 |
| 12. Nitrite | 1 | 611.301(b) | ⁸ 1, 3 | 611.600, 611.601, 611.605, 611.606 |
| 13. Total Nitrate and Nitrite | 1 | 611.301(b) | 3 | 611.600, 611.601 |
| 14. Selenium | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |
| 15. Thallium | 2 | 611.301(b) | 3 | 611.600, 611.601, 611.603 |

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/l, for copper is 1.3 mg/l)

| | | | | |
|------------------------------|---|---------------------|---|---------------------|
| 1. Lead and Copper Rule (TT) | 2 | 611.350- 611.355 | 3 | 611.356- 611.359 |
|------------------------------|---|---------------------|---|---------------------|

D. Synthetic Organic Chemicals (SOCs)

| | | | | |
|---------------------------------|---|------------|---|---------|
| 1. 2,4-D | 2 | 611.310(c) | 3 | 611.648 |
| 2. 2,4,5-TP (silvex) | 2 | 611.310(c) | 3 | 611.648 |
| 3. Alachlor | 2 | 611.310(c) | 3 | 611.648 |
| 4. Atrazine | 2 | 611.310(c) | 3 | 611.648 |
| 5. Benzo(a)pyrene (PAHs) | 2 | 611.310(c) | 3 | 611.648 |
| 6. Carbofuran | 2 | 611.310(c) | 3 | 611.648 |
| 7. Chlordane | 2 | 611.310(c) | 3 | 611.648 |
| 8. Dalapon | 2 | 611.310(c) | 3 | 611.648 |
| 9. Di(2-ethylhexyl)adipate | 2 | 611.310(c) | 3 | 611.648 |
| 10. Di(2-ethylhexyl)phthalate | 2 | 611.310(c) | 3 | 611.648 |
| 11. Dibromochloropropane (DBCP) | 2 | 611.310(c) | 3 | 611.648 |
| 12. Dinoseb | 2 | 611.310(c) | 3 | 611.648 |
| 13. Dioxin (2,3,7,8-TCDD) | 2 | 611.310(c) | 3 | 611.648 |
| 14. Diquat | 2 | 611.310(c) | 3 | 611.648 |
| 15. Endothall | 2 | 611.310(c) | 3 | 611.648 |

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|--------------------------------------|---|------------|---|---------|
| 16. Endrin | 2 | 611.310(c) | 3 | 611.648 |
| 17. Ethylene dibromide | 2 | 611.310(c) | 3 | 611.648 |
| 18. Glyphosate | 2 | 611.310(c) | 3 | 611.648 |
| 19. Heptachlor | 2 | 611.310(c) | 3 | 611.648 |
| 20. Heptachlor epoxide | 2 | 611.310(c) | 3 | 611.648 |
| 21. Hexachlorobenzene | 2 | 611.310(c) | 3 | 611.648 |
| 22. Hexachlorocyclopentadiene | 2 | 611.310(c) | 3 | 611.648 |
| 23. Lindane | 2 | 611.310(c) | 3 | 611.648 |
| 24. Methoxychlor | 2 | 611.310(c) | 3 | 611.648 |
| 25. Oxamyl (Vydate) | 2 | 611.310(c) | 3 | 611.648 |
| 26. Pentachlorophenol | 2 | 611.310(c) | 3 | 611.648 |
| 27. Picloram | 2 | 611.310(c) | 3 | 611.648 |
| 28. Polychlorinated biphenyls (PCBs) | 2 | 611.310(c) | 3 | 611.648 |
| 29. Simazine | 2 | 611.310(c) | 3 | 611.648 |
| 30. Toxaphene | 2 | 611.310(c) | 3 | 611.648 |

E. Volatile Organic Chemicals (VOCs)

| | | | | |
|--------------------------------------|---|------------|---|---------|
| 1. Benzene | 2 | 611.310(a) | 3 | 611.646 |
| 2. Carbon tetrachloride | 2 | 611.310(a) | 3 | 611.646 |
| 3. Chlorobenzene (monochlorobenzene) | 2 | 611.310(a) | 3 | 611.646 |
| 4. o-Dichlorobenzene | 2 | 611.310(a) | 3 | 611.646 |
| 5. p-Dichlorobenzene | 2 | 611.310(a) | 3 | 611.646 |
| 6. 1,2-Dichloroethane | 2 | 611.310(a) | 3 | 611.646 |
| 7. 1,1-Dichloroethylene | 2 | 611.310(a) | 3 | 611.646 |
| 8. cis-1,2-Dichloroethylene | 2 | 611.310(a) | 3 | 611.646 |
| 9. trans-1,2-Dichloroethylene | 2 | 611.310(a) | 3 | 611.646 |
| 10. Dichloromethane | 2 | 611.310(a) | 3 | 611.646 |
| 11. 1,2-Dichloropropane | 2 | 611.310(a) | 3 | 611.646 |
| 12. Ethylbenzene | 2 | 611.310(a) | 3 | 611.646 |
| 13. Styrene | 2 | 611.310(a) | 3 | 611.646 |
| 14. Tetrachloroethylene | 2 | 611.310(a) | 3 | 611.646 |
| 15. Toluene | 2 | 611.310(a) | 3 | 611.646 |
| 16. 1,2,4-Trichlorobenzene | 2 | 611.310(a) | 3 | 611.646 |
| 17. 1,1,1-Trichloroethane | 2 | 611.310(a) | 3 | 611.646 |
| 18. 1,1,2-Trichloroethane | 2 | 611.310(a) | 3 | 611.646 |
| 19. Trichloroethylene | 2 | 611.310(a) | 3 | 611.646 |

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|---------------------|---|------------|---|---------|
| 20. Vinyl chloride | 2 | 611.310(a) | 3 | 611.646 |
| 21. Xylenes (total) | 2 | 611.310(a) | 3 | 611.646 |

F. Radioactive Contaminants

| | | | | |
|--------------------------------|---|------------|---|------------------------|
| 1. Beta/photon emitters | 2 | 611.330(d) | 3 | 611.720(a), 611.732 |
| 2. Alpha emitters | 2 | 611.330(c) | 3 | 611.720(a), 611.731 |
| 3. Combined radium (226 & 228) | 2 | 611.330(b) | 3 | 611.720(a), 611.731 |
| 4. Uranium | 2 | 611.330(e) | 3 | 611.720(a), 611.731 |

G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹³

| | | | | |
|--|-----------------|------------------------------|---------------------|-----------------------------------|
| 1. Total trihalomethanes (TTHMs) | 2 | ¹¹ 611.312(b) | 3 | Subparts W and Y of this Part |
| 2. Haloacetic Acids (HAA5) | 2 | 611.312(b) | 3 | Subpart Y of this Part |
| 3. Bromate | 2 | 611.312(a) | 3 | 611.382(a)-(b) |
| 4. Chlorite | 2 | 611.312(a) | 3 | 611.382(a)-(b) |
| 5. Chlorine (MRDL) | 2 | 611.313(a) | 3 | 611.382(a), (c) |
| 6. Chloramine (MRDL) | 2 | 611.313(a) | 3 | 611.382(a), (c) |
| 7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL | 2 | 611.313(a), 611.383(c)(3) | 2 ¹² , 3 | 611.382(a), (c), 611.383(c)(2) |
| 8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL | ¹³ 1 | 611.313(a), 611.383(c)(3) | 1 | 611.382(a), (c), 611.383(c)(2) |
| 9. Control of DBP precursors – TOC (TT) | 2 | 611.385(a)-(b) | 3 | 611.382(a), (d) |

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|---|-----|-----|---|---------------------------------|
| 10. Benchmarking and disinfection profiling | N/A | N/A | 3 | 611.742, 611.953, 611.954 |
| 11. Development of monitoring plan | N/A | N/A | 3 | 611.382(f) |

H. Other Treatment Techniques

| | | | | |
|-------------------------|---|---------|-----|-----|
| 1. Acrylamide (TT) | 2 | 611.296 | N/A | N/A |
| 2. Epichlorohydrin (TT) | 2 | 611.296 | N/A | N/A |

II. Unregulated Contaminant Monitoring: ¹⁴

| | | | | |
|-----------------------------|-----|-----|---|--|
| A. Unregulated contaminants | N/A | N/A | 3 | as required by USEPA pursuant to 40 CFR 141.40 |
| B. Nickel | N/A | N/A | 3 | 611.603, 611.611 |

III. Public Notification for Relief Equivalent to a SDWA section 1415 Variance or a section 1416 Exemption.

| | | | | |
|---|---|---|-----|-----|
| A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption | 3 | ¹⁵ 1415, 1416 | N/A | N/A |
| B. Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption | 2 | 1415, 1416, ¹⁶ 611.111, 611.112 | N/A | N/A |

IV. Other Situations Requiring Public Notification.

| | | | | |
|---|---|---------|-----|-----|
| A. Fluoride secondary maximum contaminant level (SMCL) exceedance exceedence | 3 | 611.858 | N/A | N/A |
|---|---|---------|-----|-----|

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|---|-----------------------|--|-----|-----|
| B. Exceedance Exceedence of nitrate MCL for a non-CWS supplier, as allowed by the Agency | 1 | 611.300(d) | N/A | N/A |
| C. Availability of unregulated contaminant monitoring data | 3 | as required by USEPA pursuant to 40 CFR 141.40 | N/A | N/A |
| D. Waterborne disease outbreak | 1 | 611.101, 611.233(b)(2) | N/A | N/A |
| E. Other waterborne emergency ¹⁷ | 1 | N/A | N/A | N/A |
| F. Source water sample positive for Groundwater Rule fecal indicators: E. coli, enterococci, or coliphage | 1 | 611.802(g) | N/A | N/A |
| G. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110 | ¹⁸ 1, 2, 3 | N/A | N/A | N/A |

Appendix G – Endnotes

- Violations and other situations not listed in this table (e.g., failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by a SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).
- Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TT" means treatment technique.
- The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

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4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
6. A supplier with a treatment technique violation involving a single ~~exceedance~~~~exceedence~~ of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
7. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier that serves at least 10,000 persons; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
8. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
9. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
10. A Subpart B community or non-transient non-community system supplier must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements. A Subpart B transient non-community system supplier that serves 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant or a Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL.

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11. Sections 611.312(b)(1) and 611.382(a) and (b) apply until Subpart Y of this Part takes effect under the schedule set forth in Section 611.970(c).
12. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.
13. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.
14. Some water suppliers must monitor for certain unregulated contaminants as required by USEPA pursuant to 40 CFR 141.40.
15. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. sections 1415 and 1416 require that "a schedule prescribed...for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system...."
16. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.
17. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.
18. The Agency may place any other situation in any tier it deems appropriate in writing, based on the prospective threat which it determines that the situation poses to public health, and subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

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19. A failure to collect three or more samples for Cryptosporidium analysis is a Tier 2 violation requiring special notice, as specified in Section 611.911. All other monitoring and testing procedure violations are Tier 3.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2014).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX H Standard Health Effects Language for Public Notification

| Contaminant | MCLG ¹ mg/ℓ | MCL ² mg/ℓ | Standard health effects language for public notification |
|--|---------------------------|-----------------------|---|
| National Primary Drinking Water Regulations (NPDWR): | | | |
| A. Microbiological Contaminants | | | |
| 1a. Total coliform, until March 31, 2016 | Zero | See footnote 3 | Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems. |
| 1b. Fecal coliform/E. coli, until March 31, 2016 | Zero | Zero | Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. |
| 1c. Fecal indicators (GWR): i. E. coli ii. enterococci iii. coliphage | Zero None None | TT TT TT | Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. |

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| 1d. Groundwater Rule TT violations | None | TT | Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches. |
| 1e. Subpart Y Coliform Assessment and/or Corrective Action Violations, beginning April 1, 2016 | N/A | TT | Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found. (The system must use the following applicable sentences:) We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s). |

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|---|------|-----------------|--|
| 1f. Subpart Y E. coli Assessment and/or Corrective Action Violations, beginning April 1, 2016 | N/A | TT | <p>E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. (The system must use the following applicable sentences:)</p> <p>We failed to conduct the required assessment.</p> <p>We failed to correct all identified sanitary defects that were found during the assessment that we conducted.</p> |
| 1g. E. coli, beginning April 1, 2016 | Zero | See footnote 22 | <p>E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.</p> |

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|--|------|-----------------------------|--|
| 1h. Subpart Y Seasonal System TT Violations, beginning April 1, 2016 | N/A | TT | When this violation includes the failure to monitor for total coliforms or E. coli prior to serving water to the public, the mandatory language found at Section 611.905(d)(2) must be used. When this violation includes failure to complete other actions, the appropriate elements found in Section 611.905(a) to describe the violation must be used. |
| 2a. Turbidity (MCL) ⁴ | None | 1 NTU ^{5/5} NTU | Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| 2b. Turbidity (SWTR TT) | None | TT ⁷ | Turbidity has no health effects. However, ⁶ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

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|---|------|------------------|--|
| 2c. Turbidity (IESWTR TT and LT1ESWTR TT) | None | TT | Turbidity has no health effects. However, ⁸ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations: | | | |
| 3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR) | Zero | TT ¹⁰ | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| 4. Viruses (SWTR/IESWTR/LT1ESWTR) | | | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| 5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/LT1ESWTR) | | | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| 6. Legionella (SWTR/IESWTR/LT1ESWTR) | | | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

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| 7. Cryptosporidium (IESWTR/FBRR/LT1ESWTR) | | | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
| C. Inorganic Chemicals (IOCs) | | | |
| 8. Antimony | 0.006 | 0.006 | Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar. |
| 9. Arsenic | 0 | 0.010 | Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer. |
| 10. Asbestos (10 µm) | 7 MFL ¹¹ | 7 MFL | Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps. |
| 11. Barium | 2 | 2 | Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure. |
| 12. Beryllium | 0.004 | 0.004 | Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions. |
| 13. Cadmium | 0.005 | 0.005 | Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage. |

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|-------------------------|-------|-------|--|
| 14. Chromium (total) | 0.1 | 0.1 | Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis. |
| 15. Cyanide | 0.2 | 0.2 | Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid. |
| 16. Fluoride | 4.0 | 4.0 | Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums. |
| 17. Mercury (inorganic) | 0.002 | 0.002 | Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage. |
| 18. Nitrate | 10 | 10 | Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. |

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| 19. Nitrite | 1 | 1 | Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. |
| 20. Total Nitrate and Nitrite | 10 | 10 | Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. |
| 21. Selenium | 0.05 | 0.05 | Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation. |
| 22. Thallium | 0.0005 | 0.002 | Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver. |
| D. Lead and Copper Rule | | | |
| 23. Lead | Zero | TT ¹² | Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure. |

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| 24. Copper | 1.3 | TT ¹³ | Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor. |
| E. Synthetic Organic Chemicals (SOCs) | | | |
| 25. 2,4-D | 0.07 | 0.07 | Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands. |
| 26. 2,4,5-TP (silvex) | 0.05 | 0.05 | Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems. |
| 27. Alachlor | Zero | 0.002 | Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer. |
| 28. Atrazine | 0.003 | 0.003 | Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties. |

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| 29. Benzo(a)pyrene (PAHs). | Zero | 0.0002 | Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer. |
| 30. Carbofuran | 0.04 | 0.04 | Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems. |
| 31. Chlordane | Zero | 0.002 | Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer. |
| 32. Dalapon | 0.2 | 0.2 | Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes. |
| 33. Di(2-ethylhexyl)adipate | 0.4 | 0.4 | Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties. |
| 34. Di(2-ethylhexyl) phthalate | Zero | 0.006 | Some people who drink water containing di(2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver or experience reproductive difficulties, and they may have an increased risk of getting cancer. |

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| 35. Dibromochloropropane (DBCP) | Zero | 0.0002 | Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer. |
| 36. Dinoseb | 0.007 | 0.007 | Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties. |
| 37. Dioxin (2,3,7,8-TCDD) | Zero | 3×10^{-8} | Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer. |
| 38. Diquat | 0.02 | 0.02 | Some people who drink water containing diquat in excess of the MCL over many years could get cataracts. |
| 39. Endothall | 0.1 | 0.1 | Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines. |
| 40. Endrin | 0.002 | 0.002 | Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems. |
| 41. Ethylene dibromide | Zero | 0.00005 | Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer. |

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|-------------------------------|--------|--------|---|
| 42. Glyphosate | 0.7 | 0.7 | Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties. |
| 43. Heptachlor | Zero | 0.0004 | Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer. |
| 44. Heptachlor epoxide | Zero | 0.0002 | Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer. |
| 45. Hexachlorobenzene | Zero | 0.001 | Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer. |
| 46. Hexachlorocyclopentadiene | 0.05 | 0.05 | Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach. |
| 47. Lindane | 0.0002 | 0.0002 | Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver. |

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| 48. Methoxychlor | 0.04 | 0.04 | Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties. |
| 49. Oxamyl (Vydate) | 0.2 | 0.2 | Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects. |
| 50. Pentachlorophenol | Zero | 0.001 | Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer. |
| 51. Picloram | 0.5 | 0.5 | Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver. |
| 52. Polychlorinated biphenyls (PCBs) | Zero | 0.0005 | Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer. |
| 53. Simazine | 0.004 | 0.004 | Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood. |

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| 54. Toxaphene | Zero | 0.003 | Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer. |
| F. Volatile Organic Chemicals (VOCs) | | | |
| 55. Benzene | Zero | 0.005 | Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer. |
| 56. Carbon tetrachloride | Zero | 0.005 | Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer. |
| 57. Chlorobenzene (monochlorobenzene) | 0.1 | 0.1 | Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys. |
| 58. o-Dichlorobenzene | 0.6 | 0.6 | Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems. |
| 59. p-Dichlorobenzene | 0.075 | 0.075 | Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood. |

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| 60. 1,2-Dichloroethane | Zero | 0.005 | Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer. |
| 61. 1,1-Dichloroethylene | 0.007 | 0.007 | Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver. |
| 62. cis-1,2-Dichloroethylene | 0.07 | 0.07 | Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver. |
| 63. trans-1,2-Dichloroethylene | 0.1 | 0.1 | Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver. |
| 64. Dichloromethane | Zero | 0.005 | Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer. |
| 65. 1,2-Dichloropropane | Zero | 0.005 | Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer. |
| 66. Ethylbenzene | 0.7 | 0.7 | Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys. |

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| 67. Styrene | 0.1 | 0.1 | Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system. |
| 68. Tetrachloroethylene | Zero | 0.005 | Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer. |
| 69. Toluene | 1 | 1 | Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver. |
| 70. 1,2,4-Trichlorobenzene | 0.07 | 0.07 | Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands. |
| 71. 1,1,1-Trichloroethane | 0.2 | 0.2 | Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system. |
| 72. 1,1,2-Trichloroethane | 0.003 | 0.005 | Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems. |
| 73. Trichloroethylene | Zero | 0.005 | Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer. |

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| 74. Vinyl chloride | Zero | 0.002 | Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer. |
| 75. Xylenes (total) | 10 | 10 | Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system. |
| G. Radioactive Contaminants | | | |
| 76. Beta/photon emitters | Zero | 4 mrem/yr ¹⁴ | Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer. |
| 77. Alpha emitters | Zero | 15 pCi/ℓ ¹⁵ | Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer. |
| 78. Combined radium (226 & 228) | Zero | 5 pCi/ℓ | Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer. |
| 79. Uranium | Zero | 30 µg/ℓ | Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity. |

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| H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5) ¹⁶ | | | |
| 80. Total trihalomethanes (TTHMs) | N/A | 0.080 ^{17,18} | Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. |
| 81. Haloacetic Acids (HAA5) | N/A | 0.060 ¹⁹ | Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer. |
| 82. Bromate | Zero | 0.010 | Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer. |
| 83. Chlorite | 0.08 | 1.0 | Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia. |

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| 84. Chlorine | 4 (MRDLG) ²⁰ | 4.0 (MRDL) ²¹ | Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort. |
| 85. Chloramines | 4 (MRDLG) | 4.0 (MRDL) | Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia. |

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| <p>85a. Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL</p> | <p>0.8 (MRDLG)</p> | <p>0.8 (MRDL)</p> | <p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p>Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances exceedences at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.</p> |
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POLLUTION CONTROL BOARD

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| <p>86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL</p> | <p>0.8 (MRDLG)</p> | <p>0.8 (MRDL)</p> | <p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p>Add for public notification only: The chlorine dioxide violations reported today include exceedances exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p> |
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| 87. Control of DBP precursors (TOC) | None | TT | Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer. |
| I. Other Treatment Techniques: | | | |
| 88. Acrylamide | Zero | TT | Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer. |
| 89. Epichlorohydrin | Zero | TT | Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer. |

Appendix H – Endnotes

1. "MCLG" means maximum contaminant level goal.
2. "MCL" means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer

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than 40 samples per month, no more than one sample per month may be positive for total coliforms.

4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).
5. "NTU" means nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 SWTR, the 1998 IESWTR, and the 2002 LT1ESWTR. A supplier subject to the SWTR (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.
7. "TT" means treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 SWTR, the 1998 IESWTR, and the 2002 LT1ESWTR. For a supplier subject to the IESWTR (a supplier that serves at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or groundwater under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 1, 2005, the turbidity level of the supplier's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

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9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
10. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity ~~exceedances~~ ~~exceedences~~ may use the health effects language for turbidity instead.
11. Millions of fibers per liter.
12. Action Level = 0.015 mg/ℓ.
13. Action Level = 1.3 mg/ℓ.
14. Millirems per year.
15. Picocuries per liter.
16. A surface water system supplier or a groundwater system supplier under the direct influence of surface water is regulated under Subpart B of this Part. A Subpart B community water system supplier or a non-transient non-community system supplier must comply with Subpart I DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs). A Subpart B transient non-community system supplier that uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL.
17. Community and non-transient non-community systems must comply with Subpart Y TTHM and HAA5 MCLs of 0.080 mg/ℓ and 0.060 mg/ℓ, respectively (with compliance calculated as a locational running annual average) on the schedule in Section 611.970.
18. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
19. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
20. "MRDLG" means maximum residual disinfectant level goal.

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21. "MRDL" means maximum residual disinfectant level.
22. The supplier is in compliance unless one of the following conditions occurs: (1) the supplier's system has an E. coli-positive repeat sample following a total coliform-positive routine sample; (2) the supplier's system has a total coliform-positive repeat sample following an E. coli-positive routine sample; (3) the supplier fails to take all required repeat samples following an E. ~~coli-positive~~colipositive routine sample; or (4) the supplier fails to test for E. coli when any repeat sample tests positive for total coliform.

