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April 29, 2016 Volume 40, Issue 18

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016

22	May 16, 2016	May 27, 2016
23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
205.110	Amendment
205.118	Amendment
205.530	Amendment
205.710	Amendment
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: The Ambulatory Surgical Treatment Center Licensing Requirements are being amended to implement language from PA 98-1123, which amended the definition for ASTCs and added a requirement for compliance with federal rules as a prerequisite for certification. Other amendments include adding change of ownership requirements that are similar to those in the Hospital Licensing Requirements, clarifying the requirements for the examination of removed tissues, and other technical changes.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency 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: This rulemaking does not create a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Ambulatory Surgical Treatment Centers
 - B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to remain in compliance with federal requirements.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not known when the most recent Regulatory Agenda was drafted.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	
205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

SUBPART C: PERSONNEL

Section	
205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Disaster Preparedness
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care
205.550 Infection Control

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records and Reports
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties
205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section

205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System

205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007; amended at 32 Ill. Reg. 14326, effective August 12, 2008; amended at 33 Ill. Reg. 13395, effective September 10, 2009; amended at 34 Ill. Reg. 7915, effective May 25, 2010; amended at 38 Ill. Reg. 19208, effective September 9, 2014; expedited correction at 39 Ill. Reg. 5519, effective September 9, 2014; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 205.110 Definitions

"Act" means the Ambulatory Surgical Treatment Center Act.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Ambulatory Surgical Center" shall have the meaning ascribed to it in 42 CFR 416.

"Ambulatory Surgical Treatment Center"

The term "Ambulatory Surgical Treatment Center" or "ASTC" or "facility", for the purposes of this Part, includes:

Any institution or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures, and any place that meets and complies with the definition of an ambulatory surgical treatment center under the Act and this Part, as evidenced by use of the facilities by physicians, podiatrists or dentists in the performance of surgical procedures that constitutes more than 50 percent of the activities at that location.

*Any place, located within an institution or building, such as a surgical suite or an operating room with related facilities in a physician's office or group practice clinic, *devoted primarily to the performance of surgical procedures*. This provision shall apply regardless of whether or not the institution or building in which the place is located is devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures. This provision shall include any place that meets the definition of an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services. However, when a place is located within, and operated in conjunction with, the offices of a single physician, podiatrist, or dentist, or a group of physicians, podiatrists, or dentists, it shall not be considered an ambulatory surgical treatment center unless: it meets the definition of and has expressed an intent to apply for certification as an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services; or it is used by physicians, podiatrists, or dentists who are not part of the practice; or it is utilized by the physicians or podiatrists for surgical procedures that constitute more than 50 percent of the activities at that location.*

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The term "Ambulatory Surgical Treatment Center", for the purposes of this Part, does not include:

Hospitals: Any institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act.

Long-Term Care Facilities: Any person or institution required to be licensed pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act.

State Facilities: Hospitals or ambulatory surgical treatment centers maintained by the State or any Department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.

Federal Facilities: Hospitals or ambulatory surgical treatment centers maintained by the federal government or agencies thereof.

Dental Surgery Facilities: Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures. (Section 3(A) of the Act)

"Certified Registered Nurse Anesthetist" means a registered professional nurse who has been certified as a nurse anesthetist by the American Association of Nurse Anesthetists.

"Credentials Committee" means the qualified consulting committee, or another committee designated by the qualified consulting committee, that appraises and reviews physician credentials.

"Department" means the Department of Public Health of the State of Illinois. (Section 3(C) of the Act)

"Hospital" shall have the meaning ascribed to it in the Hospital Licensing Act.

"Licensed Practical Nurse" means a person licensed under the Nurse Practice Act

DEPARTMENT OF PUBLIC HEALTH

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to practice practical nursing.

"Overnight Stay" means the expected duration of services exceeds 24 hours following an admission.