BOARD NOTE: Derived from appendix B to subpart Q to 40 CFR 141 (~~2014~~2013).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

| | |
|--------------------------|---------------------------|
| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
| 1.420 | Amendment |
| 1.422 | New Section |
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-194, effective July 30, 2015, added Section 10-20.56 to the School Code, which sets forth the criteria that a school district must meet in order to offer e-learning instruction in lieu of using one or more of the five emergency days required to be included in its school calendar. As such, a school district approved for an e-learning program would be able to count the students participating in electronically provided instruction as "present" when it calculates average daily attendance used for determining general State aid. Unlike emergency days, a district would not be required to "make up" at the end of the school year the e-learning days it uses. The e-learning program is intended for districtwide implementation except when a single school building must be closed due to a hazardous condition beyond the control of the school district, as defined under Section 18-12 of the School Code [105 ILCS 5/18-12].

Since the law authorizes the participation of only three school districts, the agency must solicit school districts that might be interested in participating in the pilot program through a Request for Applications (RFA) process. The RFA would establish the content of the application, criteria for review of the applications, and the terms and conditions of any approval granted. (See Sections 1.422(f), (g) and (j) of the proposed rules for details).

Instruction on an e-learning day may be provided through the Internet; by telephones or text messages; in chat rooms; or through other similar means of electronic communication that enables interaction between teachers and students. A school district must propose how it will provide at least five clock hours of instruction for all of its students, including students with disabilities, English learners, students who are homeless or migrant, and students enrolled in general education coursework. Instruction must cover all required subject areas, be based on lesson plans, and meet the academic goals and learning objectives of the district.

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Under the proposed amendments, a school district is required to send a request to its respective regional office of education or intermediate service center to amend its calendar no more than 30 days after using an e-learning day. Concurrent with the request, the school district will be required to provide a report to the regional superintendent about its use of the day, to address its successes and challenges in implementing the e-learning day and include a comparison of attendance of teachers and students in the three days previous to the e-learning day to that of teachers and students on the e-learning day. Reporting, as set forth in Section 1.422(j)(9), is required of school districts both at the end of the three-year pilot and after each e-learning day for two reasons:

to assist the State Board in formulating its report to the General Assembly about whether e-learning should be expanded statewide, which is due on or before June 1, 2019; and

to provide information and data for auditing purposes to ensure that school districts are complying with all statutory and regulatory requirements for the receipt of general State aid.

- 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 rulemakings pending on this Part? Yes

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|--------------------------|------------------------------------|
| 1.20 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.70 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.97 | New Section | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.100 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.210 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.240 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.420 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.440 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.442 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |

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|-------|-------------|---------------------------------|
| 1.540 | New Section | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.660 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.705 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.790 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |

- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent agendas because: PA 99-194 was signed into law on July 30, 2015, which was after the Agency's submission of the July 2015 regulatory agenda.

The text of the Proposed Amendments is identical to that of the text of the Emergency Amendments of this Part and can be found within this issue of the *Illinois Register* on page 12369.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Childhood Teacher Preparation Assistance Grant
- 2) Code Citation: 23 Ill. Adm. Code 70
- 3)

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 70.10 | Amendment |
| 70.20 | Amendment |
| 70.30 | Amendment |
| 70.40 | Amendment |
| 70.50 | Amendment |
| 70.60 | Amendment |
| 70.70 | Amendment |
| 70.80 | Amendment |
- 4) Statutory Authority: 105 ILCS 5/1C-5
- 5) A Complete Description of the Subjects and Issues Involved: The State Board of Education established the Early Childhood Teacher Preparation Assistance Grant in 2007, earmarking \$600,000 from the agency's Early Childhood Block Grant for planning and implementation grants. Patterned after the "Grow Your Own" Teacher initiative, the rules for the Teacher Preparation Assistance grant were promulgated in February 2007 and four grants were awarded. Up until funding was discontinued in FY 2010, a total of 77 candidates enrolled in the programs, the majority of whom either obtained what was then an initial early childhood certificate or were scheduled to complete their programs.

Since FY 2010, agency staff has remained committed to increasing the pool of teachers holding early childhood endorsements through an intergovernmental agreement between the State Board of Education and the Department of Human Services (DHS) rather than by establishing programs under Part 70. Despite the agency not funding the initiative, however, staff still are required to update the rules to reflect the changes made by PA 97-607, effective August 26, 2011, which repealed the certification system established under Article 21 of the School Code and replaced it with the current system of educator licensure authorized under Article 21B of the School Code. References to certification and related terms will be modified to align the rules to the licensure system, which became effective July 1, 2013.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

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

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 70

EARLY CHILDHOOD TEACHER PREPARATION ASSISTANCE GRANT

Section

- 70.10 Purpose and Applicability
- 70.20 Eligible Applicants
- 70.30 Planning Grants – Procedures and Content of Proposals
- 70.40 Criteria for Review and Approval of Planning Proposals
- 70.50 Implementation Grants – Procedures and Content of Proposals
- 70.60 Criteria for Review and Approval of Implementation Proposals
- 70.70 Application Content and Approval Criteria for Continuation Programs
- 70.80 Loans; Waiver or Deferral of Repayment

AUTHORITY: Implementing Sections 1C-2 and 2-3.71 of the School Code [105 ILCS 5/1C-2 and 2-3.71] and authorized by Section 1C-5 of the School Code [105 ILCS 5/1C-5].

SOURCE: Emergency rule adopted at 30 Ill. Reg. 17952, effective October 24, 2006, for a maximum of 150 days; adopted at 31 Ill. Reg. 3599, effective February 20, 2007; amended at 39 Ill. Reg. _____, effective _____.

Section 70.10 Purpose and Applicability

The goal of the Early Childhood Teacher Preparation Assistance Grant is to address the shortages experienced by preschool education programs funded under Section 2-3.71 of the School Code [105 ILCS 5/2-3.71] of teachers holding [a professional educator license endorsed for early childhood education](#)~~Early Childhood certificates~~ issued pursuant to Section ~~21B-2521-2.1~~ [21B-2521-2.1](#) of the School Code [105 ILCS 5/~~21B-2521-2.1~~ [21B-2521-2.1](#)] and State Board of Education rules governing Standards for All Illinois Teachers (23 Ill. Adm. Code 24), [Educator Licensure Certification](#) (23 Ill. Adm. Code 25) and Standards for [Endorsements Certification](#) in Early Childhood [Education](#) and in Elementary Education (23 Ill. Adm. Code 26).

- a) This Part establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for grants to establish programs to assist individuals employed in State-funded preschool

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education programs and other early childhood education programs to enroll as candidates in and complete a teacher preparation program leading to a professional educator license endorsed in early childhood education~~an Initial Early Childhood teaching certificate~~. The Early Childhood Teacher Preparation Assistance Grant program shall:

- 1) be designed to enroll a single group of individuals who will move through their coursework and educational experiences at the same time;
 - 2) offer the coursework necessary for individuals possessing a bachelor's degree to obtain a professional educator license endorsed in early childhood education~~an Initial Early Childhood teaching certificate~~ or the coursework necessary for individuals possessing an associate's degree to obtain a bachelor's degree and a professional educator license endorsed in early childhood education~~an Initial Early Childhood teaching certificate~~; and
 - 3) make a commitment to continue the program with the group of candidates so that those candidates will be able to successfully complete their education and teaching experiences in an amount of time that is commensurate with the amount of time it would take a candidate in the institution's regular program to complete the same course of study and experiences, provided that the program continues to receive State funding.
- b) The provisions of this Part shall not apply to a school district that receives funding for early childhood programs as part of its general education block grant pursuant to Section 1D-1 of the School Code [105 ILCS 5/1D-1] nor to any entity that receives a grant from that school district for early childhood programs funded under Section 1D-1 of the School Code.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.20 Eligible Applicants

- a) An eligible applicant for the Early Childhood Teacher Preparation Assistance Grant shall be a partnership consisting of:
 - 1) One or more educational entities serving elementary and secondary schools (e.g., school districts, private schools, Regional Offices of

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Education) and/or one or more community-based organizations that provide early childhood education programs or related services, such as technical assistance or professional development, to early childhood programs and practitioners; and

- 2) One or more four-year institutions of higher education with an accredited teacher ~~preparation~~education program for early childhood education.
- b) The partnership shall designate one entity to serve as the administrative agent for the grant.
- c) Preference for funding shall be provided to eligible applicants whose programs target individuals, as defined in Section 70.10(a)~~of this Part~~, who are:
- 1) from a bilingual or minority background and already possess bachelor's degrees and need only to complete coursework necessary for receipt of the professional educator license endorsed for early childhood education~~Early Childhood certification purposes~~; or
 - 2) willing to work in State-funded preschool programs in geographic areas experiencing a shortage of teachers who hold professional educator licenses endorsed for early childhood education~~Early Childhood teaching certificates~~. A shortage area is defined as one in which State-funded preschool education programs operating in that area are unable to enroll additional students in their programs due to a lack of properly licensed~~certified~~ teachers or the State Board of Education is unable to fund additional programs to meet the need of a particular area for preschool education due to a lack of properly licensed~~certified~~ teachers.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.30 Planning Grants – Procedures and Content of Proposals

A planning grant shall be used to support costs associated with developing a plan for implementation of an Early Childhood Teacher Preparation Assistance Grant program, which shall include the identification and recruitment of the group of individuals to be enrolled in the program.

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- a) When sufficient funding is available, the State Superintendent of Education shall issue a Request for Proposals (RFP) specifying the information that applicants shall include in their planning proposals, informing applicants of any bidders' conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP shall provide at least 30 calendar days in which to submit proposals.
- b) Each proposal submitted in response to an RFP shall include the following components.
 - 1) Demographic information about the area to be served by the program, which shall include statistics about number of programs funded under Section 2-3.71 of the School Code that serve the area and their need for educator licensedeertified teachers.
 - 2) Demographic information about individuals employed by State-funded preschool education programs and other early childhood education programs who do not hold professional educator licenses endorsed in early childhood education~~Early Childhood teaching certificates~~, including, but not limited to, their race/ethnicity, language (other than English) and cultural background, and educational attainment.
 - 3) Descriptive information about each entity involved in the partnership:
 - A) the teacher preparation program must provide the specific information about the institution's success in preparing teachers for early childhood teaching positions, particularly in areas serving bilingual and minority children; and
 - B) the community-based or nonpublic educational organization must include its mission statement, organizational structure, and goals or policies regarding early childhood programs and services, including the applicant's existing competencies to provide early childhood education programs, if applicable, and a list of any early childhood accreditations that have been achieved.
 - 4) A list of the persons, and their affiliations, who will be involved in the planning process.

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- 5) A plan of work for the planning process that includes objectives, specific activities, timelines and responsible parties.
 - 6) Budget information that corresponds to the categories of allowable expenditures identified in subsection (c) ~~of this Section~~, completed on the forms provided and detailing each line item of expenditure.
 - 7) ~~AnySuch~~ certifications and assurances as the State Superintendent of Education may require.
- c) Allowable uses of planning grant funds shall include:
- 1) activities that are designed to secure the participation and commitment of the required partners; ~~and~~
 - 2) activities that are designed to attract or identify individuals for teacher preparation who currently work in State-funded preschool education programs or other early childhood education programs and hold either a bachelor's degree or an associate's degree but do not have a professional educator license endorsed for early childhood education ~~an Early Childhood teaching certificate~~; and
 - 3) activities that are designed to identify barriers to educator licensure ~~teacher certification~~ for the individuals to be enrolled and to identify strategies and resources for mitigating those barriers.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.40 Criteria for Review and Approval of Planning Proposals

- a) Planning grant proposals shall be reviewed and ranked according to the following criteria.
 - 1) The applicant demonstrates that the area proposed to be served has unmet needs that could be effectively addressed by the Early Childhood Teacher Preparation Assistance Grant program. (40 points)
 - 2) The planning activities proposed respond to the needs identified and are directed at implementing a program that will enable individuals to

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successfully complete requirements necessary for obtaining a professional educator license endorsed for early childhood education~~an Initial Early Childhood teaching certificate~~. (40 points)

- 3) The activities proposed are cost-effective, as evidenced by the scope of the planning work to be conducted and the potential number of individuals proposed to be enrolled in the program. (20 points)
- b) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon:
 - 1) the total amount of funds available for the Early Childhood Teacher Preparation Assistance Grant; and
 - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsection (a) ~~of this Section~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.50 Implementation Grants – Procedures and Content of Proposals

Implementation grants shall be offered in years when the level of available funding is such that one or more new partnerships can be funded; or, for partnerships already funded, a new group of individuals can be supported in addition to the group of candidates already enrolled. ~~Priority for funding shall be given in the initial implementation cycle (i.e., FY 2008) to grantees awarded funds under Section 70.40 of this Part that have successfully completed the planning process and are ready to implement an Early Childhood Teacher Preparation Assistance Grant program.~~

- a) When sufficient funding is available, the State Superintendent of Education shall issue a Request for Proposals (RFP) specifying the information that applicants shall include in their implementation proposals, informing applicants of any bidders' conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP shall provide at least 45 calendar days in which to submit proposals.
- b) Each proposal submitted in response to an RFP shall include the following components.

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- 1) Descriptive information about each entity involved in the partnership, including the roles and responsibilities of each partner.
 - A) The teacher preparation program must indicate specific information about the institution's success in preparing teachers for early childhood teaching positions, particularly in areas serving bilingual and minority children.
 - B) The community-based organization or nonpublic educational entity must include its mission statement, organizational structure, and goals or policies regarding early childhood programs and services, including the applicant's existing competencies to provide early childhood education programs, if applicable, and a list of any early childhood accreditations that have been achieved.
- 2) The goals and objectives of the partnership in ensuring a program that is successful and sustainable.
- 3) A description of the need for the program, which shall include:
 - A) Demographic information about the area to be served by the program, including statistics about number of programs funded under Section 2-3.71 of the School Code that serve the area and their need for educator licensedeertified teachers.
 - B) Demographic information about individuals employed by State-funded preschool education programs and other early childhood education programs in the area to be served who do not hold professional educator licenses endorsed for early childhood education~~Early Childhood teaching certificates~~, including, but not limited to, their race/ethnicity, language (other than English) and cultural background, and educational attainment.
- 4) A description of the program to be implemented, to include:
 - A) the partnership's plans for recruiting and providing support to individuals enrolled in the program, including working with employers to ensure that the individuals can fully participate in the program;

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- B) strategies to be employed to ensure that individuals to be enrolled are adequately prepared to successfully progress through the program, which shall include but not be limited to assistance to ensure each individual's passage of Illinois' test of basic skills~~the Basic Skills Test~~ required prior to a candidate's beginning student teaching~~for admittance to a teacher preparation program~~ [105 ILCS 5/21B-3021-1a];
 - C) coursework and experiences needed to complete the program, to include the length of the program and sample schedules;
 - D) identification of sites where student teaching will occur; and
 - E) expectations for candidates' course completion rates or the performance levels needed to continue their participation in the program.
- 5) A plan for evaluating the impact of the proposed program and activities, which shall correspond to the applicable specifications set forth in the RFP.
 - 6) Budget information that corresponds to the categories of allowable expenditures identified in the RFP, completed on the forms provided and detailing each line item of expenditure. The budget information shall cover the entire period of time during which the proposed group of candidates is expected to participate in the teacher preparation program.
 - A) Applicants shall be required to demonstrate that grant funds will supplement and not supplant amounts typically devoted by the institution of higher education to, and other resources available for, assisting teacher candidates.
 - B) Applicants shall be required to describe the steps that will be taken to decrease the need for external financial support for the partnership and its program over time.
 - 7) AnySuch certifications and assurances as the State Superintendent of Education may require.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.60 Criteria for Review and Approval of Implementation Proposals

- a) Proposals for implementation grants shall be evaluated in accordance with the following criteria.
 - 1) Quality of Proposed Program (40 points)
 - A) The proposal demonstrates that:
 - i) coursework and experiences required for educator licensure certification will be scheduled and located to be accessible to candidates in the program; and
 - ii) supportive services (e.g., counseling, tutoring, child care) that have been identified as necessary will be offered to enable candidates to progress through the program and attain a professional educator license endorsed in early childhood education certification.
 - B) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance under this program.
 - C) The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the partnership.
 - D) The plan of work for the program includes effective strategies for overcoming known barriers faced by the candidates.
 - E) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.
 - 2) Program Need (30 points)

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- A) The proposal clearly indicates that the area to be served has State-funded preschool education programs that are experiencing a shortage of teachers with [professional educator licenses endorsed for early childhood education](#)~~Early Childhood certificates~~.
 - B) Criteria and indicators for identifying individuals to be enrolled in the program are clearly established and likely to target those individuals who have the greatest likelihood of successfully completing the program.
 - C) The recruitment strategies that are proposed are likely to be effective in enrolling the individuals in the program, particularly individuals who reflect the diversity of the children participating in State-funded preschool education programs that serve the targeted area.
- 3) Experience and Qualifications (20 points)
- A) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the group of individuals to be enrolled in its approved teacher preparation program.
 - B) The proposed roles and responsibilities of each entity that is a member of the partnership are appropriate, given the entity's qualifications, experience with early childhood initiatives and services, and the resources each will devote to the program.
 - C) The proposal demonstrates that the community organization or educational entity is familiar with the needs of early childhood education programs, in particular the needs of State-funded preschool education programs, located in the area proposed to be served and has the capacity to recruit individuals for and support them as they progress through the program.
- 4) Cost-Effectiveness (10 points)

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- A) The program is cost-effective as evidenced by the cost of proposed services in relation to the individuals to be enrolled and the services to be provided.
 - B) The proposal describes commitments on the part of all the partnership's members that will enable the partnership to sustain the program over time with a reduction in the need for external resources.
- b) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular RFP.
 - c) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon:
 - 1) the total amount of funds available for the Early Childhood Teacher Preparation Assistance Grant; and
 - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (a) and (b) ~~of this Section~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.70 Application Content and Approval Criteria for Continuation Programs

- a) A partnership that has received implementation funding for a group of individuals shall be subject to the requirements of this Section with respect to continued funding for that group in subsequent years.
 - 1) The partnership shall submit an application for continued funding for the candidates enrolled in the program, using a format specified by the State Superintendent of Education.
 - 2) Each application shall contain a mid-year report on the current status of the program and the candidates, documenting the activities and support provided to date and describing the degree to which the candidates are achieving the program's objectives.

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- 3) Each application shall provide an updated narrative description of the objectives, activities, timelines, and evaluation procedures for the renewal year, relating the proposed plan of work to the results that have been achieved to date.
 - 4) Each application shall include updated budget information for the renewal year, including a detailed budget breakdown, that describes any needed variances from the budget proposed in the initial year of funding.
 - 5) Each application shall include ~~any such~~ certifications and assurances as the State Superintendent of Education may require.
- b) The State Superintendent of Education shall, contingent upon appropriation of funds for this initiative, provide continuation funding to a partnership that demonstrates:
- 1) success in providing the supports necessary to retain candidates in the program; and
 - 2) Either:
 - A) that a majority of the candidates in the group served has completed coursework or other requirements for ~~educator licensure certification~~ during at least one semester of the preceding year; or
 - B) that funds will be used to support only those candidates who have progressed toward ~~educator licensure certification~~ and/or have identified steps to be taken toward ~~educator licensure certification~~ in the academic year in which funding is requested.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 70.80 Loans; Waiver or Deferral of Repayment

Any candidate in a program administered under this Part may receive a forgivable loan for direct expenses associated with completion of the Early Childhood teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid, other forgivable loans, or other resources of the consortium. Any amount expended for an individual's direct

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expenses shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed \$12,000.

- a) Loan funds provided to candidates as part of this program shall be fully forgiven if a graduate completes five years of service in a State-funded preschool education program established pursuant to Section 2-3.71 of the School Code. Forgiveness and repayment of loans shall be determined as provided in this Section.
- b) An individual may accrue the service required for forgiveness of loans under this Part in one or more State-funded preschool education programs.
- c) If an individual has not assumed employment in a State-funded preschool education program or position within two years after receiving a [professional educator license endorsed in early childhood education](#)~~teaching certificate~~, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters.
- d) If an individual has not completed five years of service within 10 years after receiving a [professional educator license endorsed for early childhood education](#)~~teaching certificate~~, the individual shall be required to begin the repayment of amounts loaned under this Part. The amount due shall be the total amount borrowed, less a percentage reflecting the relationship that any time taught by the individual in State-funded preschool education programs or positions bears to the total five-year commitment. Loan amounts shall be reduced in increments of 10 percent for each semester completed.
- e) Repayment of loans shall be made in no more than 60 equal installments. The minimum monthly payment will be determined by dividing the total amount due by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty.
- f) In addition to the loan forgiveness in accordance with subsection (a)~~of this Section~~, the State Superintendent may defer or waive an individual's obligation to repay an amount due as provided in this subsection (f).

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- 1) The State Superintendent shall waive the repayment obligation for an individual who is counseled out of a preparation program or found ineligible to continue, provided that the individual's exit from the program is not due to a violation of law or of applicable institutional policies.
- 2) The State Superintendent shall waive the repayment obligation for an individual who drops out of a preparation program or demonstrates that he or she is unable to complete a portion of the required teaching service due to:
 - A) the onset or exacerbation of a disability;
 - B) the need to care for an immediate family member during serious illness or disability;
 - C) destruction of the individual's residence; or
 - D) other circumstances that require the individual to assume responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).
- 3) The State Superintendent shall waive the repayment obligation for a candidate who does not complete a preparation program due to the unavailability of a State appropriation for this initiative for at least two consecutive years.
- 4) The State Superintendent shall defer the repayment obligation for a period of time specifically related to the circumstances when an individual:
 - A) is unemployed or is working for fewer than 30 hours per week; or
 - B) is experiencing a financial hardship (e.g., receiving public assistance or earning an amount per month that is no greater than 200 percent of the amount of the loan payment, or experiencing circumstances such as those outlined in subsection (f)(2) ~~of this Section~~); or

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- C) has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.
- 5) Each request for a waiver or deferral of repayment shall be submitted by a representative of the partnership under whose auspices the individual is or was enrolled in teacher preparation. Using a format specified by the State Superintendent, the representative and the affected individual shall describe the specific circumstances that apply. This description shall be accompanied by evidence such as a physician's statement, insurance claim, or other documentation of the relevant facts.
- g) When a professional educator license~~teaching certificate~~ is issued to an individual who received assistance under this Part, the license~~certificate~~ shall be accompanied by:
- 1) a statement indicating the total amount of the loan received by the individual and the amount due and identifying the dates applicable to repayment under this Section; and
 - 2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in a State-funded preschool education program or positions and the school administrators who can verify the individual's service.
- h) Management of Loans
- 1) It shall be the responsibility of the four-year institution of higher education to assist the State Board of Education with the forgivable loan process in the following manner:
 - A) by keeping records of the amounts provided to or on behalf of each individual for direct expenses; ~~and~~
 - B) by keeping up-to-date contact information regarding the address and telephone number of each individual during the individual's preparation at that institution; and

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- C) by notifying the State Superintendent of Education within 30 days after a candidate fails to enroll in coursework as expected or otherwise ceases to participate in the program and informing the State Superintendent of the total amount of the candidate's loan for direct expenses as of that point in time.
- 2) Each institution of higher education shall notify the State Superintendent as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.
- i) It shall be the responsibility of the State Superintendent of Education to take anysueh actions as may be necessary to secure repayment when necessary.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) Section Number: 100.TABLE C Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-5, effective July 1, 2015, appropriates \$85 million for supplemental grants to certain school districts to compensate them for losses incurred due to insufficient funds being appropriated to fully fund general State aid (GSA) claims (Article 1, Section 10 of the Act). The appropriation has necessitated a change in the State Board's rules for accounting, budgeting, financial reporting and auditing (Part 100). School districts receiving the supplemental grant must account for these funds separately from funds from other sources. The range of revenue accounts found in Table C of Part 100, however, does not currently offer a means of segregating the supplemental grant for GSA from any other funds that may be used for similar purposes. The agency must ensure that districts will use a uniform system of capturing this information. For this reason, a new code will be assigned for use by those districts receiving the supplemental grant, ensuring comparability in the eventual reporting and data collection.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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

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

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: PA 99-5 was signed June 24, 2015, which was after the Agency's submission of the July 2015 regulatory agenda.

The text of the Proposed Amendment is identical to that of the text of the Emergency Amendment of this Part and can be found within this *Illinois Register* on page 12398.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) Section Number: 375.10 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.13a
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-885, effective August 15, 2014, amended Section 27-22 of the School Code to allow schools to count, for the purposes of high school graduation credit, a student's successful completion of an Advanced Placement (AP) computer science course. In order to count the course for credit, a student also must successfully complete either an Algebra II or integrated mathematics course incorporating Algebra II content. The law further requires that the academic transcript of a student who completed the AP computer science course state that the AP course "qualifies as a mathematics-based, quantitative course" for the purposes of awarding credit for high school graduation under Section 27-22 of the School Code.

Section 375.10 ("Definitions") lists under "Student Permanent Record" the information that must be included on a student's academic transcript. In order for the rule to be complete and to assist school districts in complying with all applicable statutes, mention is being made under "academic transcript" of the AP computer science course meeting State graduation requirements in mathematics, as authorized under Section 27-22 of the School Code.

An additional change is being proposed in Section 375.10 to clarify what is to be included in the "health record" that becomes part of a student's permanent record. Staff has indicated that the phrase, "proof of dental examinations", has caused confusion in the field.
- 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

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDSPART 375
STUDENT RECORDS

Section

| | |
|---------|---|
| 375.10 | Definitions |
| 375.20 | Rights of Students |
| 375.30 | Notification |
| 375.40 | Maintenance and Destruction of School Student Records |
| 375.50 | Cost for Copies of Records |
| 375.60 | Emergency Release of Information |
| 375.70 | Release of Information |
| 375.75 | Public and Nonpublic Schools: Transmission of Records for Transfer Students |
| 375.80 | Directory Information |
| 375.90 | Challenge Procedures |
| 375.100 | Implementation |
| 375.110 | Enforcement |

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. 9479, effective June 19, 2013; amended at 39 Ill. Reg. 2449, effective February 2, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 375.10 Definitions

"Accident Report" means documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on

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school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth (as defined by 42 USC 11434a) has followed through on that request.

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Health Record" means medical documentation necessary for enrollment and proof of ~~having certain dental~~ examinations, as may be required under Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].

"Health-related Information" means current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgement of the district's concussion policy adopted pursuant to Sections 10-20.53 and 34-18.45 of the School Code [105 ILCS 5/10-20.53 and 34-18.45], and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

"Official Records Custodian" means the individual appointed in each school in accordance with Section 4 of the Act [105 ILCS 10/4] who has responsibility for the *maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.*

"School Student Record" shall have the meaning set forth in Section 2(d) of the Act [105 ILCS 10/2(d)], except that school student records shall not include:

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Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes;

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3]; and

Any information, either written or oral, received pursuant to Section 22-20 of the School Code [105 ILCS 5/22-20] and Sections 1-7 and 5-905 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7 and 5-905].

The content of a video or other electronic recording may become part of a student's school student record to the extent school officials use and maintain this content for a particular reason (e.g., disciplinary action, compliance with a student's Individualized Education Program) regarding that specific student. Video or other electronic recordings that become part of a student's school record shall not be a public record and shall be released only in conformance with Section 6(a) of the Act and the federal Family Educational Rights and Privacy Act (20 USC 1232g).

"Special Education Records" means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14], to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Evidence required under Section (5)(b)(1) of the Missing Children's Records Act [325 ILCS 50/5(b)(1)];

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Academic transcript, including:

grades, class rank, graduation date and grade level achieved;

scores on college entrance examinations, except that a parent may request, in writing, the removal from the academic transcript of any score received on college entrance examinations (also see Section 375.30(d));

the unique student identifier assigned and used by the Student Information System established pursuant to 23 Ill. Adm. Code 1.75 (Student Information System);

[as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in Section 27-22 of the School Code \[105 ILCS 5/27-22\];](#)

as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with Section 2-3.157 of the School Code [105 ILCS 5/2-3.157] and 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy); and

as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy);

Attendance record;

Health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64a-5); and

If not maintained in the temporary record, may also consist of:

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Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64a-5);

The completed home language survey form (see 23 Ill. Adm. Code 228.15 (Identification of Eligible Students));

Information regarding serious disciplinary infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)];

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34];

Health-related information;

Accident Reports; and

May also consist of:

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Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education records;

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.); and

Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Higher Education Distance Learning and Interstate Reciprocity
- 2) Code Citation: 23 Ill. Adm. Code 1033
- 3)

| | |
|-------------------------|-------------------------|
| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
| 1033.10 | New Section |
| 1033.20 | New Section |
| 1033.30 | New Section |
| 1033.40 | New Section |
- 4) Statutory Authority: Implementing and authorized by the Higher Education Distance Learning Act [110 ILCS 145]
- 5) Effective Date of Rules: August 19, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking includes incorporation by reference to the "SARA Policies and Standards" issued and approved by the National Council for State Authorization Reciprocity Agreements, pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted rules including any incorporated by reference is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 22, 2015; 39 Ill. Reg. 6985
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Any differences between the proposed and final rules are technical in nature. No substantive differences exist.
- 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 currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rules: The adopted rules will be used by the Board of Higher Education to administer the Higher Education Distance Learning Act (PA 98-792). The new Act authorizes the Board to participate in a system of interstate reciprocity to simplify regulation in the expanding field of distance learning.

The system of interstate reciprocity established by the National Council for State Authorization Reciprocity Agreement ("SARA") allows willing postsecondary institutions in member states to participate in such agreement on a voluntary basis. Under the system, institutions participate through their "home state" and agree to be regulated by the home state. The National Council for SARA and the statute establish minimum requirements and provide a simplified method of regulating distance learning programs. The system applies only to distance learning programs.

This new process does not affect other approvals of institutions or programs required by Illinois laws, nor does it affect any exemptions granted by law.

The Board of Higher Education is designated by the Public Act to be the lead agency in coordinating interstate reciprocity for distance learning for all participating postsecondary institutions in Illinois. The Board will collaborate with the Community College Board to establish and ensure eligibility for Illinois public community colleges that desire to participate in SARA.

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

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
email: helland@ibhe.org
fax: 217/782-8548

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1033

HIGHER EDUCATION DISTANCE LEARNING AND INTERSTATE RECIPROCITY

Section

| | |
|---------|---------------------------------------|
| 1033.10 | Purpose |
| 1033.20 | Definitions |
| 1033.30 | Institution Approval Requirements |
| 1033.40 | Application Process and Participation |

AUTHORITY: Implementing and authorized by the Higher Education Distance Learning Act [110 ILCS 145].

SOURCE: Adopted by emergency rulemaking at 39 Ill. Reg. 6042, effective April 16, 2015, for a maximum of 150 days; adopted at 39 Ill. Reg. 12293, effective August 19, 2015.

Section 1033.10 Purpose

- a) The purpose of this Part is to address the powers and duties delegated to the Board of Higher Education by the Higher Education Distance Learning Act, including, but not limited to, minimum standards for institutions of higher education participating in the interstate reciprocity agreements for distance learning. The Board will collaborate with the Illinois Community College Board (ICCB) to establish and ensure eligibility for Illinois public community colleges that desire to participate.
- b) The Higher Education Distance Learning Act authorizes the State of Illinois to participate in a system of interstate reciprocity to simplify regulation in the expanding field of distance learning. The system of interstate reciprocity established by the National Council for State Authorization Reciprocity Agreement allows willing post-secondary institutions in member states to participate in that agreement on a voluntary basis. Under the system, institutions participate through, and agree to be regulated by, their home state. The Council and statute establish minimum requirements and provide a simplified method of regulating distance learning programs. The system applies only to distance education. The Illinois Board of Higher Education is designated by the Act to be

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the lead agency coordinating all Illinois-based participating institutions in the distance learning interstate reciprocity program. The Board of Higher Education will collaborate with the ICCB to establish and ensure eligibility for Illinois public community colleges that desire to participate in the program.

Section 1033.20 Definitions

The definitions included in this Section apply to terms used in this Part in conjunction with the Higher Education Distance Learning Act and the "SARA Policies and Standards" issued and approved by the National Council for State Authorization Reciprocity Agreements on January 7, 2015 and any subsequent revisions as long as those revisions are consistent with the Higher Education Distance Learning Act.

"Accredited" means holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education (see Section 1 of the SARA Policies and Standards).

"Act" means the Higher Education Distance Learning Act [110 ILCS 145].

"Approve", "Approval", or "Authorization to Participate", in the context of an institutional application to operate under SARA, means a written statement issued by the Board that an institution meets the standards required by SARA and is eligible to operate under SARA (see Section 1 of the SARA Policies and Standards).

"Board" or "BHE" means the Illinois Board of Higher Education (Section 10 of the Act).

"Complaint" means a formal assertion in writing that the terms and conditions of the state authorization reciprocity agreement between the Board and the National Council for State Authorization Reciprocity Agreements, or of laws, standards or regulations incorporated by that agreement, are being violated by a person, institution, state, agency or other organization or entity operating under the terms of that agreement, including student complaints.

"C-RAC Guidelines" refers to the Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) for best practices in postsecondary distance education developed by leading practitioners of distance

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education and adopted by the Council of Regional Accrediting Commissions (C-RAC) (see Section 1 of the SARA Policies and Standards).

"Distance Learning" or "Distance Education" means instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs. (Section 10 of the Act)

"Executive Director" means the Executive Director of the Illinois Board of Higher Education.

"Home State" means the single member state recognized by the NC-SARA to regulate institutions that desire to participate in SARA.

"Host State" or "Reciprocal State" means a member state in which an institution operates under the terms of the agreement, other than the home state (see Section 1 of the SARA Policies and Standards).

"ICCB" means the Illinois Community College Board.

"Institution" means a degree-granting postsecondary entity (see Section 1 of the SARA Policies and Standards).

"Member State" means any state, commonwealth, district or territory of the United States that is a participant in good standing in a SARA (see Section 1 of the SARA Policies and Standards).

"NC-SARA" or "National Council for SARA" means the National Council for State Authorization Reciprocity Agreements (see Section 1 of the SARA Policies and Standards).

"Participation Agreement" means the agreement that each participating institution is required to sign and abide by in order to take advantage of the reciprocity agreement (Section 10 of the Act). For the purposes of the Act and this Part, the participation agreement is the application created by NC-SARA that contains the eligibility criteria and is to be completed and signed by the institution. The institution will submit the application to the Board and, after the institution has been approved by the Board staff and NC-SARA, the application becomes the participation agreement, subject to annual renewal.

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"Participating Institution" means any institution of higher learning that offers an associate's degree or higher, in whole or in part, through distance learning and has voluntarily or willingly entered into a participation agreement to be regulated by a participating home state with respect to institutional and program approval, complaints, and institutional and program reviews (Section 10 of the Act). For the purposes of the Act and this Part, the Board is the agency designated to serve as the point of contact for Illinois.

"Physical Presence" means on-going occupation of a physical location for instructional purposes or maintenance of an administrative office to facilitate instruction (Section 10 of the Act).

"Regional Compact" means the New England Board of Higher Education, Midwestern Higher Education Compact (to which Illinois belongs), Southern Regional Education Board, or Western Interstate Commission for Higher Education (see Section 1 of the SARA Policies and Standards).

"SARA" means the state authorization reciprocity agreement or the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA.

"SARA Policies and Standards" refers to the document adopted by the National Council for SARA to administer the voluntary, regional approach to state oversight of distance education.

"State" means any state, commonwealth, district or territory of the United States that is a participant in good standing in a state authorization reciprocity agreement (Section 10 of the Act).

"State Authorization Reciprocity Agreement", "SARA", "Reciprocity Agreement", or "Interstate Reciprocity Agreement" means a voluntary agreement that establishes reciprocity between willing states for approval of postsecondary educational services delivered by distance learning beyond state boundaries (Section 10 of the Act). The development of these agreements among and between the state portal agencies and/or the regional compacts will be facilitated through NC-SARA.

Section 1033.30 Institution Approval Requirements

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- a) Authorization to Participate
- 1) Any degree-granting postsecondary institution, including public, private nonprofit and private for-profit institution, that desires to participate in SARA to offer distance education under the authority of the State of Illinois must:
 - A) Be accredited as defined in Section 1032.20.
 - B) Have Illinois as the designated home state, as defined in Section 1032.20, for postsecondary education offerings.
 - C) Be financially stable, evidenced by being State supported, or, for private for-profit and private nonprofit institutions participating in federal student aid programs under Title IV of the Higher Education Act of 1965 (PL 89-329), by meeting the following criteria: having a Federal Financial Responsibility Composite score of 1.5 or above; having a financial responsibility score between 1 and 1.4 and providing additional financial evidence described in subsection (a)(2) to the Board to determine financial status of the institution; or, for private for-profit and private nonprofit institutions not participating in federal student aid programs and without a Federal Financial Responsibility Composite Score, providing additional financial evidence described in subsection (a)(2) to the Board to determine financial status of the institution. No institution with a Federal Financial Responsibility Score below 1.0 will be determined eligible by the Board to participate in SARA through this State, even if any such institution is cleared by the U.S. Department of Education to participate in Title IV student aid programs.
 - 2) The following shall be used by the Board staff to determine the financial status of institutions required to provide additional financial evidence:
 - A) A written statement in the most recent fiscal year audited financial statement confirming that the institution is financially stable. The audited financial statement must show that the institution has

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adequate revenue to meet its financial obligations, including payment of unearned tuition.

- B) An irrevocable letter of credit from a bank or other similar financial institution in an amount equivalent to the estimated unearned tuition revenue from distance education students.
- b) Institutional participation shall be voluntary and, as such, institutions that choose not to participate will be governed by current Illinois statutes and regulations for distance education programs (the Board of Higher Education Act [110 ILCS 205], the Private College Act [110 ILCS 1005], the Academic Degree Act [110 ILCS 1010], and the Public Community College Act [110 ILCS 805], and 23 Ill. Adm. Code 1030, 1050 and 1051).
- c) Physical Presence
- 1) Any institution that meets the requirements of subsection (a) that has Illinois as the home state, is located in Illinois and holds its principal institutional accreditation in Illinois must receive Board approval for operating and degree granting authority under the Private College Act, the Academic Degree Act, or the Board of Higher Education Act, or be exempt from approval requirements as specified in 23 Ill. Adm. Code 1030.
 - 2) Any Illinois public community college desiring to participate in SARA shall be reviewed and approved by ICCB. This will not abrogate the Board of Higher Education's authority to request reviews of community colleges participating in the agreement.
 - 3) Any out-of-state institution from any SARA member state with physical presence as determined under this subsection (c)(3) must apply and obtain operating and degree granting authority from the Board. In determining whether such out-of-state participating institution has a physical presence, the following shall apply (see Section 5 of the SARA Policies and Standards):
 - A) The institution has a physical facility in this State, whether owned, operated or rented, for synchronous or asynchronous instruction;

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- B) The institution requires students to physically meet in a location for instructional purposes more than twice per full-term (quarter or semester) course for a total of more than six hours;
 - C) The institution offers a "short course" or seminars that require more than 20 contact hours;
 - D) The institution establishes a physical facility, whether owned, rented or operated by, or on behalf of, the institution, to provide information for the purpose of enrolling students or providing student support services;
 - E) The institution establishes an administrative office, including but not limited to office space for instructional or noninstructional staff;
 - F) The institution maintains a mailing address or phone exchange in Illinois.
- 4) Any out-of-state institution from a SARA member state that does not have physical presence in Illinois shall not be required by the Board to fulfill any additional Illinois requirements to operate under SARA if it does the following (see Section 5 of the SARA Policies and Standards):
- A) Offers distance learning courses that do not require students to gather in groups, except for the provisions in subsection (c)(3)(B);
 - B) Holds recruitment activities or advertises to students, whether through print, billboard, direct mail, internet, radio, television or other media;
 - C) Offers distance education courses on a military base if enrollment in those courses is limited to federal employees and family members;
 - D) Maintains a server, router or similar electronic service device housed in a facility that otherwise would not constitute physical presence (the presence of a server or similar pass-through

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switching device does not by itself constitute the offering of a course or program in Illinois);

- E) Has faculty, adjunct faculty, mentors, tutors or other academic personnel residing in Illinois (the presence of instructional faculty in Illinois, when those faculty teach entirely via distance education and never meet their students in person, does not establish physical presence for purposes of the SARA);
- F) Holds proctored exams on behalf of the institution in Illinois;
- G) Has contractual arrangements with third-party providers to offer or support SARA eligible programs. Any contact between a third-party provider of educational services and the State or SARA office must be made through the participating degree-granting institution. A third-party provider may not represent a participating institution regarding any subject under SARA's operating policies to any SARA office or the State of Illinois;
- H) Offers educational field experiences for students, including an educational field trip arranged for a group of students that are normally in residence at an institution in another state, with the exception of full-scale residency programs such as a summer session at a field station;
- I) Operates limited supervised field experiences. For the purposes of the SARA, interstate supervised field experiences originating from any member state's distance learning or campus-based program will be considered distance education not triggering physical presence if those activities involve placing not more than 10 students from any academic program, who are physically present simultaneously, at a single clinical facility or site in Illinois. Any out-of-state SARA member institution intending to have a larger pool of student placement must get approval from the Board to do so. Any out-of-state SARA member institution that owns a supervised field experience, clinical or practicum site shall be exempted from the limitations on placement of its own students at that site.

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- 5) Any participating institution offering distance learning courses leading to professional licensure must keep students, applicants and prospective students aware of the licensing requirements of Illinois. To comply with this requirement, participating institutions must do one of the following:
 - A) Provide notification in writing that the institution has determined that the course or program meets the requirements for professional licensure in the state in which the student resides; or
 - B) Provide notification in writing that the institution cannot confirm whether the course or program meets requirements for professional licensure in the state in which the student resides. The institution must provide the student with current contact information for any applicable licensing boards and advise the student to determine whether the program meets requirements for licensure.
- 6) Out-of-state institutions that choose to participate outside the reciprocity agreement or are from nonmember states will be bound by other Illinois laws identified in subsection (b) for distance education programs.

Section 1033.40 Application Process and Participation

The following are the processes for institutional participation in SARA:

- a) Eligibility
 - 1) Any degree-granting institution whose main campus is located in Illinois and holds its principal institutional accreditation in Illinois, including public, private nonprofit and private for-profit institutions, can voluntarily apply to the Board to participate in SARA. The Board shall approve Illinois institutions meeting the eligibility requirements as described in this Section.
 - 2) Institutions are eligible to participate in SARA if they are in compliance with the standards, procedures and requirements established by the NC-SARA and the Board. Approved institutions are required to maintain the conditions of approval throughout the participation period. Any institution that fails to maintain conditions of approval may lose eligibility to

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participate in SARA and be removed at any time by the Board. The following are the criteria to determine eligibility:

- A) The Interregional Guidelines for the Evaluation of Distance Education (C-RAC Guidelines) adopted by the National Council for SARA (July 10, 2015; no later amendments or editions are included) for the interstate distance learning reciprocity program must be maintained by the institution at all times during the participation period. Participating institutions must comply with the following C-RAC Guidelines (see Section 4 of SARA Policies and Standards):
- i) Online learning is appropriate to the institution's mission and purposes;
 - ii) The institution's plans for developing, sustaining and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes;
 - iii) Online learning is incorporated into the institution's systems of governance and academic oversight;
 - iv) Curricula for the institution's online learning offerings are coherent, cohesive and comparable in academic rigor to programs offered in traditional instructional formats;
 - v) The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals;
 - vi) Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported;

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- vii) The institution provides effective student and academic services to support students enrolled in online learning offerings;
 - viii) The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings; and
 - ix) The institution assures the integrity of its online offerings.
- B) Authorization to operate under SARA shall last for 12 months. Every year following the initial approval, the Board shall determine if participating institutions still meet SARA requirements. Any institution that does not seek to renew and pay applicable participation fees will no longer be eligible to participate in SARA.
- C) Community colleges may be deemed eligible by participating in a comparable approval process required by ICCB.
- b) Participation Fees
- 1) Institutions are assessed fees by the Board and by the National Council for Sara to participate in SARA.
 - A) The Board assesses an annual fee of \$1,750 to institutions participating in SARA and whose applications are managed by the Board. Full payment of these fees is required prior to Board staff review of the SARA application.
 - B) The National Council for SARA assesses initial and recurring fees to participating institutions. In order to be considered eligible to be a SARA institution by the Board, the institution must be in good standing with the National Council for SARA, including compliance with all Council fee requirements.
 - 2) Remittance

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- A) Board fees shall be submitted as check, certified check, cashier's check or money order payable to the Illinois Board of Higher Education.
 - B) The Board shall return fees, minus a fee of \$250 for processing, if, after further investigation, the Board determines that the institution is not eligible to participate in SARA. No refund shall be awarded for any application that has been reviewed by Board staff. Applications withdrawn by the institution shall receive no refund.
 - C) Board fees shall be submitted to:
 - Illinois Board of Higher Education
 - Academic Affairs Fee Remittance
 - 1 N. Old Capitol Plaza, Suite 333
 - Springfield IL 62701-1377
 - D) Applications submitted with insufficient or incorrect fees shall be considered incomplete. The Board will notify the institution of the correct amount due. No further action will be taken by the Board until the full or correct amount due is submitted.
- c) Application and Approval Process
- 1) Any institution seeking to participate is required to complete an application and pay the participation fees.
 - 2) The Board will provide SARA application forms to institutions, and Board staff will review the application to determine the institution's eligibility to participate in SARA.
 - 3) Board participation fees shall be paid in full before an application is reviewed by staff.
 - 4) Community colleges may be deemed SARA eligible by participating in a comparable ICCB approval process. No fee will be assessed by the Board of Higher Education.