"Qualified Anesthesiologist" means a physician who is licensed to practice medicine in all its branches in the State of Illinois and who is a Diplomate of the American Board of Anesthesiology; ~~or American College of Anesthesiology;~~ or who is a Diplomate of the American Osteopathic Board of Anesthesiology; or who is Board eligible or possesses training and experience equivalent to that eligibility; or who possesses training and experience acceptable to the Department and whose primary practice is anesthesiology.

"Qualified Consulting Committee" means a committee whose members are qualified surgeons, obstetricians, gynecologists, anesthesiologists or pathologists or other consulting physicians consisting of not fewer than three members who shall establish the required standards commensurate with the size, scope, extent and complexity of service programs and procedures for which the facility is licensed. The qualified consulting committee or other committee designated by the qualified consulting committee shall act as the credentials committee.

"Qualified Consulting Surgeon, Obstetrician, Gynecologist, Anesthesiologist, Pathologist, or other Consulting Physician" means a physician who is licensed in the State of Illinois and who is a Diplomate of an appropriate specialty board or who has completed the training and experience required for specialty board certification.

"Qualified Dentist" means a dentist who is licensed to practice under the Illinois Dental Practice Act.

"Qualified Infection Control Professional" means an individual who either has training, education and experience or has certification in the principles and methods of infection control. The individual shall maintain his or her qualifications through ongoing education and training.

"Qualified Physician" means an individual who is licensed to practice medicine in all its branches in the State of Illinois under the Medical Practice Act of 1987.

"Qualified Podiatrist" means a podiatrist who is licensed to practice under the

DEPARTMENT OF PUBLIC HEALTH

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Podiatric Medical Practice Act of 1987.

"Qualified Practitioner" means a licensed practitioner who is authorized within his or her scope of practice to perform a history and physical examination and who is authorized by the ASTC to conduct a history and physical examination. This may include nurse practitioners and physician assistants.

"Registered Professional Nurse" means a registered nurse or a registered professional nurse who is licensed under the Nurse Practice Act and practices professional nursing.

"Student Nurse" means a person enrolled in a course of instruction at an approved school of professional or practical nursing and who is supervised by a nursing instructor of the school.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 205.118 Conditions of Licensure

- a) *No person shall open, conduct or maintain an ambulatory surgical treatment center without first obtaining a license from the Department.* (Section 4 of the Act)
 - 1) *A person or facility not licensed under the Act or the Hospital Licensing Act shall not hold itself out to the public as a "surgery center" or as a "center for surgery".* (Section 6 of the Act)
 - 2) *Any person opening, conducting or maintaining an ambulatory surgical treatment center without a license issued pursuant to the Act shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense.*
 - 3) *Any person opening, conducting or maintaining an ambulatory surgical treatment center who violates any other provision of the Act shall be guilty of a business offense punishable by a fine of not more than \$10,000.* (Section 12 of the Act)
 - 4) *The operation or maintenance of an ambulatory surgical treatment center in violation of the Act or this Part is declared a public nuisance inimical to*

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the public welfare. The Director of the Department, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may, in addition to other remedies provided in the Act, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulatory surgical treatment center. (Section 13 of the Act)

- b) *The applicant shall file a statement of ownership as provided in Section 205.120(b)(1). The applicant shall agree to update the information required in the statement of ownership every six months from the initial date of filing. (Section 7a of the Act)*
- e) ~~Financial Statements~~
- 1) ~~Financial statements shall be filed annually on or before April 1 of each year for the previous calendar year, or within three months after the close of the fiscal period of the licensee.~~
- 2) ~~Financial statements shall be filed with the Department on forms provided by the Department or on annual financial statements prepared on forms used by the applicant or licensee. They shall include at least the following items: detailed balance sheets, statements of income, and statements of expense. (Section 7b of the Act)~~
- ce) *Every facility licensed under the Act, and any premises proposed to be conducted as a facility by an applicant for a license, shall be open during its regular business hours to an inspection authorized in writing by the Director. No notice need be given to any person prior to any inspection. (Section 9 of the Act)*
- de) *Any corporation operating an ambulatory surgical treatment center devoted primarily to providing facilities for abortion must have a physician who is licensed to practice medicine in all of its branches and is actively engaged in the practice of medicine at the ambulatory surgical treatment center, on the Board of Directors as a condition to licensure of the ambulatory surgical treatment center. (Section 6.1 of the Act)*
- ef) *Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable (Section 6 of the Act). Only those facilities, services, programs and procedures included in the*