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- 5) Upon approval by the Board to participate in SARA, the institution will be sent an electronic link to make payment to the NC-SARA. The Board shall notify the Council when an institution has completed the application process.
- d) Maintenance of Approval
- Institutions are approved to participate in SARA if they are in compliance with the standards, procedures and requirements of this Section. Approved institutions are required to maintain the conditions of approval throughout the participation period. Any institution that fails to maintain conditions of approval may lose eligibility to participate in SARA and be removed at any time by the Board.
- 1) Renewal
Approval to participate in SARA is for 12 months. Any institution participating in SARA is required to renew annually and pay required renewal fees to the Board and to NC-SARA. Any institution that does not renew the participation agreement with the Board or pay required fees will no longer be eligible to participate in SARA. The Board will not process any institution's application for renewal until the full amount due is paid.
 - 2) Data Reporting
Participating institutions must comply with the annual data reporting mandated by NC-SARA. SARA participating institutions shall annually submit the following data, and other data that NC-SARA may direct participating institutions to submit in the future, to NC-SARA (see Section 6 of the SARA Policies and Standards):
 - A) The number of students enrolled in the institution via distance education delivered outside the home state of the institution. The data should be reported by state, territory or district in which the students reside.
 - B) A list of programs that a student may complete without on-campus attendance (using the U.S. Department of Education definition of a distance education program).
 - 3) Reviews

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The staff of the Board may request reviews and visitations of SARA participating institutions as necessary for the implementation of the Act and this Part.

- 4) Investigations of Institutions
 - A) The Board staff shall initiate an investigation upon receipt by the Executive Director of a verified written complaint of an incident occurring within two years prior to the date the complaint was submitted. Complaints subject to investigation may include those arising from students, other SARA participating institutions, other SARA member states, the U.S. Department of Education, employers and licensing boards. Investigations may be initiated concerning any of the following:
 - i) Any violation of SARA consumer protection provisions concerning dishonest or fraudulent claims, including but not limited to recruitment and marketing materials; job placement data; tuition, fees and financial aid; admission requirements for courses and programs; accreditation status of institutions; professional licensing requirements or the requirements of specialized accrediting bodies; and any coursework transfer to other institutions that causes harm or financial loss to students.
 - ii) Any violation of the C-RAC Guidelines adopted by NC-SARA (July 10, 2015; no later amendments or editions are included) for the interstate distance learning reciprocity program.
 - iii) Any violation of the provisions of the Private College Act, the Academic Degree Act, and 23 Ill. Adm. Code 1030 (Program Review (Private Colleges and Universities)).
 - iv) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated.

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- v) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that may affect an institution's status with those bodies and/or affect the delivery of SARA programs.
 - vi) Failure to maintain financial stability as described in Section 1033.30(a)(1)(C).
 - vii) Failure to continue to meet any requirement in this Section.
- B) The institution involved in an investigation will be informed of the alleged violations and the processes of investigation. SARA participating institutions must work directly with the students to resolve certain SARA related complaints (e.g., complaints about grades or student conduct violations). The following are complaint procedures:
- i) Any complaints not resolved within the institution shall be reported to the BHE Executive Director for investigation and final resolution.
 - ii) After the Executive Director receives an unresolved complaint, he or she will initiate an investigation. The institution involved will be notified by the Board staff prior to initiating an investigation.
 - iii) Upon completion of an investigation, the Board staff will inform the institution of the status of the investigation. In the event that the alleged violations are substantiated, the institution may be removed from participating in SARA. The institution will be required to stop recruiting students for distance education under SARA until it gets a written clearance from the Board reauthorizing participation.
- C) The institution shall provide in its catalog and print promotional materials and on its website the institution complaint policies and procedures for reporting complaints, as well as the Board's website link for reporting complaints. The website information must

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include an electronic link to the Board's website on the first page (as registered with standard web/internet search engines).

- D) Community colleges may be deemed compliant by abiding by comparable ICCB processes.
- e) Revocation of Eligibility
- 1) Grounds for revocation of eligibility to participate in SARA include the following:
 - A) Failure to renew the SARA and/or pay required fees;
 - B) Violation of any applicable Illinois State laws or any provisions in the SARA Policies and Standards;
 - C) Failure by an approved institution to maintain institutional accreditation or to report negative changes to its accreditation to the Board;
 - D) Failure to maintain financial stability;
 - E) Failure to continue to meet any requirement of this Section.
 - 2) Neither NC-SARA nor the Board will issue a refund if an institution's eligibility is revoked due to violations of applicable Illinois State laws or SARA standards. Neither will any institution that voluntarily withdraws at any time during the participation year receive any refund.
 - 3) Procedures for Revocation
 - A) Following the Board staff investigation of institutional practices, the staff may recommend to the Executive Director revocation of eligibility to participate in the SARA.
 - B) The Executive Director shall send to the institution an official letter of revocation. The institution shall have 15 business days to communicate with the Board in writing of actions that will be

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taken and the timeline to address the violations identified in the revocation letter.

- C) The institution will be considered a SARA participant for the duration of a mandatory Board approved teach-out plan.
 - D) The Board may reinstate the institution at any time upon satisfactory correction of the violations that led to the revocation of eligibility.
- f) **State Withdrawal**
If Illinois withdraws from SARA, institutions approved and operating under SARA through Illinois may continue to do so for the remainder of the academic term or 90 days after the receipt of the Illinois withdrawal notice, whichever is later, but not to exceed six months from the date of notice.
- g) **Registers**
The Board shall maintain a register on the Board web site with the names of the institutions that have been approved by the Board and NC-SARA to participate in the SARA program (www.ibhe.org). In addition, NC-SARA publishes a list of participating states and institutions on its web site (www.nc-sara.org).

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.105 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Section 5 (c) (3) [230 ILCS 10/5 (c) (3)]
- 5) Effective date of Rule: August 18, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 6730; May 15, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? There have been no changes.
- 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 Rule: The rulemaking amends the provisions relating to meeting procedures contained in the Riverboat Gambling Part ("Board Meetings" – 86 Ill. Adm. Code 3000.105) in conformity with applicable provisions of the Open Meetings Act [5 ILCS 120], as follows:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

Counting members toward a quorum: Section 2.01 of the Open Meetings Act [5 ILCS 120/2.01] allows a member of a public body to be counted as part of a quorum, even if not physically present, if:

The member participates by interactive videoconference from a public building (which may include one of the public body's offices), and

The public body provides public notice and public access for all locations at which its members will be present.

The rulemaking incorporates these statutory provisions.

Participation of Board members in excess of a quorum by video or audio conference: Section 7 of the Open Meetings Act [5 ILCS 120/7] provides that when a quorum of members of a body is physically present, additional members of the body may participate by video or audio conferencing if they are "prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) family or other emergency." Such absentee participation is possible only in accordance with, and to the extent allowed by, the rules of the body. The rulemaking authorizes attendance of Illinois Gaming Board ("IGB") members by audio or video conferencing, duplicating the statutory language on this subject.

Duration of Public Comments: Section 2.06 (g) of the Open Meetings Act [5 ILCS 120/2.06 (g)] provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The rule establishes that the comments by each member of the public shall be limited to a reasonable period of time not to exceed five minutes, unless the Board gives permission for a longer presentation.

Notice Requirement for Public Comments: In Public Access Opinion 14-012, the Illinois Attorney General invalidated, as too restrictive, a rule of the McClean County Board requiring public commenters to give 5 business days' notice, with the county board being allowed to waive this 5-day requirement by majority vote. The Attorney General held that Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06] "gives members of the public a right to address a public body, subject to the significant government interests of conserving time, ensuring that others have the opportunity to speak, and preserving decorum." The Attorney General did not specify, however, what would be a sufficiently short notice requirement for public commenters.

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Currently, IGB requests 5 days' notice from members of the public who wish to address the Board. Under the holding of Public Access Opinion 14-012, this is probably too long a time. Accordingly, the rulemaking shortens the required notice period to 2 days, subject to the Board's ability to diminish or waive the notice requirement.

The IGB's meeting agendas are published about 72 hours before open meetings. The shortened notice period thus will give public commenters the ability to learn the contents of a forthcoming meeting agenda before the deadline for requesting public comment has expired.

Recording of meetings: Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05] allows the recording of open proceedings by tape, film or other means, and directs that "the authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings." The rulemaking allows any person to photograph, tape, film, or otherwise record the open portion of Board meetings, provided that persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members to avoid interference with the Board's discussion.

Cross-reference to video gaming rules: Section 3000.105 currently contains no reference to video gaming. The rule adds such a reference, thus clarifying that the provisions of this rule equally cover the video gaming portion of open Board meetings.

16) Information and questions regarding this adopted rule may be addressed to:

James Pllum
Acting General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

| Section | |
|----------|--|
| 3000.100 | Definitions |
| 3000.101 | Invalidity |
| 3000.102 | Public Inquiries |
| 3000.103 | Organization of the Illinois Gaming Board |
| 3000.104 | Rulemaking Procedures |
| 3000.105 | Board Meetings |
| 3000.110 | Disciplinary Actions |
| 3000.115 | Records Retention |
| 3000.120 | Place to Submit Materials |
| 3000.130 | No Opinion or Approval of the Board |
| 3000.140 | Duty to Disclose Changes in Information |
| 3000.141 | Applicant/Licensee Disclosure of Agents |
| 3000.150 | Owner's and Supplier's Duty to Investigate |
| 3000.155 | Investigatory Proceedings |
| 3000.160 | Duty to Report Misconduct |
| 3000.161 | Communication with Other Agencies |
| 3000.165 | Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees |
| 3000.170 | Fair Market Value of Contracts |
| 3000.180 | Weapons on Riverboat |

SUBPART B: LICENSES

| Section | |
|----------|--|
| 3000.200 | Classification of Licenses |
| 3000.210 | Fees and Bonds |
| 3000.220 | Applications |
| 3000.221 | Other Required Forms |
| 3000.222 | Identification and Requirements of Key Persons |
| 3000.223 | Disclosure of Ownership and Control |

ILLINOIS GAMING BOARD

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| | |
|----------|--|
| 3000.224 | Economic Disassociation |
| 3000.225 | Business Entity and Personal Disclosure Filings |
| 3000.230 | Owner's Licenses |
| 3000.231 | Distributions |
| 3000.232 | Undue Economic Concentration |
| 3000.234 | Acquisition of Ownership Interest By Institutional Investors |
| 3000.235 | Transferability of Ownership Interest |
| 3000.236 | Owner's License Renewal |
| 3000.237 | Renewed Owner's Licenses, Term and Restrictions |
| 3000.238 | Appointment of Receiver for an Owner's License |
| 3000.240 | Supplier's Licenses |
| 3000.241 | Renewal of Supplier's License |
| 3000.242 | Amendment to Supplier's Product List |
| 3000.243 | Bankruptcy or Change in Ownership of Supplier |
| 3000.244 | Surrender of Supplier's License |
| 3000.245 | Occupational Licenses |
| 3000.250 | Transferability of Licenses |
| 3000.260 | Waiver of Requirements |
| 3000.270 | Certification and Registration of Electronic Gaming Devices |
| 3000.271 | Analysis of Questioned Electronic Gaming Devices |
| 3000.272 | Certification of Voucher Systems |
| 3000.280 | Registration of All Gaming Devices |
| 3000.281 | Transfer of Registration (Repealed) |
| 3000.282 | Seizure of Gaming Devices (Repealed) |
| 3000.283 | Analysis of Questioned Electronic Gaming Devices (Repealed) |
| 3000.284 | Disposal of Gaming Devices |
| 3000.285 | Certification and Registration of Voucher Validation Terminals |
| 3000.286 | Contracting Goals for Owners Licensees |

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

| | |
|----------|--|
| Section | |
| 3000.300 | General Requirements – Internal Control System |
| 3000.310 | Approval of Internal Control System |
| 3000.320 | Minimum Standards for Internal Control Systems |
| 3000.330 | Review of Procedures (Repealed) |
| 3000.340 | Operating Procedures (Repealed) |
| 3000.350 | Modifications (Repealed) |

ILLINOIS GAMING BOARD

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SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

| | |
|----------|---|
| Section | |
| 3000.400 | Coverage of Subpart |
| 3000.405 | Requests for Hearings |
| 3000.410 | Appearances |
| 3000.415 | Discovery |
| 3000.420 | Motions for Summary Judgment |
| 3000.424 | Subpoena of Witnesses |
| 3000.425 | Proceedings |
| 3000.430 | Evidence |
| 3000.431 | Prohibition on Ex Parte Communication |
| 3000.435 | Sanctions and Penalties |
| 3000.440 | Transmittal of Record and Recommendation to the Board |
| 3000.445 | Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing |

SUBPART E: CRUISING

| | |
|----------|--------------------------------|
| Section | |
| 3000.500 | Riverboat Cruises |
| 3000.510 | Cancelled or Disrupted Cruises |

SUBPART F: CONDUCT OF GAMING

| | |
|----------|--|
| Section | |
| 3000.600 | Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards |
| 3000.602 | Disposition of Unauthorized Winnings |
| 3000.605 | Authorized Games |
| 3000.606 | Gaming Positions |
| 3000.610 | Publication of Rules and Payout Ratio for Live Gaming Devices |
| 3000.614 | Tournaments, Enhanced Payouts and Give-aways |
| 3000.615 | Payout Percentage for Electronic Gaming Devices |
| 3000.616 | Cashing-In |
| 3000.620 | Submission of Chips for Review and Approval |
| 3000.625 | Chip Specifications |
| 3000.630 | Primary, Secondary and Reserve Sets of Gaming Chips |
| 3000.631 | Tournament Chips |

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| | |
|----------|--|
| 3000.635 | Issuance and Use of Tokens for Gaming |
| 3000.636 | Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, Cash and Electronic Credits |
| 3000.640 | Exchange of Chips, Tokens, and Vouchers |
| 3000.645 | Receipt of Gaming Chips or Tokens from Manufacturer or Distributor |
| 3000.650 | Inventory of Chips |
| 3000.655 | Destruction of Chips, Tokens, and Vouchers |
| 3000.660 | Minimum Standards for Electronic Gaming Devices |
| 3000.661 | Minimum Standards for Voucher Systems |
| 3000.665 | Integrity of Electronic Gaming Devices |
| 3000.666 | Bill Validator Requirements |
| 3000.667 | Integrity of Voucher Systems |
| 3000.670 | Computer Monitoring Requirements of Electronic Gaming Devices |
| 3000.671 | Computer Monitoring Requirements of Voucher Systems |

SUBPART G: EXCLUSION OF PERSONS

| | |
|----------|--|
| Section | |
| 3000.700 | Organization of Subpart |
| 3000.701 | Duty to Exclude |
| 3000.705 | Voluntary Self-Exclusion Policy (Repealed) |
| 3000.710 | Distribution and Availability of Board Exclusion List |
| 3000.720 | Criteria for Exclusion or Ejection and Placement on the Board Exclusion List |
| 3000.725 | Duty of Licensees |
| 3000.730 | Procedure for Entry of Names |
| 3000.740 | Petition for Removal from the Board Exclusion List |
| 3000.745 | Voluntary Self-Exclusion Policy |
| 3000.750 | Establishment of a Self-Exclusion List |
| 3000.751 | Locations to Execute Self-Exclusion Forms |
| 3000.755 | Information Required for Placement on the Self-Exclusion List |
| 3000.756 | Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion |
| 3000.760 | Distribution and Availability of Confidential Self-Exclusion List |
| 3000.770 | Duties of Licensees |
| 3000.780 | Request for Removal from the IGB Self-Exclusion List |
| 3000.782 | Required Information, Recommendations, Forms and Interviews |
| 3000.785 | Appeal of a Notice of Denial of Removal |
| 3000.786 | Duties of Owner Licensees to Persons Removed from the Self-Exclusion List |
| 3000.787 | Placement on the Self-Exclusion List Following Removal |
| 3000.790 | Duties of the Board |

ILLINOIS GAMING BOARD

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SUBPART H: SURVEILLANCE AND SECURITY

Section

| | |
|----------|--|
| 3000.800 | Required Surveillance Equipment |
| 3000.810 | Riverboat and Board Surveillance Room Requirements |
| 3000.820 | Segregated Telephone Communication |
| 3000.830 | Surveillance Logs |
| 3000.840 | Storage and Retrieval |
| 3000.850 | Dock Site Board Facility |
| 3000.860 | Maintenance and Testing |

SUBPART I: LIQUOR LICENSES

Section

| | |
|----------|---------------------------|
| 3000.900 | Liquor Control Commission |
| 3000.910 | Liquor Licenses |
| 3000.920 | Disciplinary Action |
| 3000.930 | Hours of Sale |

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

| | |
|-----------|---|
| 3000.1000 | Ownership Records |
| 3000.1010 | Accounting Records |
| 3000.1020 | Standard Financial and Statistical Records |
| 3000.1030 | Annual and Special Audits and Other Reporting Requirements |
| 3000.1040 | Accounting Controls Within the Cashier's Cage |
| 3000.1050 | Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit |
| 3000.1060 | Handling of Cash at Gaming Tables |
| 3000.1070 | Tips or Gratuities |
| 3000.1071 | Admission Tax and Wagering Tax |
| 3000.1072 | Cash Reserve Requirements |

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

| | |
|-----------|---------------------|
| 3000.1100 | Coverage of Subpart |
|-----------|---------------------|

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| | |
|-----------|---|
| 3000.1105 | Duty to Maintain Suitability |
| 3000.1110 | Board Action Against License or Licensee |
| 3000.1115 | Complaint |
| 3000.1120 | Appearances |
| 3000.1125 | Answer |
| 3000.1126 | Appointment of Hearing Officer |
| 3000.1130 | Discovery |
| 3000.1135 | Motions for Summary Disposition |
| 3000.1139 | Subpoena of Witnesses |
| 3000.1140 | Proceedings |
| 3000.1145 | Evidence |
| 3000.1146 | Prohibition of Ex Parte Communication |
| 3000.1150 | Sanctions and Penalties |
| 3000.1155 | Transmittal of Record and Recommendation to the Board |

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967,

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effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. 12312, effective August 18, 2015.

SUBPART A: GENERAL PROVISIONS

Section 3000.105 Board Meetings

- a) The Board makes all of its decisions on adjudicatory cases and regulatory matters at public meetings of the Board noticed and held in accordance with the Open Meetings Act [5 ILCS 120]. The Board holds closed meetings pursuant to Section 2a of the Open Meetings Act [5 ILCS 120/2a].
- b) Final decisions of the Board may be made only at meetings held when a quorum, constituted by three members of the Board, is present. Three affirmative votes are required for any final decision of the Board. The presence of a quorum is required at a meeting in order for the Board to transact any business, perform any duty, or exercise any power that the Riverboat Gambling Act [230 ILCS 10] requires the Board to transact, perform or exercise en banc.
- c) A Board member shall be counted toward determining a quorum by being present in a public building, which may include one of the Board offices, and participating in the meeting through an interactive video conference, provided the Board gives public notice and public access for all locations in which participating Board members are present. (See Section 2.01 of the Open Meetings Act [5 ILCS 120]).
- de) Board Member Attendance

ILLINOIS GAMING BOARD

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- 1) *If a quorum of the members of the Board is physically present, a majority of the Board may allow a Board member to attend that meeting by video or audio conference if the member is prevented from physically attending because of:*
 - A) *personal illness or disability;*
 - B) *employment purposes or the business of the public body; or*
 - C) *a family or other emergency.*
 - 2) *If a member wishes to attend a meeting by audio or video conferencing the member must notify the Board or its designated staff before the meeting unless advance notice is impractical. (Section 7 of the Open Meetings Act). Meetings may be held with Board members physically present or present telephonically.*
 - 3) In the event a Board member is present telephonically, the public session of such a meeting will be broadcast over a speakerphone that is open to the public at the Board meeting location~~Board's office in Chicago.~~
- ed) Section 5(b)(8) of the Riverboat Gambling Act [230 ILCS 10/5(b)(8)] requires the Board to meet at least once during each quarter of the fiscal year and allows the Board to hold other meetings pursuant to the Open Meetings Act ~~[5 ILCS 120]~~. The Chairman or any 2 members of the Board may call a special meeting of the Board upon giving 72 hours written notice to each Board member.
- fe) Requests for Board action initiated by licensees shall be given initial consideration by the Board at one meeting and be given final consideration by the Board at a subsequent meeting. However, upon motion, the Board may give immediate consideration to the action request.
- g) Members of the public shall be permitted to address the Board during the open portion of a Board meeting on matters relevant to the Board's functions, subject to the significant government interests of conserving time, ensuring that others have the opportunity to speak, and preserving decorum. The comments by each member of the public shall be limited to a reasonable period of time, not to exceed five minutes unless the Board gives permission. Members of the public shall provide at least 2 days' notice of intent to address the Board, unless the Board

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diminishes or waives this notice requirement. (See Section 2.06(g) of the Open Meetings Act.)

- h) Any person shall be permitted to photograph, tape, film or otherwise record the open portions of Board meetings. Persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members as is necessary to avoid interference with the Board's discussion. (See Section 2.05 of the Open Meetings Act.)
- i) The provisions of this Section also apply to public meetings of the Board in which matters relating to video gaming under the Video Gaming Act [230 ILCS 40] are considered.

(Source: Amended at 39 Ill. Reg. 12312, effective August 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3) Section Number: 3045.80 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) Effective Date of Rule: August 21, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 1, 2015; 39 Ill. Reg. 6013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to ensure that alcohol is not being sold or consumed at Off Highway Vehicle (OHV) grant assisted sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3045

OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

| | |
|----------|--|
| 3045.10 | Program Objective |
| 3045.20 | Program Eligibility Requirements |
| 3045.30 | Funding Assistance Formula |
| 3045.40 | General Procedures for Grant Applications and Awards |
| 3045.50 | Eligible Project Expenditures |
| 3045.60 | Project Evaluation Criteria/Priorities |
| 3045.70 | Review by Advisory Board |
| 3045.80 | Program Compliance Requirements |
| 3045.90 | Program Information |
| 3045.95 | Sale or Transfer of Grant-Funded Property |
| 3045.100 | Issuing Public Access Stickers |

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. 10092, effective May 22, 2006; amended at 36 Ill. Reg. 11179, effective July 3, 2012; amended at 39 Ill. Reg. 12324, effective August 21, 2015.

Section 3045.80 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the OHV program must be open to the general public for off-highway vehicle use. Property acquired or developed with program assistance may not be converted to a use that would deny public off-highway vehicle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in off-highway vehicle usefulness, quality and location.

DEPARTMENT OF NATURAL RESOURCES

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- b) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- c) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.
- d) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
- 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- e) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment

DEPARTMENT OF NATURAL RESOURCES

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of the entire grant amount or by operation, by the recipient or a Department designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.

\$1-\$50,000 – 5 years

for every \$10,000 increment over \$50,000 – add one year

- f) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.
- g) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this Section and be subject to corrective measures by the Department as deemed appropriate.
- h) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- i) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- j) The project sponsor must possess the resource capabilities to:
 - 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.

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- k) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled checks showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- l) All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
- m) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
- n) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
- o) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
- p) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor

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(applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:

- 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;
 - 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);
 - 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- q) Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].
- r) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
 - 2) The charging of user fees for general public use must be approved by the Department.
 - 3) Except as noted below, all OHV grant-assisted facilities must be open and

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available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.

- A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
- B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
- 4) All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize the facility's intended public benefit.
- 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
- 6) The possession, sale or consumption of alcoholic beverages on OHV grant assisted sites is expressly prohibited.
- s) All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- t) The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- u) Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of

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the Department, such noncompliance was due to no fault of the project sponsor (applicant).

(Source: Amended at 39 Ill. Reg. 12324, effective August 21, 2015)

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- 1) Heading of the Part: Recreational Trails Program
- 2) Code Citation: 17 Ill. Adm. Code 3090
- 3)

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 3090.5 | New Section |
| 3090.10 | New Section |
| 3090.20 | New Section |
| 3090.30 | New Section |
| 3090.40 | New Section |
| 3090.50 | New Section |
| 3090.60 | New Section |
| 3090.70 | New Section |
| 3090.80 | New Section |
| 3090.90 | New Section |
- 4) Statutory Authority: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the federal Recreational Trails Program, created through the National Recreational Trails Fund Act enacted as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and reauthorized by MAP-21, Moving Ahead for Progress in the 21st Century (P.L. 112-141) and 23 USC 206.
- 5) Effective Date of Rules: August 21, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 10, 2015; 39 Ill. Reg. 5325
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

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In the Table of Contents, "3090.5 Definitions" has been added; in 3090.60, "Priorities" has been changed to "Standards"; in 3090.70, "and Grant Agreement" has been added after "Requirements".

In the Authority note, "the Outdoor Recreation Resources Act [20 ILCS 860] and" has been added after "authorized by".

Section 3090.5 has been added titled "Definitions"

In Section 3090.10, ", through simple title, permanent easement or long-term lease," has been added after "land".

In Section 3090.30, "There is a \$200,000 maximum grant award" has been changed to "A maximum grant of \$200,000 may be awarded"; and "There: has been changed to "No"; and "is no set" has been deleted; "is set" has been added after "amount"; after the period, "No limit is placed on the number of individual grants for which an entity can apply; however, only one grant will be awarded to any applicant during a grant cycle." has been added.

In Section 3090.40, (a), (b) and (c) have been changed to read as follows:

- a) Necessary application material and instructions are available on the Department's website at www.dnr.illinois.gov.
- b) Grants are awarded under the authority and direction of the Director of the Department.
- c) Grant applications for assistance under this program must be submitted in accordance with the Department's public announcement of the grant cycle. Failure to submit a completed application to the Department by the date specified in the announcement will result in project rejection for that grant cycle."

In Section 3090.40(c), subsection has been relabeled to "d)" and "at a minimum" has been deleted; subsection (d)(6), "A Comprehensive Environmental Review Process (CERP)" has been changed to read "A CERP"; subsection (d)(8), "signed document" has been changed to "document signed" and "that the applicant" has been added after the second "and"; subsections (d)(10) and (11) have been changed to read as follows and (13) has been added:

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- 10) If the applicant is not a governmental agency or an individual, a copy of the applicant's organizational documents (e.g., corporation, partnership, trust or other business entity organizational documents) or, if none of these apply, the applicant's by-laws;
- 11) If the applicant is not a governmental agency, proof of a minimum of \$1,000,000 in liability insurance for motorized trail projects;
- 12) The grant application fee required by 17 Ill. Adm. Code 3000.40; and
- 13) For all projects that will initially establish a year-round trail or path within a linear corridor or initially open an area for motorized recreation vehicle use, documentation of the following public review:
 - A) If the project is sponsored by a government entity, a public hearing must be conducted to discuss the project and solicit public comments. Minutes of the hearing, along with any written comments received, and a copy of the public notice must be submitted with the application to the Department. Notice of the public hearing must appear in at least one local newspaper of general circulation at least 7 days prior to the hearing.
 - B) If the project is sponsored by a non-government entity, the application must include approval (or documentation that the approval process has been initiated) from the local zoning board or boards having jurisdiction over the property. Final action by the local zoning boards must be completed within 60 days after the grant submittal deadline. If the project is located in an area with no zoning requirements, notice of project intent must be published in the local newspaper, publically posted for 30 days at the county courthouse, and publically posted for 30 days at two additional prominent public locations within the county of the project site (e.g., the municipal building or post office of a nearby community, etc.)."

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Section 3090.50(a), ", but not limited to, the following items" has been deleted; subsection (a)(1), "costs" has been deleted and the comma deleted after "easement"; "and for public trail areas, including" has been changed to "/trail sites. Land acquisition costs include"; subsection (a)(2), "costs" has been deleted; "trails and trail sites" has been changed to read "trails/trail sites"; subsection (a)(3), the period has been changed to "and"; subsection (a)(4) has been added to read:

- 4) Other uses approved by DNR based on such considerations as benefit to the public, need and economic feasibility.

Section 3090.50(b), "grant awards" has been changed to "grants"; "for the general public to use the proposed trail or proposed trail site" has been changed to "to the general public for the specified use of the proposed trail/trail site"; "for the specified use" has been deleted.

Section 3090.50(c), "Grant" has been changed to "RTP grant" and "from this program" has been deleted; subsection (c)(1), "and" has been deleted; subsection (c)(2), "such" has been changed to "trail" and "an" has been changed to "a U.S. Forest Service"; the period at the end of the sentence has been changed to "; and"; subsection (c)(3) has been added to read:

- 3) Conversion to a motorized trail of a trail that existed as a nonmotorized trail as of May 1, 1991.

Section 3090.60, "Priorities" has been changed to "Standards"; subsection "a) Application Scoring" has been added; "have been established" has been changed to "will be used"; "project applications for funding assistance:" has been changed to "grant applications. Each criteria indicates the weighting that will be given to that criteria."; subsection label "a" has been changed to "1"); add "(20%)" after "need" and delete "the following factors".

3090.60(1) has been changed to subsection label "A)" and "or" to a slash; subsections "2)" and "3)" has been changed to "B)" and "C)"; subsection "b)" has been changed to "2)"; "(55%)" has been added after "quality"; and "the following factors" has been deleted; subsection "1)" has been changed to "A)"; "priorities will be used" has been changed to "will be considered in the priority listed"; subsections "A)" – "D)" have been changed to "i)" – "iv)"; subsections "2)" through "7)" have been changed to "B)" through "G)"; subsection "c)" has been changed to "3)" and "(5%)" has been added after "site"; subsection "d)" has been changed to "4)" and "(5%)" has been added after "project";

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subsection "e)" has been changed to "5)" and "(5%)" has been added after "contribution"; subsection "f)" has been changed to "6)" and "(10%)" has been added after "suitability"; new subsection "b) Penalty Factors – Deduct up to 25% Consideration is given to the applicant's past performance in completing Department grant projects or unresolved project violations, maintenance history of existing sites, and administrative considerations (such as application completeness and response time during the application process)." has been added.

Section 3090.70, "and Grant Agreement" has been added after "Requirements"; "a) Program Compliance Requirements" has been added; subsection "a)" has been changed to "1)"; "the" has been changed to "and"; "program" has been deleted; "the" has been added after "for"; "as proposed" has been changed to "described" and a comma added after "application"; subsection b) has been changed to:

- 2) If the land is acquired with funding assistance from RTP:
 - A) the land shall be operated and maintained for the time period and for the trail purposes specified in the grant application, the Grant Agreement and 23 CFR 1.23 and 1.27 (2015), except as provided in subsection (a)(4).
 - B) the Department will require the grant recipient to secure and record on the deed a covenant limiting the use of the property to the uses outlined in the grant application and the Grant Agreement. The language of the covenant will be determined by the Department and provided to the grant recipient."

Section 3090.70, "c)" has been changed to "3)" and changed to read "For projects receiving grant assistance for development costs only, terms of this Part and the Grant Agreement shall no longer apply after the following time periods:"; the hyphen in "\$1 - \$50,000" has been changed to "to".

Section 3090.70, "d)" has been changed to "4)"; "as specified" has been changed to "stated"; "and the Grant Agreement" has been added after "application"; "1)" has been changed to "A)"; "2)" has been changed to "B)"; "the funds" has been deleted and "an amount" added after "Department"; "disbursed to the project sponsor or" has been changed to "or equal to".

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Section 3090.70, "e)" has been changed to "5)" and changed to read "For projects receiving acquisition assistance, the project sponsor shall submit to the Department an appraisal and, if it meets Department specifications, the Department will accept that appraisal."

Section 3090.70, "f)" has been changed to "6)"; "legal control over the property by" has been added after "possess"; "by" has been added after "or"; "of legal control and tenure" has been deleted; "etc.) over the property being improved for a period of 25 years. The Department"; "when" has been changed to "if and "such a" has been changed to "at least a 25-year"; "long-term" has been deleted and "if" has been added after "or".

Section 3090.70, "g)" has been changed to "7)" and "Prior to construction of RTP grant assisted facilities, the project sponsor shall obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:"; subsections "1)" through "6)" has been changed to "A)" through "F)"; in new subsection "F)", "or" has been changed to "and" and ", etc." has been deleted.

Section 3090.70, "h)" has been changed to "8)" and "have received or" has been deleted.

Section 3090.70, "i)" has been changed to "9) The project sponsor is required to enter into a Grant Agreement with the Department."

Section 3090.70, "j)" has been changed to "10)" and the first line changed to "Upon completion of the project that is the subject of the grant, or as otherwise specified in the Grant Agreement, the project sponsor must submit a signed project"; "and" has been changed to "/"; "if applicable" has been added after documentation"; "1)" has been changed to "A)" and "i)" has been added before "Proof"; the period at the end of the sentence has been changed to "; or"; "ii) Proof of a long-term lease between the landowner and the grantee." has been added; "2)" has been changed to "B)"; "k)" has been changed to "11)"; after "with", add "the Grant Funds Recovery Act [30 ILCS 705], the State Records Act [5 ILCS 160] and any other applicable"; at the end of the sentence, add "Financial records on approved projects must also be maintained in accordance with federal statute and regulations (e.g., 2 CFR 200.333 (2015)), which may or may not be different from State statute and regulations."

Section 3090.70, "k)" through "n)" have been changed to "12)" through "14)".

Section 3090.70, "o)" has been changed to "15)"; "It shall be understood by the project sponsor that a Department representative may" has been changed to "A Department

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representative may"; a period has been added after "progresses"; "and that a" has been changed to ". A".

Section 3090.70, "p)" has been changed to "16)"; the comma after "expenses" has been deleted and "thereof" has been deleted.

Section 3090.70, "q)" has been changed to "17)", "it shall be understood that" has been deleted; ", as" has been deleted; "approved" has been deleted.

Section 3090.70, "r)" has been changed to "18)"; "1)" and "All lands and facilities assisted with RTP grant funds shall be" has been changed to read "A) All lands and facilities acquired, constructed or maintained with RTP grant funds shall be:"; "i)" has been added before "continuously"; "and be" has been changed to "; and ii)"; "2)" has been changed to "B)"; "and the Grant Agreement" has been added after "Part".

Section 3090.70, "s)" has been changed to "19)"; "1)" has been changed to "A)" and "unit of" has been deleted; "political subdivision" has been changed to "government"; "2)" has been changed to "B)" and "unit of" has been deleted; "the" has been changed to "that" and "political subdivision" has been changed to "government" in the remaining paragraph.

Section 3090.70, "t)" has been changed to "20)" and "certifies" has been changed to "shall certify in the Grant Agreement"; "105/16" has been changed to "580/3".

Section 3090.70, "u)" has been changed to "21)"; "certifies that it has" has been changed to "shall maintain"; "1)" through "6)" has been changed to "A)" through "F)".

Section 3090.70, "v) Program Violations and Project Termination" has been changed to "22) Grant Agreement Modification or Termination"; subsection "1)" has been changed to read:

- A) In the event that sufficient State funds are not appropriated to meet all the obligations of the RTP, the State will unilaterally rescind Grant Agreements that cannot be funded. DNR may also terminate the grant for other reasons specified in the Grant Agreement.
- B) Except as otherwise provided in subsection (a)(22)(A), after project commencement, Grant Agreements may be rescinded, modified or amended only by mutual agreement with the project sponsor. A project

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shall be deemed to be commenced when the project sponsor makes any expenditure or incurs any obligation with respect to the project."

Section 3090.70, "2)" has been changed to "23) RTP Violation"; "and the Grant Agreement" has been added after "Section"; "under the Grant Funds Recovery Act" has been added after "obligations".

Section 3090.70, new subsection "b)" has been added

Section 3090.80(a)(1)(A) – (D), "RTP grant fund" has been changed to "Fund"; subsection (a)(1)(E), "grant fund" has been changed to "fund"; subsection (b)(1), second line, "shall" has been changed to "will".

Section 3090.90, "Email: DNR.grants@illinois.gov" has been added below the "FAX" information.

- 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? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been proposed to establish guidelines in awarding and administering grants through the Recreational Trails Program.
- 16) Information and questions regarding these adopted rules shall be directed to:

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3090
RECREATIONAL TRAILS PROGRAM

Section

| | |
|---------|--|
| 3090. 5 | Definitions |
| 3090.10 | Program Objective |
| 3090.20 | Program Eligibility Requirements |
| 3090.30 | Funding Assistance Formula |
| 3090.40 | General Procedures for Grant Applications and Awards |
| 3090.50 | Eligible Project Costs |
| 3090.60 | Project Evaluation Standards |
| 3090.70 | Program Compliance Requirements and Grant Agreement |
| 3090.80 | Sale or Transfer of Grant-Funded Property |
| 3090.90 | Program Information/Contact |

AUTHORITY: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the federal Recreational Trails Program, created through the National Recreational Trails Fund Act enacted as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and reauthorized by MAP-21, Moving Ahead for Progress in the 21st Century (P.L. 112-141) and 23 USC 206.

SOURCE: Adopted at 39 Ill. Reg. 12333, effective August 21, 2015.

Section 3090.5 Definitions

"CERP" means the Comprehensive Environmental Review Process by which the Department is required, by various statutes, to determine whether a prospective project may pose possible environmental or historical/cultural resource impacts.

"Department" or "DNR" means the Illinois Department of Natural Resources.

"Fund" means the Department of Natural Resource's Park and Conservation Fund created at Section 805-420 of the Department of Natural Resources (Conservation) Act [20 ILCS 805].

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"Grant Agreement" means the signed agreement, entered between the Department and the grantee under Section 3090.70, that establishes the terms of the grant award and the responsibilities the grantee assumes.

"Long-Term Lease" means a lease of at least 25 years, unless the Grant Agreement specifies another duration.

"Trail Site" means an area owned and managed by the grantee for the purposes outlined in the application and described in the Grant Agreement. This includes lands surrounding the trail, facilities (e.g., restrooms, drinking water, concession areas, rest areas, parking, access roads, etc.).

Section 3090.10 Program Objective

The Recreational Trails Program (RTP) is a federal-aid assistance program to help states provide and maintain recreational trails for both motorized and nonmotorized trail use. Funding assistance provided through the program is for the development of motorized and nonmotorized trails that are open to the public and for the acquisition of land, through simple title, permanent easement or long-term lease, to be used for motorized and nonmotorized trails that are open to the public.

Section 3090.20 Program Eligibility Requirements

Eligible grant applicants include federal, State and local government agencies, not-for-profit organizations and private operators of recreational facilities open to the public.

Section 3090.30 Funding Assistance Formula

The RTP provides 80% reimbursement funding assistance on approved projects. A maximum grant of \$200,000 may be awarded per application for nonmotorized development projects. No maximum grant award amount is set for acquisition projects and for motorized projects. No limit is placed on the number of individual grants for which an entity can apply; however, only one grant will be awarded to any applicant during a grant cycle. Additionally, funds from other Department trails grant programs may be awarded, at the Department's discretion, to provide more than 80% funding assistance for some trail projects (e.g., motorized trails).

Section 3090.40 General Procedures for Grant Applications and Awards

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- a) Necessary application material and instructions are available on the Department's website at www.dnr.illinois.gov.
- b) Grants are awarded under the authority and direction of the Director of the Department.
- c) Grant applications for assistance under this program must be submitted in accordance with the Department's public announcement of the grant cycle. Failure to submit a completed application to the Department by the date specified in the announcement will result in project rejection for that grant cycle.
- d) Project grant applications consist of the following basic components:
 - 1) Completed application forms;
 - 2) A project location map;
 - 3) A site plat map or boundary map;
 - 4) A proposed site/trail development plan;
 - 5) A project narrative statement describing the project concept and location, need for and objectives of the project, anticipated benefits, proposed trail usages, and method of financing or accomplishing the project;
 - 6) A CERP evaluation;
 - 7) Proof of land ownership or usage rights for proposed development (construction) projects or commitment of title insurance for property planned for acquisition;
 - 8) A document signed by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and that the applicant will comply with program regulations and indemnify the Department from any liability relative to the project;
 - 9) A schedule of proposed expenditures/reimbursements from anticipated start through project completion;

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- 10) If the applicant is not a governmental agency or an individual, a copy of the applicant's organizational documents (e.g., corporation, partnership, trust or other business entity organizational documents) or, if none of these apply, the applicant's by-laws;
- 11) If the applicant is not a governmental agency, proof of a minimum of \$1,000,000 in liability insurance for motorized trail projects;
- 12) The grant application fee required by 17 Ill. Adm. Code 3000.40; and
- 13) For all projects that will initially establish a year-round trail or path within a linear corridor or initially open an area for motorized recreation vehicle use, documentation of the following public review:
 - A) If the project is sponsored by a government entity, a public hearing must be conducted to discuss the project and solicit public comments. Minutes of the hearing, along with any written comments received, and a copy of the public notice must be submitted with the application to the Department. Notice of the public hearing must appear in at least one local newspaper of general circulation at least 7 days prior to the hearing.
 - B) If the project is sponsored by a non-government entity, the application must include approval (or documentation that the approval process has been initiated) from the local zoning board or boards having jurisdiction over the property. Final action by the local zoning boards must be completed within 60 days after the grant submittal deadline. If the project is located in an area with no zoning requirements, notice of project intent must be published in the local newspaper, publically posted for 30 days at the county courthouse, and publically posted for 30 days at two additional prominent public locations within the county of the project site (e.g., the municipal building or post office of a nearby community, etc.).

Section 3090.50 Eligible Project Costs

- a) Grant assistance may be obtained for:

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- 1) Land acquisition (fee simple title, permanent easement or long-term lease) from willing sellers for public trails/trail sites. Land acquisition costs include associated appraisal costs, site survey costs, title insurance and closing costs;
 - 2) Trail development, including, but not limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, potable water supply, lighting and other related amenities deemed necessary. Architectural/engineering services deemed necessary for the proper design and construction of project trails/trail sites are also considered eligible development costs;
 - 3) Restoration of areas adjacent to trails damaged by unauthorized trail uses; and
 - 4) Others uses approved by DNR based on such considerations as benefit to the public, need and economic feasibility.
- b) No grants shall be awarded to projects that, either in whole or in part, will not be open to the general public for the specified use of the proposed trail/trail site during reasonable hours and reasonable days throughout the year.
- c) RTP grant assistance cannot be used for the following purposes:
- 1) Land acquisition through eminent domain;
 - 2) Construction of motorized trails and areas on U.S. Forest Service lands designated as wilderness or currently not authorized for trail use by a U.S. Forest Service approved management plan; and
 - 3) Conversion to a motorized trail of a trail that existed as a nonmotorized trail as of May 1, 1991.

Section 3090.60 Project Evaluation Standards

- a) Application Scoring

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The following criteria will be used by the Department for evaluating and ranking grant applications. Each criteria indicates the weighting that will be given to that criteria.

- 1) Projects of high need (20%), taking into account:
 - A) Trail significance – the estimated users that will be attracted to the trail/trail site; will it potentially be of interstate, State, regional or local importance;
 - B) Geographic distribution – will the proposed project, considering the trail type and proposed users of the trail or site, be the first in the county, area or region; and
 - C) Population served.
- 2) Project concept and quality (55%), taking into account:
 - A) Project type. The following will be considered in the priority listed:
 - i) acquisition of land for new trails/trail sites;
 - ii) initial development of trails/trail sites;
 - iii) additional development of existing trails/trail sites; and
 - iv) renovation of existing trails/trail facilities;
 - B) Trail length;
 - C) Proposed project cost per mile;
 - D) Diversity of trail use;
 - E) Scenic quality of the trail corridor or the trail site;
 - F) Availability of necessary amenities/support facilities, such as drinking water, restrooms and parking; and

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- G) Project sponsor maintenance capabilities and projects having the most long-term, stable management potential.
- 3) Environmental suitability of the proposed trail/trail site (5%).
- 4) Local support for the proposed project (5%).
- 5) Local financial contribution (5%).
- 6) Overall program suitability (10%).
- b) Penalty Factors – Deduct up to 25%
Consideration is given to the applicant's past performance in completing Department grant projects or unresolved project violations, maintenance history of existing sites, and administrative considerations (such as application completeness and response time during the application process).