DEPARTMENT OF PUBLIC HEALTH

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application shall be licensed. A new application is required for any one or more of the following:

- 1) Change in ownership of the facility. A change of ownership occurs when:
 - A) Ownership and responsibility for the operation of the assets constituting the licensed entity are transferred from the licensee to another person or another legal entity, including, but not limited to, a corporation, limited liability company, partnership or sole proprietor, as part of an asset purchase or similar transaction;
 - B) In a partnership, when the removal, addition or substitution of a partner alters control of the partnership by more than 51%; or
 - C) In a corporation, when the licensee corporation merges into another corporation or is party to a consolidation transaction with one or more corporations, resulting in the creation of a new corporation.
 - 2) Change in location of the facility.
 - 3) Any remodeling or other change in the facility's physical plant that increases or decreases the number of rooms in which surgical procedures are performed.
- f) The transactions described in subsection (f)(1) do not constitute a change in ownership when all of the entities that are parties to the transaction are under common control or ownership before and after the transaction is completed. In these transactions, the name of the corporation, its officers, its independent subsidiaries and any other relevant information that the Department may require shall be made available to the Department upon request.
- g) The transfer of corporate stock, the change of a membership interest, or the merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence.
- hg) *The license shall be valid for one year, unless sooner suspended or revoked, and shall be renewable annually upon approval by the Department and payment of a license fee of \$300 as provided in Section 205.125. (Section 6 of the Act)*

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- ih)* The license shall be posted in a conspicuous place on the licensed premises. A placard or registry of all physicians on staff in the facility shall be centrally located and available for inspection to any interested persons. (Section 6 of the Act)
- ji)* The facility shall give written notice to the Department no later than seven days after any one or more of the following:
- 1) Any personnel changes involving the facility's administrative staff, medical director or supervising nurse.
 - 2) For a corporation, any change in any shareholders equity involving 5% or more interest.
 - 3) Any change in the Registered Agent or person or persons legally authorized to receive service of process for the facility.
- k)* An ambulatory surgical treatment center that elects to have an agreement with the federal Centers for Medicare and Medicaid Services, as provided in 42 CFR 416, must also meet the Medicare conditions as an ambulatory surgical center, as set forth in 42 CFR 416, and have an active agreement with the federal Centers for Medicare and Medicaid Services to participate in Medicare as an ambulatory surgical center provider in Illinois. (Section 6.8 of the Act)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: GENERAL PATIENT CARE

Section 205.530 Operative Care

- a) Surgical procedures shall be performed only by a qualified physician, dentist or podiatrist within the limits of the defined specific surgical practice privileges that have been granted to that individual by the consulting committee or a committee designated by the consulting committee.
- b) Administration of Anesthesia
 - 1) For the purposes of this Section, anesthesia shall include general

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anesthesia, intravenous sedation, spinal or epidural anesthesia, and any other specific anesthesia technique that is designated by the consulting committee.

- 2) Anesthesia may be administered only by the following persons, each having been granted specific anesthesia privileges by the consulting committee or a committee designated by the consulting committee:
 - A) A qualified anesthesiologist (as defined in Section 205.110 of this Part.)
 - B) A physician licensed to practice medicine in all its branches.
 - C) A dentist who has been approved by the Department of Financial and Professional Regulation to administer anesthesia for dental surgery only pursuant to Section 8.1 of the Illinois Dental Practice Act [225 ILCS 25].
 - D) A certified registered nurse anesthetist (as defined in Section 205.110 of this Part) who is implementing the orders of a qualified anesthesiologist, or the physician, dentist, or podiatrist who is performing the procedure. The qualified anesthesiologist, physician, dentist, or podiatrist who has ordered the anesthesia must be on the premises of the facility during the administration of the anesthesia.
 - E) A registered nurse. *If the ASTC policy allows the registered nurse to deliver moderate sedation ordered by a physician licensed to practice medicine in all its branches, podiatrist, or dentist, the following are required:*
 - i) *The registered nurse must be under the supervision of a physician licensed to practice medicine in all its branches, podiatrist, or dentist during the delivery or monitoring of moderate sedation and have no other responsibilities during the procedure.*
 - ii) *The registered nurse must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced*

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Life Support certification as appropriate to the age of the patient.