Section 3090.70 Program Compliance Requirements and Grant Agreement

- a) Program Compliance Requirements
 - 1) Any property acquired or developed through assistance from an RTP grant must be open to the general public during reasonable hours and reasonable days for the recreational use described in the grant application, without regard to race or color, creed, national origin, sex or disability.
 - 2) If the land is acquired with funding assistance from the RTP:
 - A) the land shall be operated and maintained for the time period and for the trail purposes specified in the grant application, the Grant Agreement and 23 CFR 1.23 and 1.27 (2015), except as provided in subsection (a)(4).
 - B) the Department will require the grant recipient to secure and record on the deed a covenant limiting the use of the property to the uses outlined in the grant application and the Grant Agreement. The language of the covenant will be determined by the Department and provided to the grant recipient.

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- 3) For projects receiving grant assistance for development costs only, terms of this Part and the Grant Agreement shall no longer apply after the following time periods:

| <u>Total Grant Award</u> | <u>Time Period After Final Project Billing</u> |
|---|--|
| \$1 to \$50,000 | 5 years |
| For every \$10,000 increment over \$50,000 | Add 1 year |

- 4) Any portion of the property acquired or developed with RTP grant funds may not be converted to a use other than the public recreation use stated in the grant application and the Grant Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor:
 - A) substitutes replacement property of at least equal fair market value and comparable in outdoor recreation usefulness, quality and location; or
 - B) repays to the Department an amount equal to the original grant amount or equal to the property's fair market value at the time of noncompliance, whichever is deemed most appropriate by the Department.
- 5) For projects receiving acquisition assistance, the project sponsor shall submit to the Department an appraisal of the land to be used in the project. The Department will review the appraisal and, if it meets Department specifications, the Department will accept that appraisal.
- 6) For projects receiving development assistance, the project sponsor must possess legal control over the property by either fee simple title or by other means (easement, lease, etc.) for at least 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods if State statute prohibits a unit of local government from entering into at least a 25-year agreement, or if other circumstances beyond the control of the unit of local government prohibit those arrangements. The

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sponsor must also adhere to applicable local bidding and procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating the dates when the advertisement/prospectus will be released, must also be presented, upon request, to the Department for review prior to publication.

- 7) Prior to construction of RTP grant assisted facilities, the project sponsor shall obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
 - A) Illinois Department of Natural Resources, Office of Water Resources;
 - B) Illinois Environmental Protection Agency;
 - C) U.S. Army Corps of Engineers;
 - D) Illinois Department of Public Health (Campground Licensing and Recreational Area Act [210 ILCS 95]);
 - E) Illinois Department of Transportation, Division of Highways; and
 - F) Local building, zoning and road commissions.
- 8) Prior to any trail construction or trail development on sites that have been approved for RTP grant assistance, the project sponsor must comply with the consultation requirements of Section 11(b) of the Illinois Endangered Species Act [520 ILCS 10] and Section 4 of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- 9) The project sponsor is required to enter into a Grant Agreement with the Department.
- 10) Upon completion of the project that is the subject of the grant, or as otherwise specified in the Grant Agreement, the project sponsor must submit a signed project billing request (expenditure statement) listing and verifying all funds expended on the project for which grant reimbursement

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is sought, as well as required billing documentation if applicable, as follows:

- A) Acquisition Project:
 - i) Proof of good faith negotiations or fair market value offer to land seller, copy of property deed, copy of title insurance policy (Judgment Order in case of condemnation) showing ownership transferred to the project sponsor, and copies of canceled checks showing proof of payment to seller; or
 - ii) Proof of a long-term lease between the landowner and the grantee.
 - B) Development Projects: Copy of construction as-built drawings (no larger than 11" x 17") and verification of actual project costs.
- 11) All financial records on approved projects must be maintained and retained in accordance with the Grant Funds Recovery Act [30 ILCS 705], the State Records Act [5 ILCS 160] and any other applicable State laws by the project sponsor for possible State audit after final reimbursement payment is made by the Department. Financial records on approved projects must also be maintained in accordance with federal statute and regulations (e.g., 2 CFR 200.333 (2015)), which may or may not be different from State statute and regulations.
 - 12) The project sponsor must permanently post an RTP grant acknowledgment sign at the project site. The required wording for the RTP sign will be provided by the Department.
 - 13) Projects assisted with RTP grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
 - 14) The project sponsor must observe and comply with the provisions of Section 4 of the Prevailing Wage Act [820 ILCS 130], which apply to the wages of laborers, mechanics and other workers employed in any public

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works, and with the prevailing wage requirements of Section 25-60 of the Illinois Procurement Code [30 ILCS 500].

- 15) A Department representative may make periodic inspections of the project as construction progresses. A final inspection and acceptance of the completed project may be made by a representative or agent of the Department prior to final payment of grant reimbursement to the project sponsor.
- 16) The project sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses or claims arising under, through or by virtue of the construction, operation and maintenance of RTP grant assisted facilities.
- 17) In connection with and prior to the construction and the subsequent operation and maintenance of RTP grant assisted facilities, the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent required by law. Failure to obtain any required permits may jeopardize grant funding.
- 18) The project sponsor must comply with and abide by the following operation and maintenance provisions:
 - A) All lands and facilities acquired, constructed or maintained with RTP grant funds shall be:
 - i) continuously operated and maintained by the project sponsor in a safe and attractive manner at no cost to the Department; and
 - ii) operated and utilized in such a manner as to maximize the intended benefits to the public.
 - B) The Department shall have access to RTP grant assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part and the Grant Agreement.
 - C) The project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities

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for dispensing food to the public and/or any other services as may be desired by the public and the project sponsor for enjoyable and convenient use of the RTP grant assisted site.

- D) The possession, sale or consumption of alcoholic beverages on RTP grant assisted sites is expressly prohibited.
 - E) The charging of user fees for general public use of RTP grant assisted trails or facilities must be approved by the Department and reflected in the Grant Agreement.
- 19) Conflict of Interest
- A) If the project sponsor is a local government, no official or employee of the local government who is authorized in his or her official capacity to negotiate, make, accept, approve or take part in decisions regarding a contract or subcontract in connection with an approved RTP grant project shall have any financial or other personal interest in that contract or subcontract.
 - B) If the project sponsor is a local government, no person performing services for that local government in connection with an approved RTP grant project shall have a financial or other personal interest other than his or her employment or retention by the local government in any contract or subcontract in connection with an approved RTP grant project. No officer or employee of a person retained by the local government shall have any financial or other personal interest in any real property acquired under an approved RTP grant project unless that interest is openly disclosed on the public records of the local government and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local government.
- 20) The project sponsor shall certify in the Grant Agreement that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 580/3].

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- 21) Pursuant to Section 2-105(A)(4) of the Human Rights Act [775 ILCS 5], the project sponsor shall maintain a written sexual harassment policy that includes, at a minimum, the following information:
- A) the illegality of sexual harassment;
 - B) the definition of sexual harassment under State law;
 - C) a description of sexual harassment utilizing examples;
 - D) the contractor's internal complaint process, including penalties;
 - E) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
 - F) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5]. A copy of the policy shall be provided to the Department of Human Rights upon request.
- 22) Grant Agreement Modification or Termination
- A) In the event that sufficient State funds are not appropriated to meet all the obligations of the RTP, the State will unilaterally rescind Grant Agreements that cannot be funded. DNR may also terminate the grant for other reasons specified in the Grant Agreement.
 - B) Except as otherwise provided in subsection (a)(22)(A), after project commencement, Grant Agreements may be rescinded, modified or amended only by mutual agreement with the project sponsor. A project shall be deemed to be commenced when the project sponsor makes any expenditure or incurs any obligation with respect to the project.
- 23) RTP Violation
- Failure by the project sponsor to comply with any of the program terms listed in this Section and the Grant Agreement shall be cause for the suspension of all grant assistance obligations under the Grant Funds

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Recovery Act, unless, in the judgment of the Department, the failure was due to no fault of the project sponsor (e.g., statutory changes, acts of God).

b) Grant Agreement

Every recipient of a grant under this Section must enter a Grant Agreement with the Department. The purpose of the Grant Agreement is to establish the terms of the grant award and commitments made by the grantee. It shall be signed by the grantee and the Department before any grant funds are paid. The Grant Agreement will:

- 1) describe the grantee;
- 2) describe the project for which the grant is awarded and any land to be acquired with grant funds;
- 3) describe the time period for which the grantee is responsible for the design and implementation of the project;
- 4) describe the amount agreed upon by the Department and grantee as necessary to complete the approved project, specifying the related grant reimbursement amount, and a schedule of proposed expenditures/reimbursements from anticipated start through project completion;
- 5) state the amount of any liability insurance to be required under Section 3090.40;
- 6) state any commitments made by the grantee as a condition of the grant;
- 7) include a statement that the grantee will comply with all requirements of the National Recreational Trails Fund Act (23 USC 206) and related rules, the Outdoor Recreation Resources Act [20 ILCS 860], this Part and the Grant Agreement;
- 8) specify grant payment procedures, recordkeeping and reporting requirements, and auditing requirements;
- 9) include a statement of intellectual property rights, including copyright, patent and any other rights;

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- 10) include a statement of the applicability of the Grant Funds Recovery Act [30 ILCS 705];
- 11) indemnify the Department from any liability relative to the project;
- 12) include a statement that the grantee is responsible for any subcontractor's performance;
- 13) reference any provisions that the grantee is required to include in any publicly bid contract for project work (e.g., scale of wages, liability insurance requirements, adherence to the Employment of Illinois Workers on Public Works Act [30 ILCS 570], etc.);
- 14) include any other agreements between the Department and the specific grantee upon which the grant award is contingent.

Section 3090.80 Sale or Transfer of Grant-Funded Property

- a) Real Property
 - 1) If land purchased by grant funds is sold or transferred by operation of law, other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the Fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the Fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the Fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the Fund; and

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- E) in the 15th year or thereafter, no reimbursement to the Fund is required.
- 2) In cases of catastrophic illness or injury to the grantee or principals of the grantee (e.g., spouses, children and parents) the Director may modify the repayment provisions of subsection (a)(1).
- b) Personal Property
 - 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which will not be unreasonably withheld. Disposing of personal property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.
 - 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

Section 3090.90 Program Information/Contact

For information on the RTP, contact:

Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-7481
FAX: 217/782-9599
Email: DNR.grants@illinois.gov

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Number: 310.107 Adopted Action:
Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) Effective Date of Rule: August 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) The adopted rule, a copy of the Board's opinion and order adopted August 20, 2015 in docket R15-13, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: April 24, 2015; 39 Ill. Reg. 5762
- 10) Has JCAR issued a statement of objection to this rule? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: A table that appears in the Board's opinion and order of August 20, 2015 in docket R15-13 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated April 2, 2015, in docket R15-13. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to two minor corrections in punctuation that JCAR suggested. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 24, 2015 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of August 20, 2015 in docket R15-13, as indicated in item 11 above. See the August 20, 2015 opinion and order in docket R15-13 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in the docket R15-13 rulemaking of which amends Part 310. A comprehensive description is contained in the Board's opinion and order of August 20, 2015, adopting the amendment in docket R15-13, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with an amendment adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the update period. The docket and time period that is involved in this proceeding is the following:

R15-13 Federal wastewater pretreatment amendments that occurred during the period July 1, 2014 through December 31, 2105

The R15-13 docket amends incorporations by reference in Part 310. The update to one incorporation by reference resulted from USEPA amendment of a federal Clean Water Act analytical methods provision. The rest of the updates are routine changes to the latest versions of various federal regulations and statutory provisions.

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Tables appear in the Board's opinion and order of August 20, 2015 in docket R15-13 that list the revisions to the text that are not based on current federal amendments, and the revisions to the text since the Board's April 2, 2015 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 20, 2015 opinion and order in docket R15-13.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated docket R15-13 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of August 20, 2015 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

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SUBPART B: PRETREATMENT STANDARDS

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SUBPART C: REMOVAL CREDITS

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| 310.301 | Special Definitions |

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- 310.302 Authority
- 310.303 Conditions for Authorization to Grant Removal Credits
- 310.310 Calculation of Revised Discharge Limits
- 310.311 Demonstration of Consistent Removal
- 310.312 Provisional Credits
- 310.320 Compensation for Overflow
- 310.330 Exception to POTW Pretreatment Program
- 310.340 Application for Removal Credits Authorization
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- 310.343 Assistance of POTW
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SUBPART D: PRETREATMENT PERMITS

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- 310.400 Preamble
- 310.401 Pretreatment Permits
- 310.402 Time to Apply
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- 310.410 Application
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- 310.421 Final Action
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- 310.431 Duration of Permits
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- 310.441 Effect of a Permit
- 310.442 Modification
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SUBPART E: POTW PRETREATMENT PROGRAMS

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| 310.501 | Pretreatment Programs Required |
| 310.502 | Deadline for Program Approval |
| 310.503 | Incorporation of Approved Programs in Permits |
| 310.504 | Incorporation of Compliance Schedules in Permits |
| 310.505 | Reissuance or Modification of Permits |
| 310.510 | Pretreatment Program Requirements |
| 310.511 | Receiving Electronic Documents |
| 310.521 | Program Approval |
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| 310.531 | Agency Action |
| 310.532 | Defective Submission |
| 310.533 | Water Quality Management |
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| 310.544 | USEPA Objection |
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SUBPART F: REPORTING REQUIREMENTS

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| 310.601 | Definition of Control Authority (Repealed) |
| 310.602 | Baseline Report |
| 310.603 | Compliance Schedule |
| 310.604 | Report on Compliance with Deadline |
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| 310.606 | Notice of Potential Problems |
| 310.610 | Monitoring and Analysis |
| 310.611 | Requirements for Non-Categorical Standard Users |
| 310.612 | Annual POTW Reports |
| 310.613 | Notification of Changed Discharge |
| 310.621 | Compliance Schedule for POTWs |
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- 310.636 Annual Certification by Non-Significant Categorical Users
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SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

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310.705 Factors that are Not Fundamentally Different
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310.712 Contents of FDF Request
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310.714 Public Notice
310.721 Agency Review of FDF Requests
310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

- Section
310.801 Net/Gross Calculation

SUBPART I: UPSETS

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310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
310.904 Burden of Proof
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SUBPART J: BYPASS

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310.910 Definitions
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

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- 310.912 Notice
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SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

- Section
310.920 General
310.921 Substantial Modifications Defined
310.922 Approval Procedures for Substantial Modifications
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SUBPART L: FEDERAL PROJECT XL AGREEMENTS

- Section
310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13 at 39 Ill. Reg. 12357, effective August 24, 2015.

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SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number EPA-830-B-94-001), available from National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994).

Standard Industrial Classification Manual (1987) (document no. PB87-100012) (referred to as "1987 SIC Manual"), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at http://www.osha.gov/pls/imis/sic_manual.html. In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9, 1997)) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.

- b) The following provisions of the Code of Federal Regulations are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

40 CFR 2.302 ~~(2014)~~(2012) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section

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310.105.

40 CFR 3.2 [\(2014\)\(2012\)](#) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3 [\(2014\)\(2012\)](#) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10 [\(2014\)\(2012\)](#) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000 [\(2014\)\(2012\)](#) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25 [\(2014\)\(2012\)](#) (Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D to 40 CFR 122 [\(2014\)\(2012\)](#) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 122.23(b) and (c) [\(2014\)\(2012\)](#) (Concentrated Animal Feeding Operations), referenced in 35 Ill. Adm. Code 307.2201.

40 CFR 136 [\(2014\)](#), as amended at [79 Fed. Reg. 49001 \(Aug. 19, 2014\)\(2012\)](#) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and Sections 310.605, 310.610, and 310.611.

[40 CFR 401.15 \(2014\) \(Toxic Pollutants\), referenced in 35 Ill. Adm. Code 307.1005.](#)

40 CFR 403 [\(2014\)\(2012\)](#) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

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40 CFR 403.12(b) ~~(2014)(2012)~~ (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

40 CFR 403.15 ~~(2014)(2012)~~ (Net/Gross Calculation), referenced in Section 310.801.

Appendix D to 40 CFR 403 ~~(2014)(2012)~~ (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 ~~(2014)(2012)~~ (Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503 ~~(2014)(2012)~~ (Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 ~~(2013)(2010)~~), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. ~~(2013)(2010)~~), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) ~~(2013)(2010)~~), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) ~~(2013)(2010)~~), referenced in Section 310.110.

Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC 1317(b), (c), and (d) ~~(2013)(2010)~~), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 ~~(2013)(2010)~~), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) ~~(2013)(2010)~~), referenced in Section 310.633.

POLLUTION CONTROL BOARD

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Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) ~~(2013)(2010)~~), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 ~~(2013)(2010)~~), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) ~~(2013)(2010)~~, referenced in Section 310.510.

- d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located all of the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 39 Ill. Reg. 12357, effective August 24, 2015)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

| | |
|-------------------------|---------------------------|
| <u>Section Numbers:</u> | <u>Emergency Actions:</u> |
| 1.420 | Amendment |
| 1.422 | New Section |
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: August 20, 2015
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will be in force until replaced by regular rulemaking or until the end of the 150-day period, whichever occurs sooner.
- 7) Date Filed with the Index Department: August 19, 2015
- 8) A copy of the 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: PA 99-194, effective July 30, 2015, establishes a three-year pilot program that would allow no more than three school districts to offer instruction electronically (i.e., e-learning) on days when school is not scheduled due to the need to use an emergency day. New Section 10-20.56 of the School Code [105 ILCS 5/10-20.56] also provides that the pilot program begin in the second semester of the 2015-16 school year. The rulemaking is being treated as an emergency rulemaking given the imminent start date of the pilot program and the fact that more than three school districts have expressed interest in participating in the pilot e-learning program. For this reason, a competitive application package will be used to solicit proposals from interested school districts. The application package cannot be released until rules governing the application content, criteria for review, and terms and conditions of approval are promulgated.
- 10) A Complete Description of the Subjects and Issues Involved: P.A. 99-194, effective July 30, 2015, added Section 10-20.56 to the School Code, which sets forth the criteria that a school district must meet in order to offer e-learning instruction in lieu of using one or more of the five emergency days required to be included in its school calendar. As such, a school district approved for an e-learning program would be able to count the students

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participating in electronically provided instruction as "present" when it calculates average daily attendance used for determining general State aid. Unlike emergency days, a district would not be required to "make up" at the end of the school year the e-learning days it uses. The e-learning program is intended for districtwide implementation except when a single school building must be closed due to a hazardous condition beyond the control of the school district, as defined under Section 18-12 of the School Code [105 ILCS 5/18-12].

Since the law authorizes the participation of only three school districts, the agency must solicit school districts that might be interested in participating in the pilot program through a Request for Applications (RFA) process. The RFA would establish the content of the application, criteria for review of the applications, and the terms and conditions of any approval granted. (See Sections 1.422(f), (g) and (j) of the emergency amendments for details).

Instruction on an e-learning day may be provided through the Internet; by telephones or text messages; in chat rooms; or through other similar means of electronic communication that enables interaction between teachers and students. A school district must propose how it will provide at least five clock hours of instruction for all of its students, including students with disabilities, English learners, students who are homeless or migrant, and students enrolled in general education coursework. Instruction must cover all required subject areas, be based on lesson plans, and meet the academic goals and learning objectives of the district.

Under the emergency amendments, a school district is required to send a request to its respective regional office of education or intermediate service center to amend its calendar no more than 30 days after using an e-learning day. Concurrent with the request, the school district will be required to provide a report to the regional superintendent about its use of the day, to address their successes and challenges in implementing the e-learning day and include a comparison of attendance of teachers and students in the three days previous to the e-learning day to that of teachers and students on the e-learning day. Reporting, as set forth in Section 1.422(j)(9), is required of school districts both at the end of the three-year pilot and after each e-learning day for two reasons:

to assist the State Board in formulating its report to the General Assembly about whether e-learning should be expanded statewide, which is due on or before June 1, 2019; and

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to provide information and data for auditing purposes to ensure that school districts are complying with all statutory and regulatory requirements for the receipt of general State aid.

- 11) Are there any rulemakings pending on this Part? Yes

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citation</u> |
|-------------------------|--------------------------|-----------------------------------|
| 1.20 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.70 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.97 | New Section | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.100 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.210 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.240 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.420 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.440 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.442 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.540 | New Section | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.660 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.705 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |
| 1.790 | Amendment | 39 Ill. Reg. 7413; May 29, 2015 |

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding this emergency rule should be directed to:

Amy Jo Clemens, Assistant Superintendent
 Innovation and Improvement
 Illinois State Board of Education
 100 North First Street, N-242
 Springfield IL 62777-0001

217/524-4832

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

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

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- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards

EMERGENCY

- 1.422 Electronic Learning (e-Learning) Days Pilot Program

EMERGENCY

- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors

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- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

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- 1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher

- 1.APPENDIX A Professional Staff Educator Licensure
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement
Determination (Repealed)
1.APPENDIX F Criteria for Determination – Student Performance and School
Improvement (Repealed)
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg.

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19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards**EMERGENCY**

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of

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different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

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- C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
 - 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas of instruction is held by all teachers.
 - 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either

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for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident.

A) If the certification is submitted under Section 18-12 of the School Code, it shall indicate whether instruction was provided to students using an e-learning day authorized under Section 10-20.56 of the School Code and Section 1.422 of this Part.

B) ~~If in Addition,~~ the certification is submitted for reasons of a public health emergency under Section 18-12.5 of the School Code, it shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

i)A) the name of the building that is being recommended for closure;

ii)B) the specific public health emergency that warrants the closure; and

iii)C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of

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school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section [10-20.56](#) or 10-29 of the School Code [105 ILCS 5/[10-20.56](#) and 10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also

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provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually, beginning in the 2015-16 school year. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration and establishment of a professional development system for teachers and administrators.
 - A) A school district may be asked to participate in a limited statewide implementation of KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district

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selected to participate in the limited statewide implementation not later than July 1.

- B) Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.

i) Career Education

- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
- 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
- 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be

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taught as a separate required course.

- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12.
 - 4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
 - n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
 - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or

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a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.

- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].
- o) Library Media Programs
- Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).
- 1) General
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.
 - 2) Financial Resources
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.
 - 3) Facilities
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in

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all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

- 4) Staff
- Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.
- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
 - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

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- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
 - 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
 - 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
 - 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
 - 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
 - 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.

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- A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.
 - B) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
 - C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) **School Support Personnel Services**
To assure provision of School Support Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;

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- 4) Health Needs.
- r) Social Sciences and History
- Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in the world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in

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Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated by this Part.

- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days)

Section 1.422 Electronic Learning (e-learning) Days Pilot Program
EMERGENCY

Section 10-20.56 of the School Code [105 ILCS 5/10-20.56] authorizes a pilot program for the use of e-learning days by school districts to provide instruction while the students are not in attendance at the school to which they have been assigned. An e-learning day may be used only in lieu of using one or more emergency days required under Section 10-19 of the School Code [105 ILCS 5/10-19]. This Section sets forth the process to apply for approval to participate in the E-learning Days Pilot Program and the terms and conditions for the use of e-learning days by participating districts.

- a) An "approvable e-learning day":
- 1) is a day of instruction provided for students who are not physically present at the school and that is accessible to all students, including students with disabilities and English learners;
 - 2) consists of a minimum of five clock hours of instruction; and
 - 3) is provided through electronic means, such as the *Internet, telephones, text messages, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meets the needs of all learners.* (Section 10-20.56(b) of the School Code)

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- b) "All mandates", as used in Section 10-20.56(b) of the School Code, means mandates specific to academic goals and learning objectives, content areas of instruction, and instructional and other school support services. "All mandates" does not include the provision of transportation, school lunch and breakfast, after school care or other services not directly related to the provision of instruction.
- c) Once an e-learning day is used, a school district approved under this Section shall electronically submit a request to its regional office of education or intermediate service center to amend its calendar not later than 30 days from the date on which an e-learning day was taken. The request shall include a signed assurance that the district complied with each of the requirements of Section 10-20.56 of the School Code and Section 1.420(f)(5)(D) of this Part.
- d) If a school district used the e-learning day pursuant to Section 18-12 of the School Code [105 ILCS 5/18-12], the district also shall submit the information required under Section 1.420(f)(4) of this Part.
- e) A school district wishing to participate in the E-Learning Days Pilot Program shall submit an application to the State Board of Education that addresses each of the components listed in Section 10-20.56 of the School Code and subsection (f) of this Section.
- 1) Each application for the E-learning Days Pilot Program shall be submitted in a format specified by the State Superintendent by September 1 annually, except that applications for initial approval for school year 2015-16 shall be submitted no later than October 15, 2015.
 - 2) Each application shall include a cover page that is signed by the school district superintendent; each of the district's exclusive collective bargaining representatives; and, as applicable, the district's regional superintendent of education or chief administrative officer of the district's intermediate service center.
 - 3) Each application shall include a description of the public hearing held by the school board to take testimony from the public, including from school district employees and parents, about the request.

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- 4) Each application shall include a dated copy of the notice of the public hearing that was published in a newspaper of general circulation and a dated copy of the written or electronic notifications about the public hearing that meet the requirements of Section 10-20.56(c) of the School Code.
- f) In addition to addressing each of the components in Section 10-20.56(d) of the School Code, each applicant shall:
 - 1) describe the process to be used to verify that five clock-hours of "instruction" under the direct supervision of educator licensed teachers will be provided;
 - 2) present a plan for addressing technology problems and providing other technical support, as applicable to its e-learning delivery system;
 - 3) detail how instruction and other services and programs provided by the e-learning program will:
 - A) address all the instructional mandates contained in Article 27 of the School Code (i.e., language arts, mathematics, the biological, physical and social sciences, the fine arts and physical development and health) and this Part, as applicable;
 - B) comply with Article 14 of the School Code [105 ILCS 5/Art. 14], 23 Ill. Adm. Code 226 (Special Education), and the federal Disabilities Education Improvement Act (also referred to as "IDEA") (20 USC 1400 et seq.) and its implementing regulations (34 CFR 300, as amended by 71 Fed. Reg. 46540 (August 14, 2006) and 73 Fed. Reg. 73027 (December 1, 2008), no later amendments or editions included), and Section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.), regarding the provision of services for students with disabilities;
 - C) comply with Article 14C of the School Code [105 ILCS 5/Art. 14C] and 23 Ill. Adm. Code 228 (Transitional Bilingual Education), regarding services for English learners;

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- D) address the varying learning needs of students enrolled in general education coursework, to include, as applicable, how the district will meet the instructional needs of students participating in, or receiving services from, programs under the Elementary and Secondary Education Act or McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.);
- E) align to the district's curriculum and address the specific learning objectives of the course of instruction being provided; and
- G) meet the requirements of Section 27-6 of the School Code [105 ILCS 5/27-6], regarding the provision of physical education, subject to any waiver of the requirement approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g].
- 4) describe the process it will use to monitor Internet access or other electronic participation of individual students on an e-learning day (also see Section 1.420(f)(5)(D) of this Part); the description shall provide sufficient evidence of how students will actively participate in the program and any contingencies to be considered for students who are unable to access instruction due to computer problems, power outages or other circumstances beyond a student's control; and
- 5) describe how expectations for e-learning coursework and other activities will be communicated to students and parents in advance of the school district's use of an e-learning day, as well as how feedback will be gathered from staff, students and parents about the successes and challenges of the e-learning program.
- g) Each application for an E-learning Days Pilot Program that meets the requirements of Section 10-20.56 of the School Code and this Section shall be evaluated according to the criteria set forth in this subsection (g). The three highest ranked applications shall be approved.
- 1) Delivery System (up to 25 points)
- A robust system has been proposed to manage the e-learning system, ensuring accurate identification of students, reliable management of student attendance and provision of effective remedies for technical issues

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that may arise during the e-learning day that limit or block a student's or staff member's access to online participation.

- 2) Instructional Program (up to 25 points)
The proposed program is:
 - A) built upon research about effective distance learning approaches;
 - B) includes a curriculum with high-quality learning experiences aligned to the learning objectives of the course or grade (including addressing the applicable instructional mandates identified in Article 27 of the School Code); organized lesson plans or other documentation of the instruction to be provided; and sequence and pacing to allow students to be successful; and
 - C) contains no penalties for students who encounter technical difficulties, providing a process for students to submit school work for credit that they were unable to complete during the e-learning day.
- 3) Special Populations (up to 25 points)
Provisions for providing services for students with disabilities and English learners are appropriate and comply with State and federal laws and regulations. The program also is likely to meet the varying learning needs of the students enrolled in general education coursework by adequately considering ability, grade level, at-risk status and/or demographic diversity.
- 4) Notification and Training (up to 25 points)
The proposed process for both involving staff, students and parents in the program design and for notifying and orienting them about the e-learning program to be implemented will sufficiently prepare staff, students and parents to fully participate in and navigate the e-learning system effectively and efficiently. A detailed plan is included for collecting feedback from staff, students and parents after an e-learning day is used.
- 5) Priority Consideration

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Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular Request for Applications.

- h) The State Superintendent of Education will notify school districts approved for participation in the E-Learning Days Pilot Program no later than 45 days following the close of the application period.
- i) Approval to participate in the E-Learning Days Pilot Program will be for three years (Section 10-20.56(d) of the School Code), except that approval in the second and third years shall be based on a review of the continuation application required under this subsection (i).

 - 1) By September 1 of each year following initial approval, each participating school district shall submit a continuation application to the State Superintendent that:

 - A) provides a summary of how the applicant will meet each of the program components listed in Section 10-20.56 of the School Code and this Section;
 - B) describes any changes in the program delivery model to be implemented for the school year;
 - C) identifies any problems encountered in the previous school year related to the provision or monitoring of the program; and
 - D) proposes remedies to be implemented during the next school year to resolve the problems identified.
 - 2) The continuation application shall be submitted electronically in IWAS according to the timelines established by the State Superintendent of Education.
 - 3) Approval during any continuation period shall be contingent upon sufficient evidence that the e-learning program to be implemented in the continuation period meets each of the requirements of Section 10-20.56 of the School Code and the application approved under this Section and that any deficiencies identified have been resolved.

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- j) Terms and Conditions of Approval
- 1) A school district that receives approval to participate in the E-learning Days Pilot Program shall notify all educator licensed personnel and other employees, students and parents that it will be implementing an e-learning program no later 10 school days after receiving notification of approval from State Board of Education.
 - 2) An e-learning day shall be implemented on a districtwide basis, except as otherwise authorized under Section 18-12 of the School Code.
 - 3) A school district that is approved to use e-learning days may choose to use an emergency day instead of an e-learning day; that is, the school district's participation in the e-learning program does not compel it to use only e-learning days. Further, the school district is not required to exhaust all of its emergency days before using an e-learning day.
 - 4) A school district using an e-learning day shall use only educator licensed personnel under contract with the school district to deliver instruction, except that a person holding a substitute teaching license issued under Section 21B-20 of the School Code [105 ILCS 5/21B-20] may be used in cases of illness or leaves of absence.
 - 5) The school district shall assign one or more school administrators to monitor the program, to include but not be limited to, verifying attendance, providing instruction should a teacher be unavailable, and overseeing student participation and the technical aspects of the e-learning program.
 - 6) The State Superintendent of Education may withdraw approval of the e-learning program when evidence is presented that the school district violated the requirements, terms and conditions set forth in Section 10-20.56 of the School Code and/or the application approved under this Section.
 - 7) A student unable to participate in an e-learning day due to computer problems, power outages or other circumstances beyond a student's control shall not be penalized (e.g., unexcused absences, lowering of

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grades) for his or her inability to participate in the e-learning instruction if the student later completes and submits the required school work within a timeframe specified by the district. A school district, however, shall not count the student as being in attendance on the e-learning day for purposes of determining average daily attendance when computing General State Aid.

- 8) A school district shall compute General State Aid in accordance with the requirements of Section 18-8.05(F) of the School Code and Section 1.420(f) of this Part.
- 9) A school district shall submit a final report specific to its e-learning program no later than December 31, 2018, and interim reports no later than 30 days after an e-learning day is used, that address, at minimum, each of the items listed in this subsection (j)(9). The reports shall be submitted in accordance with a format specified by the State Superintendent of Education. Each report shall include:
- A) a description of the process and evidence used to verify that a minimum of five clock hours of instruction or school work was provided for each student participating on the e-learning day;
 - B) a summary of how each of the requirements of Section 10-20.56 of the School Code and components of the e-learning program approved under this Section were met, describing any challenges encountered and/or solutions proposed to remedy the problems identified;
 - C) a summary of attendance information of students and teachers for each e-learning day used, compared to attendance information relative to students and teachers for the three days previous to the e-learning day; and
 - D) a summary of feedback about the e-learning experience from a representative sampling of teachers, students and parents, and how the e-learning program was improved or modified based on the feedback received.

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(Source: Added by emergency rulemaking at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days)

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) Section Number: 100.TABLE C Emergency Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) Effective Date of Rule: August 20, 2015
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will be in force until replaced by regular rulemaking or until the end of the 150-day period, whichever occurs sooner.
- 7) Date Filed with the Index Department: August 19, 2015
- 8) A copy of the 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: PA 99-5, effective July 1, 2015, appropriates \$85 million for supplemental grants to certain school districts to compensate them for losses incurred due to insufficient funds being appropriated to fully fund general State aid (GSA) claims (Article 1, Section 10 of the Act). School districts receiving the supplemental grant must account for these funds separately from funds from other sources. The range of revenue accounts found in Table C of Part 100, however, does not currently offer a means of segregating the supplemental grant for GSA from any other funds that may be used for similar purposes. For this reason, a new revenue code has been added to the table.

The rulemaking is being treated as an emergency rulemaking since budget forms and other fiscal information for fiscal year 2016 will include the new revenue account code. The urgency to release the funds, coupled with the need for accountability, means that rules need to be put in place as soon as possible.
- 10) A Complete Description of the Subjects and Issues Involved: PA 99-5, effective July 1, 2015, appropriates \$85 million for supplemental grants to certain school districts to compensate them for losses incurred due to insufficient funds being appropriated to fully fund general State aid (GSA) claims (Article 1, Section 10 of the Act). The appropriation

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has necessitated a change in the State Board's rules for accounting, budgeting, financial reporting and auditing (Part 100), as the range of revenue accounts found in Table C does not currently offer a means of segregating the supplemental grant for GSA from any other funds that may be used for similar purposes. School districts receiving the supplemental grant must account for these funds separately from funds from other sources. The agency must ensure that districts will use a uniform system of capturing this information. For this reason, a new code will be assigned for use by those districts receiving the supplemental grant, ensuring comparability in the eventual reporting and data collection.

- 11) Are there any rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding this emergency rule should be directed to:

Debbie Vespa, Division Administrator
Division of School Business Services
Illinois State Board of Education
100 North First Street, N-330
Springfield IL 62777-0001

217/785-8779

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER c: FINANCE

PART 100
 REQUIREMENTS FOR ACCOUNTING, BUDGETING,
 FINANCIAL REPORTING, AND AUDITING

| | |
|---------------------------|--|
| Section | |
| 100.10 | Purpose and Applicability |
| 100.20 | Definitions |
| 100.30 | General Requirements |
| 100.40 | Types of Funds, Basis of Accounting, and Recognition of Transactions |
| 100.50 | Intra-Fund and Inter-Fund Transactions |
| 100.60 | Capital Assets and Depreciation |
| 100.70 | Revolving Funds |
| 100.80 | Student Activity Funds |
| 100.90 | Submission of Budgets and Deficit Reduction Plans |
| 100.100 | Annual Financial Reports |
| 100.110 | Annual Audit Requirements |
| 100.120 | Provisions Related to Debt |
| 100.130 | Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), the Education Jobs Fund Program (Ed Jobs), the Race to the Top Program, and the Preschool Expansion Grant Program |
| 100.TABLE A | Classification of Funds |
| 100.TABLE B | Balance Sheet Accounts |
| 100.TABLE C | Revenue Accounts |
| EMERGENCY | |
| 100.TABLE D | Expenditure Accounts |
| 100.TABLE E | "Sources and Uses" Accounts; Miscellaneous |
| 100.TABLE F | Expenditure Object Accounts |

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

SOURCE: Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17,

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2009, for a maximum of 150 days; emergency expired September 13, 2009; emergency amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16728, effective November 23, 2009; emergency amendment at 34 Ill. Reg. 15489, effective September 22, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 2259, effective January 20, 2011; emergency amendment at 36 Ill. Reg. 5624, effective March 21, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 12623, effective July 18, 2012; emergency amendment at 39 Ill. Reg. 3146, effective February 11, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 9982, effective June 30, 2015; emergency amendment at 39 Ill. Reg. 12398, effective August 20, 2015, for a maximum of 150 days.

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Section 100.TABLE C Revenue Accounts**EMERGENCY**

| Label | Account Number | Source; Notes |
|--|----------------|--|
| RECEIPTS/REVENUE FROM LOCAL SOURCES | 1000 | |
| AD VALOREM TAXES | 1100 | |
| Educational Purposes Levy | 1110 | 105 ILCS 5/17-2 and 17-3. |
| Operations and Maintenance Purposes Levy | 1111 | 105 ILCS 5/17-5. |
| Bond and Interest Purposes Levy | 1112 | 105 ILCS 5/17-9. |
| Transportation Purposes Levy | 1113 | 105 ILCS 5/17-4. |
| Municipal Retirement Purposes Levy | 1114 | 40 ILCS 5/7-171. |
| Working Cash Purposes Levy | 1115 | 105 ILCS 5/20-3. |
| Public Building Commission Rent Levy | 1116 | 50 ILCS 20/18. |
| Capital Improvement Purposes Levy | 1117 | 105 ILCS 5/17-2 and 17-2.3. |
| Fire Prevention & Safety Purposes Levy | 1118 | 105 ILCS 5/17-2.11. |
| Emergency Financial Assistance Levy | 1119 | 105 ILCS 5/1B-8 and 1F-62. |
| Tort Immunity/Judgment Purposes Levy | 1120 | 745 ILCS 10/9-109. |
| Leasing Purposes Levy | 1130 | 105 ILCS 5/17-2.2c. |
| Special Education Purposes levy | 1140 | 105 ILCS 5/ 17-2.2a. |
| FICA and Medicare Only Levies | 1150 | Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1. |
| Area Vocational Construction Purposes Levy | 1160 | 105 ILCS 5/17-2.4. |

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| Summer School Purposes Levy | 1170 | 105 ILCS 5/17-2 and 17-2.1. |
| Other Tax Levies | 1190 | Taxes received from other tax levies not specifically identified (describe and itemize). |
| PAYMENTS IN LIEU OF TAXES | 1200 | |
| Mobile Home Privilege Tax | 1210 | |
| Payments from Local Housing Authorities | 1220 | |
| Corporate Personal Property Replacement Taxes | 1230 | Amounts received to replace personal property tax revenues lost. |
| Other Payments in Lieu of Taxes | 1290 | |
| TUITION | 1300 | |
| Total Regular Tuition | 1310 | Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a. |
| Regular Tuition from Pupils or Parents (In-State) | 1311 | |
| Regular Tuition from Other Districts (In-State) | 1312 | |
| Regular Tuition from Other Sources (In-State) | 1313 | |
| Regular Tuition from Other Sources (Out-of-State) | 1314 | |
| Total Summer School Tuition | 1320 | Amounts received for pupils attending summer school. |
| Summer School Tuition from Pupils or Parents (In-State) | 1321 | |
| Summer School Tuition from Other Districts (In-State) | 1322 | |
| Summer School Tuition from Other Sources (In-State) | 1323 | |
| Summer School Tuition from Other Sources (Out-of-State) | 1324 | |

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| Total CTE Tuition | 1330 | Amounts received for pupils attending career and technical education programs. |
| CTE Tuition from Pupils or Parents (In-State) | 1331 | |
| CTE Tuition from Other Districts (In-State) | 1332 | |
| CTE Tuition from Other Sources (In-State) | 1333 | |
| CTE Tuition from Other Sources (Out-of-State) | 1334 | |
| Total Special Education Tuition | 1340 | Amounts received for pupils attending special education programs. |
| Special Education Tuition from Pupils or Parents (In-State) | 1341 | |
| Special Education Tuition from Other Districts (In-State) | 1342 | |
| Special Education Tuition from Other Sources (In-State) | 1343 | |
| Special Education Tuition from Other Sources (Out-of-State) | 1344 | |
| Total Adult Tuition | 1350 | Amounts received for pupils attending adult/continuing education programs. |
| Adult Tuition from Pupils or Parents (In-State) | 1351 | |
| Adult Tuition from Other Districts (In-State) | 1352 | |
| Adult Tuition from Other Sources (In-State) | 1353 | |
| Adult Tuition from Other Sources (In-State) | 1354 | |
| TRANSPORTATION FEES | 1400 | |
| Total Regular Transportation Fees | 1410 | Amounts received for transporting pupils to and from school and school activities (regular school day). |
| Regular Transportation Fees from Pupils or Parents (In-State) | 1411 | |

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| Regular Transportation Fees from Other Districts (In-State) | 1412 | |
| Regular Transportation Fees from Other Sources (In-State) | 1413 | |
| Regular Transportation Fees from Co-curricular Activities (In-State) | 1415 | |
| Regular Transportation Fees from Other Sources (Out-of-State) | 1416 | |
| Total Summer School Transportation Fees | 1420 | Amounts received for transporting pupils to and from summer school. |
| Summer School Transportation Fees from Pupils or Parents (In-State) | 1421 | |
| Summer School Transportation Fees from Other LEAs (In-State) | 1422 | |
| Summer School Transportation Fees from Other Sources (In-State) | 1423 | |
| Summer School Transportation Fees from Other Sources (Out-of-State) | 1424 | |
| Total CTE Transportation Fees | 1430 | Amounts received for transporting pupils to and from career and technical education classes. |
| CTE Transportation Fees from Pupils or Parents (In-State) | 1431 | |
| CTE Transportation Fees from Other Districts (In-State) | 1432 | |
| CTE Transportation Fees from Other Sources (In-State) | 1433 | |
| CTE Transportation Fees from Other Sources (Out-of-State) | 1434 | |

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| Total Special Education Transportation Fees | 1440 | Amounts received for transporting pupils to and from special education programs. |
| Special Education Transportation Fees from Pupils or Parents (In-State) | 1441 | |
| Special Education Transportation Fees from Other Districts (In-State) | 1442 | |
| Special Education Transportation Fees from Other Sources (In-State) | 1443 | |
| Special Education Transportation Fees from Other Sources (Out-of-State) | 1444 | |
| Total Adult Transportation Fees | 1450 | Amounts received for transporting pupils to and from adult/continuing education programs. |
| Adult Transportation Fees from Pupils or Parents (In-State) | 1451 | |
| Adult Transportation Fees from Other Districts (In-State) | 1452 | |
| Adult Transportation Fees from Other Sources (In-State) | 1453 | |
| Adult Transportation Fees from Other Sources (Out-of-State) | 1454 | |
| EARNINGS ON INVESTMENTS | 1500 | |
| Interest on Investments | 1510 | |
| Gain or Loss on Sale of Investments | 1520 | Gains or losses realized from the sale of bonds. |
| FOOD SERVICE | 1600 | |
| Sales to Pupils – Lunch | 1611 | |
| Sales to Pupils – Breakfast | 1612 | |
| Sales to Pupils – A la Carte | 1613 | |
| Sales to Pupils – Other | 1614 | |

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| Sales to Adults | 1620 | Amounts received from adults for sale of food products and services. |
| Other Food Service | 1690 | Amounts received from local sources for other food service activities. |
| DISTRICT/SCHOOL ACTIVITY INCOME | 1700 | |
| Admissions – Athletic | 1711 | Amounts received from school-sponsored athletic events. |
| Admissions – Other | 1719 | Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize). |
| Fees | 1720 | Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation). |
| Book Store Sales | 1730 | |
| Other District/School Activity Revenue | 1790 | All other revenue from district or school activities not otherwise specified. |
| TEXTBOOK INCOME | 1800 | |
| Rentals – Regular Textbooks | 1811 | |
| Rentals – Summer School Textbooks | 1812 | |
| Rentals – Adult/Continuing Education Textbooks | 1813 | |
| Rentals – Other | 1819 | Describe and itemize. |
| Total Textbook Rentals | 1810 | 105 ILCS 5/10-22.25. |
| Sales – Regular Textbooks | 1821 | |
| Sales – Summer School Textbooks | 1822 | |
| Sales – Adult/Continuing Education Textbooks | 1823 | |
| Sales – Other | 1829 | |
| Total Textbook Sales | 1820 | 105 ILCS 5/28-8. |
| Textbooks Other | 1890 | Textbook revenues not provided for elsewhere in the 1800 series of accounts. |
| OTHER LOCAL REVENUES | 1900 | |
| Rentals | 1910 | Amounts received for rental of school property, real or personal. |
| Contributions and Donations from Private Sources | 1920 | Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected. |