- iii) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must have training and experience in delivering and monitoring moderate sedation and possess clinical privileges at the ASTC to administer moderate sedation or analgesia.*
 - iv) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must remain physically present and available on the premises during the delivery of moderate sedation for diagnosis, consultation, and treatment of emergency medical conditions.*
 - v) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced Life Support certification as appropriate to the age of the patient.*
 - vi) *Local, minimal, and moderate sedation shall be defined by the Division of Professional Regulation of the Department of Financial and Professional Regulation. Registered nurses shall be limited to administering medications for moderate sedation at doses rapidly reversible pharmacologically as determined by rule by the Division of Professional Regulation of the Department of Financial and Professional Regulation. (Section 6.7(b) of the Act)*
 - vii) *Nothing in the Act or this Section precludes a registered nurse from administering medication for the delivery of local or minimal sedation ordered by a physician licensed to practice medicine in all its branches, podiatrist, or dentist. (Section 6.7(a) of the Act)*
- F) *A podiatrist licensed under the Podiatric Medical Practice Act of 1987. (Section 6.5 of the Act)*

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- 3) An anesthesia assistant who is licensed as a physician's assistant pursuant to the Physician Assistant Practice Act of 1987 [225 ILCS 95] may assist in the administration of anesthesia only under the direct supervision of a qualified anesthesiologist (as defined in Section 205.110 of this Part).
 - 4) The person administering anesthesia, or a person who has equivalent practice privileges, shall be present in the facility during the recovery of the patient to whom anesthesia was administered.
- c) Examination of Removed Tissues
- 1) All tissues removed during surgery, except tissues and materials exempted under subsection (c)(3), shall be examined by a consulting pathologist, who shall provide a written report of the examination to the attending physician.
 - 2) A copy of the pathology report shall be filed in the patient's clinical record within seven days after removal of the tissue.
 - 3) The following tissues and materials are exempt from this requirement and do not need to be examined by a pathologist:
 - A) Foreskin, fingernails, toenails, and teeth that are removed during surgery.
 - B) Bone, cartilage, and soft tissue removed during the course of surgery and determined by the attending physician not to require pathological examination.
 - C) Cataract lenses that are removed during the course of eye surgery.
 - D) Foreign substances (e.g., wood, glass, pieces of metal, including previously inserted surgical hardware) that are removed during surgery.
- d) All x-rays, except those exempted by the consulting committee and as specified in the facility's policies and procedures manual, shall be read by a physician, podiatric physician, or dentist, each of whom shall have practice privileges at the facility, or by a consulting radiologist approved by the consulting committee. A

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copy of the x-ray report shall be filed in the patient's clinical record within seven days.

- e) *A registered nurse, qualified by training and experience in operating room nursing, shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures requiring aseptic technique. As used in this subsection, "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure requiring aseptic technique. (Section 6.5(2.5) of the Act)*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section 205.710 Pregnancy Termination Specialty Centers

- a) A facility will be considered a pregnancy termination specialty center if it meets each of the following conditions:
- 1) Procedures performed at the facility are limited to procedures to terminate pregnancy performed within 18 weeks assessed gestational age (beginning on the first day of the last menstrual period), and other gynecologic procedures related to the termination of pregnancy. Assessed gestational age may be determined by patient history or by clinical assessment.
 - 2) The ~~facility~~center does not use general, epidural, or spinal anesthesia for any of the procedures performed. If intravenous sedation is used, mechanical ventilation devices and intubation equipment shall be available on site.
 - 3) The program narrative and policies of the facility are limited to the performance of procedures to terminate pregnancy and other procedures related to the termination of pregnancy.
- b) The following exceptions and modifications of the requirements of this Part apply to pregnancy termination specialty centers. Pregnancy termination specialty centers shall comply with each of the requirements of this Part, unless specifically excepted or modified by the provisions of this subsection.

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- 1) The initial and renewal application need only include the name, address, and telephone number of all owners, administrators, and medical directors of the ~~facility~~center (in lieu of compliance with Section 205.120(b)(5) through (7) and Section 205.125(b)(5) through (7)). However, the other information required in these provisions shall be maintained at the ~~facility~~center and be available for inspection by the Department. The information shall include the original or notarized copies of credentials of all licensed or certified personnel.
- 2) Compliance with Section 205.540(d) is not required, if the medical director or a physician practicing at the facility has a professional working relationship or agreement, maintained in writing at the facility and verifiable by the Department, with a physician who does have admitting or practice privileges at a licensed hospital within approximately 15-30 minutes from the facility and who will assume responsibility for all facility patients requiring hospitalization or inpatient hospitalizations and follow-up care.
- 3) The administrative and public areas of the facility are not required to comply with Section 205.1350.
- 4) A separate examination room is not required; however, adequate space shall be provided to accommodate any equipment necessary for examination, to perform examinations safely, and to allow unobstructed ingress and egress to and from the examination area (in lieu of compliance with Section 205.1360(a)(1)).
- 5) Each room in which procedures to terminate pregnancy are performed shall be at least 120 square feet in size with a minimum dimension of at least 10 feet. Exceptions will be made when the ~~facility~~center demonstrates that the room size is adequate to accommodate the equipment required for the procedures, to facilitate the safe performance of the procedures ~~safely~~, and to protect the patients and staff in at the event ~~of~~ fire or other emergency (in lieu of compliance with Section 205.1360(b)(1)).
- 6) A communication system between the control station and each procedure room is not required (in lieu of compliance with Section 205.1360(b)(3)).

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- 7) No fewer than three recovery beds or lounge chairs shall be required for each procedure room. However, if the facility's narrative program provides that no more than two procedures per hour will be performed per procedure room, then only two recovery beds or lounge chairs will be required for each procedure room. A minimum of 3 feet shall be provided between each recovery bed or lounge chair, and an unobstructed passageway of a minimum of 4 feet shall be provided at one end of each bed or chair (in lieu of compliance with Section 205.1360(b)(1)).
- 8) The recovery area is not required to include a drug distribution station, charting facilities, nurses station, or storage space for supplies and equipment (in lieu of compliance with Section 205.1360(d)(2)). However, the facility shall provide for direct visual supervision of the recovery area for all patients.
- 9) A toilet for patient use shall be in the recovery area, or in a location that does not require patients to enter public areas or other patient care areas ~~in order~~ to gain access from the recovery area. This toilet shall not be available for public use. A gray diverter valve is not required on the toilet in the recovery area if a means of fluid waste disposal is provided at another location within the ~~facility~~ ~~center~~ (in lieu of compliance with Sections 205.1360(d)(3) and 205.1370(f)).
- 10) A control station for the operating suite is not required (in lieu of compliance with Section 205.1370(a)).
- 11) A scrub station is not required outside the procedure room, if the procedure room contains a sink with ~~hand-washing~~ ~~handwashing~~ capabilities (in lieu of compliance with Section 205.1370(d)).
- 12) ~~Separate~~ ~~A separate~~ soiled ~~and clean workrooms are~~ ~~workroom is~~ not required; however, facilities shall be provided for closed clean storage that prevents contamination by soiled materials, and for storage and handling of soiled linens and other soiled materials. These procedures shall be described in the ~~facility's~~ ~~center's~~ narrative program (in lieu of compliance with Section 205.1370(e) and (g)).
- 13) Anesthesia and medical gas storage facilities are not required (in lieu of

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compliance with Section 205.1370(h) and (i)).