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| Impact Fees from Municipal or County Governments | 1930 | Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances. |
| Services Provided to Other Districts | 1940 | Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance). |
| Refund of Prior Years' Expenditures | 1950 | A refund of an expenditure charged to a prior fiscal year's budget. |
| Payments of Surplus Moneys from TIF Districts | 1960 | Amounts received from distributions from Tax Increment Financing districts. |
| Drivers' Education Fees | 1970 | 105 ILCS 5/27-24.2. |
| Proceeds from Vendors' Contracts | 1980 | Proceeds received pursuant to contracts between the district and various vendors. |
| School Facility Occupation Tax Proceeds | 1983 | Amounts received from distributions of School Facility Occupation Tax proceeds. |
| Payment from Other Districts | 1991 | Amounts representing a district's share of special education or career and technical education building costs. |
| Sale of Vocational Projects | 1992 | Amounts representing gain from the sale of vocational projects. |
| Other Local Fees | 1993 | Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize). |
| Other Local Revenues | 1999 | Amounts received from local sources not provided for elsewhere in the 1000 series of accounts. |
| FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT | 2000 | |
| FLOW-THROUGH REVENUE FROM STATE SOURCES | 2100 | State revenues that can be further subdivided to account for individual grants. |
| FLOW-THROUGH REVENUE FROM FEDERAL SOURCES | 2200 | Federal revenues that can be further subdivided to account for individual grants. |
| OTHER FLOW-THROUGH REVENUE | 2300 | Other revenues that can be further subdivided to account for individual grants (describe and itemize). |
| RECEIPTS/REVENUE FROM STATE SOURCES | 3000 | |

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| General State Aid Section 18-8.05 (GSA) | 3001 | 105 ILCS 5/18-8.05. |
| <u>GSA – Supplemental Grant</u> | <u>3002</u> | <u>Amounts to supplement funding received under the general State aid formula [105 ILCS 5/18-8.05] or for losses incurred due to a reduction in or elimination of appropriations.</u> |
| Reorganization Incentives – Deficit Fund Balance | 3005 | 105 ILCS 5/11E-135(c). |
| Reorganization Incentives – Attendance | 3010 | 105 ILCS 5/11E-135(a). |
| Reorganization Incentives – Salary Difference | 3015 | 105 ILCS 5/11E-135(b). |
| Reorganization Incentives – Certified Salary | 3020 | 105 ILCS 5/11E-135(d). |
| Reorganization Incentives – Feasibility Studies | 3021 | Amounts received pursuant to appropriations for this purpose. |
| GSA Fast Growth District Grants | 3030 | 105 ILCS 5/18-8.10. |
| Emergency Financial Assistance Grants | 3050 | 105 ILCS 5/1B-8 and 1F-62. |
| Tax Equivalent Grants | 3055 | 105 ILCS 5/18-4.4. |
| GSA Transition Assistance | 3095 | Amounts received pursuant to appropriations for this purpose. |
| Other Unrestricted Grants-In-Aid from State Sources | 3099 | Amounts received pursuant to other appropriations (describe and itemize). |
| Special Education – Private Facility Tuition | 3100 | 105 ILCS 5/14-7.02. |
| Special Education – Extraordinary | 3105 | 105 ILCS 5/14-7.02a. |
| Special Education – Personnel | 3110 | 105 ILCS 5/14-13.01. |
| Special Education – Orphanage – Individual | 3120 | 105 ILCS 5/14-7.03. |
| Special Education – Orphanage – Summer | 3130 | 105 ILCS 5/14-7.03. |
| Special Education – Summer School | 3145 | 105 ILCS 5/18-4.3. |

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| Philip J. Rock Center and School | 3155 | 105 ILCS 5/14-11.02. |
| Educational Materials Center | 3156 | 105 ILCS 5/14-11.01. |
| Special Education – Other | 3199 | Amounts received pursuant to other appropriations (describe and itemize). |
| CTE Improvement (CTEI) | 3220 | 105 ILCS 435. |
| CTE – WECEP | 3225 | 105 ILCS 5/2-3.66a. |
| Agriculture Education | 3235 | 105 ILCS 5/2-3.80. |
| CTE – Student Organizations | 3270 | 105 ILCS 435. |
| CTE – Other | 3299 | Amounts received pursuant to other appropriations (describe and itemize). |
| Bilingual Education – Downstate – TPI and TBE | 3305 | 105 ILCS 5/14C-12. |
| Bilingual Education – Downstate – Transitional Bilingual Education | 3310 | 105 ILCS 5/14C-12. |
| Gifted Education | 3350 | 105 ILCS 5/Art. 14A. |
| State Free Lunch and Breakfast | 3360 | 105 ILCS 125/2. |
| School Breakfast Initiative | 3365 | 105 ILCS 125/2.5. |
| Driver Education | 3370 | 105 ILCS 5/27-24.2. |
| Adult Education (from ICCB) | 3410 | Amounts received from the Community College Board; 105 ILCS 405. |
| Adult Education – Other | 3499 | Amounts received pursuant to other appropriations (describe and itemize). |
| Transportation – Regular/Vocational | 3500 | 105 ILCS 5/29-5. |
| Transportation – Special Education | 3510 | 105 ILCS 5/14-13.01(b). |
| Transportation – ROE Bus Driver Training | 3520 | 105 ILCS 5/3-14.23. |
| Transportation – Other | 3599 | Amounts received pursuant to other appropriations (describe and itemize). |
| Learning Improvement – Change Grants | 3610 | 105 ILCS 5/2-3.25, 2-3.63, and 2-3.64a-5. |

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| National Board Certification | 3651 | 105 ILCS 5/21B-65. |
| Administrators Academy | 3655 | 105 ILCS 5/2-3.53. |
| Truants' Alternative and Optional Education | 3695 | 105 ILCS 5/2-3.66. |
| Regional Safe Schools | 3696 | 105 ILCS 5/13A-8. |
| Early Childhood – Block Grant | 3705 | 105 ILCS 5/1C-2 and 2-3.71. |
| Reading Improvement Block Grant | 3715 | 105 ILCS 5/2-3.51. |
| Reading Improvement Block Grant – Reading Recovery | 3720 | Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51. |
| Continued Reading Improvement Block Grant | 3725 | 105 ILCS 5/2-3.51a. |
| Continued Reading Improvement Block Grant | 3726 | Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a. |
| ROE/ISC Operations | 3730 | Amounts received pursuant to 105 ILCS 5/2-3.62, 3-14.23, and 18-6. |
| ROE Supervisory Expense | 3745 | Amounts received pursuant to 105 ILCS 5/18-6. |
| Chicago Teachers Academy for Math & Science (TAMS) | 3765 | Amounts received pursuant to an appropriation for TAMS. |
| Chicago General Education Block Grant | 3766 | 105 ILCS 5/1D-1. |
| Chicago Educational Services Block Grant | 3767 | 105 ILCS 5/1D-1. |
| School Safety and Educational Improvement Block Grant | 3775 | 105 ILCS 5/2-3.51.5. |
| Technology – Learning Technology Centers | 3780 | 105 ILCS 5/2-3.117. |
| Illinois Government Intern Program | 3804 | Funds distributed as a grant to Springfield School District 186 to support administration of this program. |
| State Charter Schools | 3815 | 105 ILCS 5/Art. 27A. |

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| Extended Learning Opportunities (Summer Bridges) | 3825 | 105 ILCS 5/10-20.9a. |
| Infrastructure Improvements – Planning/Construction | 3920 | 105 ILCS 230/5-35. |
| School Infrastructure – Maintenance Projects | 3925 | 105 ILCS 230/5-100. |
| Regular Orphanage Tuition (18-3) | 3950 | 105 ILCS 5/18-3. |
| Tax Equivalent Grants | 3955 | 105 ILCS 5/18-4.4. |
| After-School Programs – Mentoring & Student Support | 3960 | Amounts received pursuant to appropriation. |
| Advanced Placement Classes | 3961 | 105 ILCS 302. |
| Arts Education | 3962 | 105 ILCS 5/2-3.65a. |
| Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities | 3963 | Amounts received pursuant to appropriations. |
| ISBE Special Purpose Trust Fund | 3970 | 105 ILCS 5/2-3.127a. |
| Class Size Reduction Pilot Project | 3981 | 105 ILCS 5/2-3.136. |
| Teacher Mentoring Pilot Project | 3982 | 105 ILCS 5/21A-25. |
| The "Grow Your Own" Teacher Education Initiative | 3983 | 110 ILCS 48. |
| Education of Homeless Children and Youth State Grant Program | 3984 | 105 ILCS 45. |
| Children's Mental Health Partnership | 3990 | 405 ILCS 49/15. |
| State "On-behalf" Payments | 3998 | Reserved for on-behalf payments by the State. |
| Emergency Financial Assistance Grant | 3999 | 105 ILCS 5/1B-8. |

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| Temporary Relocation Expense Grant | 3999 | 105 ILCS 5/2-3.77. |
| Other Restricted Revenue from State Sources | 3999 | Amounts received pursuant to other appropriations (describe and itemize). |
| RECEIPTS/REVENUE FROM FEDERAL SOURCES | 4000 | |
| Federal Impact Aid | 4001 | ESEA Title VIII - Impact Aid (CFDA 84.041). |
| Other Unrestricted Grants-In-Aid Received Directly from the Federal Government | 4009 | Amounts received pursuant to other unrestricted appropriations; describe and itemize. |
| Total Unrestricted Grants Received Directly from the Federal Government | 4010 | |
| Head Start | 4045 | Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600). |
| Construction (Impact Aid) | 4050 | ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040). |
| Magnet | 4060 | ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165). |
| Other Restricted Grants-In-Aid Received Directly from the Federal Government | 4090 | Amounts received pursuant to other restricted appropriations; describe and itemize. |
| Total Restricted Grants Received Directly from the Federal Government | 4095 | |
| TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT | 4099 | Amounts received pursuant to other appropriations. |
| Title V – Innovation and Flexibility Formula | 4100 | NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298). |
| Title V – SEA Projects | 4105 | NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298). |
| Title V – Rural and Low-Income Schools (REI) | 4107 | NCLB, Title VI, Part B – Rural Education (CFDA 84.358). |

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| Title V – Other | 4199 | Amounts received pursuant to other appropriations (describe and itemize). |
| Breakfast Start-up | 4200 | Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553). |
| National School Lunch Program | 4210 | Child Nutrition Act – National School Lunch Program (CFDA 10.555). |
| Special Milk Program | 4215 | Child Nutrition Act – Special Milk Program for Children (CFDA 10.556). |
| School Breakfast Program | 4220 | Child Nutrition Act – School Breakfast Program (CFDA 10.553). |
| Summer Food Service Admin/Program | 4225 | Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559). |
| Child Care Commodity/SFS 13-Adult Day Care | 4226 | Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558). |
| SAE Nutrition Ed. Loan/TNT | 4227 | Child Nutrition Act of 1966 (42 USC 1771 et seq.) – (CFDA 10.574). |
| Fresh Fruit and Vegetables | 4240 | Child Nutrition – Cash Payments. |
| Child Nutrition Commodity/Salvage | 4250 | Child Nutrition Act of 1966 (CFDA 10.550). |
| Cash in Lieu of Commodities | 4255 | Amounts received in lieu of commodities in the food service program. |
| Food Service – Other | 4299 | Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize). |
| Title I – Low Income | 4300 | No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010). |
| Title I – Low Income – Neglected, Private | 4305 | NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013). |
| Title I – Low Income – Delinquent, Private | 4306 | NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013). |
| Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile) | 4315 | NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013). |
| Title I – School Improvement and Accountability | 4331 | NCLB, Title I, Part A. |
| Title I – Comprehensive School Reform | 4332 | NCLB, Title I, Part F – Comprehensive School Reform (CFDA 84.332). |

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| Title I – Reading First | 4334 | NCLB, Title I, Part B-1 – Reading First (CFDA 84.357). |
| Title I – Even Start | 4335 | NCLB, Title I, Part B-3 – Even Start (CFDA 84.213). |
| Title I – Reading First SEA Funds | 4337 | NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357). |
| Title I – School Improvement Grant | 4339 | NCLB, Title I, Part A, section 1003g (CFDA 84.357). |
| Title I – Migrant Education | 4340 | NCLB, Title I, Part C – Education of Migrant Children (CFDA 84.011). |
| Title I – Other | 4399 | Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize). |
| Title IV – Safe and Drug-Free Schools – Formula | 4400 | NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186). |
| Title IV – Safe & Drug-Free Schools – State-Level Program | 4415 | NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186). |
| Title IV – 21 st Century | 4421 | NCLB, Title IV, Part B – 21 st Century Community Learning Centers (CFDA 84.287). |
| Title IV – Other (Describe & Itemize) | 4499 | Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize). |
| Federal Special Education Preschool Flow-Through | 4600 | IDEA, Part B – Preschool (CFDA 84.173). |
| Federal Special Education Preschool Discretionary | 4605 | IDEA, Part B – Preschool (CFDA 84.173). |
| Federal Special Education – IDEA Flow-Through/Low Incident | 4620 | IDEA, Part B (CFDA 84.027). |
| Federal Special Education – IDEA Room and Board | 4625 | IDEA, Part B (CFDA 84.027). |
| Federal Special Education – IDEA Discretionary | 4630 | IDEA, Part B (CFDA 84.027). |
| Federal Special Education – IDEA – Part D – Improvement | 4631 | IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323). |
| Federal Special Education – IDEA Title VI C – Deaf/Blind | 4635 | IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326). |

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| Federal Special Education – IDEA – Other | 4699 | Amounts received pursuant to other appropriations under IDEA (describe and itemize). |
| CTE – Perkins – State Leadership | 4720 | Carl D. Perkins Career and Technical Education Act of 2006 – State Leadership (CFDA 84.048A). |
| CTE – Perkins – DHS Ed | 4740 | Carl D. Perkins Career and Technical Education Act of 2006 – Corrections or Institutions (CFDA 84.048A). |
| CTE – Perkins – Secondary | 4745 | Carl D. Perkins Career and Technical Education Act of 2006 – Secondary (CFDA 84.048A). |
| CTE – Perkins Title II – Tech Prep | 4770 | Carl D. Perkins Career and Technical Education Act of 2006 – Title II - Tech Prep (CFDA 84.243A). |
| CTE – Other | 4799 | Amounts received pursuant to other appropriations from federal sources (describe and itemize). |
| Federal – Adult Education | 4810 | Adult Education State Grant Program (CFDA 84.002). |
| ARRA General State Aid – Education Stabilization | 4850 | Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part. |
| ARRA Title I – Low Income | 4851 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA Title I – Neglected, Private | 4852 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA Title I – Delinquent, Private | 4853 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA Title I – School Improvement (Part A) | 4854 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA Title I – School Improvement (section 1003g) | 4855 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA IDEA – Part B – Preschool | 4856 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA IDEA – Part B – Flow-Through | 4857 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Other ARRA Fund - XII | 4860 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| ARRA Title IID – Technology – Competitive | 4861 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |

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| ARRA McKinney-Vento Homeless Education | 4862 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA Child Nutrition Equipment Assistance | 4863 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Impact Aid Formula Grants | 4864 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Impact Aid Competitive Grants | 4865 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Qualified Zone Academy Bond Tax Credits | 4866 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Qualified School Construction Bond Credits | 4867 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Build America Bond Tax Credits | 4868 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Build America Bond Interest Reimbursement | 4869 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| ARRA General State Aid – Other Government Services Stabilization | 4870 | Amounts received pursuant to the ARRA; see Section 100.130 of this Part. |
| Other ARRA Funds – II | 4871 | Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – III | 4872 | Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – IV | 4873 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – V | 4874 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| ARRA Early Childhood | 4875 | Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part. |

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

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| Other ARRA Funds – VII | 4876 | Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – VIII | 4877 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – IX | 4878 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| Other ARRA Funds – X | 4879 | Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part. |
| Education Jobs Fund Program | 4880 | Available for recording sources of federal funds received pursuant to the Education Jobs Fund Program; see Section 100.130 of this Part. |
| Race to the Top Program | 4901 | Available for recording sources of federal funds received pursuant to the Race to the Top Program; see Section 100.130 of this Part. |
| Race to the Top – Preschool Expansion Grant | 4902 | Available for recording sources of federal funds received pursuant to the Race to the Top Preschool Expansion Grant Program; see Section 100.130 of this Part. |
| Advanced Placement Fee/International Baccalaureate | 4904 | ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330). |
| Emergency Immigrant Assistance | 4905 | NCLB, Title III – English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365). |
| Title III – English Language Acquisition | 4909 | NCLB, Title III – English Language Acquisition Grants (CFDA 84.365). |
| Learn & Serve America | 4910 | National and Community Service Act of 1990 – Learn & Serve America (CFDA 94.004). |
| Refugee Children School Impact Grants | 4915 | Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576). |
| McKinney Education for Homeless Children | 4920 | NCLB, Title X – Education for Homeless Children (CFDA 84.196). |
| Title II – Teacher Quality | 4932 | NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350). |

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

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| Title II – Teacher Quality | 4935 | ESEA, Title II, Part A – Improving Teacher Quality State Grants (CFDA 84.367). |
| Title II – Math and Science Initiative | 4936 | ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366). |
| Federal Charter Schools | 4960 | NCLB, Title V, Part B – Public Charter Schools. |
| Title II – Technology – Enhancing Education Formula Grants | 4971 | ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318). |
| Title II – Technology – Enhancing Education Competitive Grants | 4972 | ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318). |
| Safe Routes to School | 4980 | Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59). |
| Medicaid Matching Funds – Administrative Outreach | 4991 | Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778). |
| Medicaid Matching Funds – Fee-for-Service Program | 4992 | Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778). |
| Hurricane Emergency Relief | 4995 | Hurricane Emergency Relief Act. |
| Other Restricted Grants Received from Federal Government through State | 4998 | Amounts received pursuant to other federal appropriations (describe and itemize). |

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 12398, effective August 20, 2015, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Register Citation to Notice of Proposed Rulemaking: July 17, 2015; 39 Ill. Reg. 9731
- 4) Date, Time and Location of Public Hearings:

| | |
|-----------------------------------|-----------------------------------|
| Tuesday, October 6, 2015 | Wednesday, October 7, 2015 |
| 10:00a.m. – 12:00p.m. | 1:30p.m. – 3:30p.m. |
| Michael J. Howlett Building | Michael A. Bilandic Bldg. |
| Auditorium | Room C-500, 5 th Floor |
| 2 nd & Edwards Streets | 160 N. LaSalle |
| Springfield IL | Chicago IL |
- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
 - a) No oral testimony shall exceed an aggregate of ten (10) minutes.
 - b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
 - e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by September 22, 2015.
 - f) Name and address of Agency Contact Person: Questions regarding the public hearings shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

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

217/785-9772

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 13.3 of the Environmental Protection Act (Act) [415 ILCS 5/13.3] requires the Board to adopt regulations that are “identical in substance” to U.S. Environmental Protection Agency (USEPA) wastewater pretreatment rules adopted pursuant to Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act, 33 USC § 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2006). These rules are contained in 35 Ill. Adm. Code 307 and 310. (Parts 310 has been amended in docket R15-13.)

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On August 20, 2015, the Pollution Control Board adopted an order that set forth reasons for delay in the wastewater pretreatment update docket R15-13. In that order, the Board stated as follows:

REASONS FOR DELAY

Section 7.2 of the Act (415 ILCS 5/7.2(b) (2014)) requires the Board to complete IIS rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on August 19, 2014, so that the nominal statutory deadline for Board adoption of these amendments is August 19, 2015.

Board staff erred in the timing of this IIS rulemaking, while working to prepare a very large rulemaking proposal in another IIS rulemaking subject area. The fact that today is one day later than the statutory due date makes it necessary to extend the due date. Filing the present amendments should occur no later than August 24, 2015. To allow a margin of safety in filing the adopted amendments, the Board hereby extends the due date from August 19, 2015 to August 31, 2015.

The Board consolidated and set forth reasons for delay in this docket R15-13 in its order of August 20, 2015, adopting the proposed amendments. At that time, the Board anticipates filing adopted amendments with the Secretary of State on or before August 31, 2015. The Board hereby sets forth the reasons for delay for the purposes of such an extension with regard to the wastewater pretreatment amendments of docket R15-13.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 18, 2015 through August 24, 2015. Rulemakings are scheduled for review at the Committee's September 15, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u> | <u>Start of First Notice</u> | <u>JCAR Meeting</u> |
|------------------------------|--|---------------------------------|---------------------|
| 10/3/15 | <u>Illinois Racing Board</u> , Trifecta (11 Ill. Adm. Code 306) | 5/22/15 39 Ill. Reg. 7215 | 9/15/15 |
| 10/3/15 | <u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311) | 5/22/15 39 Ill. Reg. 7217 | 9/15/15 |
| 10/3/15 | <u>Illinois Racing Board</u> , Pentafecta (11 Ill. Adm. Code 324) | 5/22/15 39 Ill. Reg. 7219 | 9/15/15 |
| 10/3/15 | <u>Illinois Racing Board</u> , Racing Rules (11 Ill. Adm. Code 1318) | 5/29/15 39 Ill. Reg. 7408 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) | 5/29/15 39 Ill. Reg. 7413 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Educator Licensure (23 Ill. Adm. Code 25) | 5/29/15 39 Ill. Reg. 7475 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Standards for Endorsements in Early Childhood Education | 5/29/15 39 Ill. Reg. 7586 | 9/15/15 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

and in Elementary Education (23 Ill. Adm.
Code 26)

| | | | |
|---------|---|---------------------------------|---------|
| 10/3/15 | <u>State Board of Education</u> , Illinois Hope and Opportunity Pathways through Education Program (23 Ill. Adm. Code 210) | 5/1/15 39 Ill. Reg. 6022 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Summer Bridge Program (23 Ill. Adm. Code 232) | 5/1/15 39 Ill. Reg. 6028 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Alternative Learning Opportunities Program (23 Ill. Adm. Code 240) | 5/1/15 39 Ill. Reg. 6035 | 9/15/15 |
| 10/3/15 | <u>State Board of Education</u> , Payments to Certain Facilities under Section 14-7.05 of the School Code (23 Ill. Adm. Code 405) | 5/29/15 39 Ill. Reg. 7592 | 9/15/15 |

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 36 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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