- 14) A one-way traffic pattern through staff change areas is not required, but space shall be provided for any changing or gowning that is required by the specific procedures that are being performed, in accordance with the [facility's center's](#) narrative program (in lieu of compliance with Section 205.1370(k)).
- 15) A change area for patients is not required (in lieu of compliance with Section 205.1370(l)).
- 16) A separate janitor's closet for the surgical suite is not required if the janitor's closet for the [facility center](#) is centrally located and contains space for ~~storing~~the storage of supplies needed for cleaning both the surgical and non-surgical areas of the [facility center](#) (in lieu of compliance with Section 205.1370(n)).
- 17) A minimum corridor width of 5 feet and a minimum door width of 3 feet shall be provided for all corridors and for all doors that are accessible to the public or through which patients may need to be transported in an emergency (in lieu of compliance with Section 205.1400(a)(1), (b)(2), and (b)(3)).
- 18) The requirements of Section 205.1400(d) for flush thresholds and expansion joint covers do not apply.
- 19) Ceilings in procedure and recovery rooms shall be cleanable, but are not required to be washable (in lieu of compliance with Section 205.1400(n)(l)).
- 20) The requirements for elevators in Section 205.1410 do not apply.
- 21) Ventilation, air change, and air filter requirements do not apply; however, temperature shall be maintained in the facility between 68 and 80 degrees Fahrenheit (in lieu of compliance with Section 205.1540 and Table A).
- 22) The requirement for one duplex receptacle for each wall does not apply (in lieu of compliance with Section 205.1750(d)).

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
30.10	Amendment
30.80	Amendment
- 4) Statutory Authority: 105 ILCS 5/21B-60
- 5) A Complete Description of the Subjects and Issues Involved: In March, the State Board of Education considered changes in 23 Illinois Administrative Code 25 that address the process to be used to approve educator preparation providers and programs (see Subpart C of that rulemaking). Included in the proposed changes to Part 25 was a reorganization of Subpart C that shifted the requirements for program approval from Section 25.145 to Section 25.120. Since Part 30 refers to the process for educator preparation program approval, it needs to be updated to include the correct cross-reference.

An additional change is being proposed in Section 30.10 in order to broaden the type of staff available to mentor a principal candidate, provided that person assigned has the requisite experience, as stated in the definition, to meet the requirement to serve as a mentor.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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 of 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: it was not apparent that the rules needed to be amended until after publication of the January agenda.

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 30

PROGRAMS FOR THE PREPARATION OF PRINCIPALS IN ILLINOIS

Section

30.10	Definitions
30.20	Purpose and Applicability
30.30	General Program Requirements
30.40	Internship Requirements
30.45	Assessment of the Internship
30.50	Coursework Requirements
30.60	Staffing Requirements
30.70	Candidate Selection
30.80	Program Approval and Review

30.APPENDIX A Internship Assessment Rubric

AUTHORITY: Implementing and authorized by Section 21B-60 of the School Code [105 ILCS 5/21B-60].

SOURCE: Old Part repealed at 29 Ill. Reg. 18439, effective October 31, 2005; new Part adopted at 35 Ill. Reg. 9060, effective June 1, 2011; amended at 36 Ill. Reg. 6819, effective April 23, 2012; amended at 37 Ill. Reg. 4258, effective March 25, 2013; amended at 38 Ill. Reg. 11360, effective May 6, 2014; amended at 39 Ill. Reg. 4009, effective February 24, 2015; amended at 40 Ill. Reg. 3055, effective January 27, 2016; amended at 40 Ill. Reg. _____, effective _____.

Section 30.10 Definitions

As used in this Part:

"Adjunct faculty" means part-time faculty who are not full-time employees of the institution.

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"Dispositions" means professional attitudes, values and beliefs demonstrated through both verbal and nonverbal behaviors as educators interact with students, families, colleagues and communities.

"Educational unit" means the college, school, department or division of an institution or not-for-profit entity that is primarily responsible for the initial and continuing preparation of teachers and other education professionals.

"Faculty" means either professional education staff employed at an institution or staff members employed by not-for-profit entities in principal preparation programs who provide instruction to candidates.

"Faculty Supervisor" means a faculty member employed on a full-time or part-time basis in a principal preparation program who supervises candidates during the internship period.

"Internship" means a candidate's placement in public or nonpublic schools for a sustained, continuous, structured and supervised experience lasting no more than 24 months, during which the candidate engages in experiences and leadership opportunities to demonstrate proficiencies in required competencies expected of a principal. (Also see Section 30.40(g).)

"Institution" means a regionally accredited institution of higher learning as specified in Section 21B-105 of the School Code [105 ILCS 5/21B-105]. (Also see 23 Ill. Adm. Code 25.10 (Accredited Institution).)

"Mentor" means the principal of the public or nonpublic school in which a candidate is placed who works directly with the candidate on the day-to-day activities associated with the principal's role as the school leader. Individuals employed as a superintendent, assistant superintendent or director of special education [or in a similar administrative position](#) who hold a valid and current professional educator license endorsed for general administrative, principal, superintendent or director of special education may serve as a mentor for the candidate, provided that the individual is assigned to the location where the internship is conducted and possesses at least two years of experience relevant to the role of a principal.

"Nonpublic school" means a school recognized in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) and

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meeting the staffing requirements set forth in 23 Ill. Adm. Code 25.65(a)(2)(B) (Alternative Certification).

"Not-for-profit entity" means an entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5] and that is recognized to provide an educator preparation program in the State of Illinois pursuant to 23 Ill. Adm. Code 25.Subpart C (Approving Programs that Prepare Professional Educators in the State of Illinois).

"Partner" means one or more institutions, not-for-profit entities, school districts or nonpublic schools that jointly design, implement and administer the principal preparation program. For the purposes of this Part, "partners" do not include school districts and their schools or nonpublic schools that serve only as sites for candidates to complete internship requirements or field experiences.

"Program completers" means persons who have met all the requirements of a State-approved principal preparation program established pursuant to Section 21B-60 of the School Code [105 ILCS 5/21B-60] and this Part and who have fulfilled the requirements for receipt of a principal endorsement set forth in Section 21B-25 of the School Code [105 ILCS 5/21B-25] and 23 Ill. Adm. Code 25.337 (Principal Endorsement).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 30.80 Program Approval and Review

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code ~~25.12025.145~~ (Approval of Educator Preparation~~New~~ Programs by the State Board of Education~~within Recognized Institutions~~).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code ~~25.12025.145~~, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:
 - 1) The guidance to be developed to ensure that faculty supervisors effectively assist candidates to optimize their experiences during the internship;

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- 2) The roles and responsibilities of candidates and faculty supervisors;
- 3) Employment criteria used in selecting and evaluating adjunct faculty;
- 4) The process the institution or not-for-profit entity will use to communicate with the faculty supervisor and candidate;
- 5) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
- 6) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 30.70;
- 7) The competencies, to include those specified in Section 30.45(a), expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
- 8) The activities to meet the expectations embedded in the critical success factors specified in Section 30.45(b) that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;
- 9) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information on how the partnership will continue to operate and how it will be evaluated;
- 10) A copy of any agreements with school districts or nonpublic schools (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
- 11) A description of each course proposed and the internship, to include:
 - A) a course syllabus;

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- B) how progress will be measured and successful completion will be determined;
 - C) a data table that demonstrates each course's, and the internship's, alignment to the ISLLC 2008 standards (see Section 30.30(c)); and
 - D) for individual courses, a detailed description of any field experiences required for course completion;
- 12) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 30.45;
- 13) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of licensed staff under Article 24A of the School Code [105 ILCS 5/Art. 24A];
- 14) A letter signed by the chief administrator of the institution and/or the not-for-profit entity, stating its commitment to hiring additional full-time faculty if enrollment in the program increases; and
- 15) A complete description of how data on the program will be collected, analyzed, and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district or nonpublic school.
- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code [25.120\(a\)](#)~~25.145(b)~~). The State Superintendent shall provide a complete request to the Principal Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:
- 1) two individuals holding current and valid Illinois professional educator licenses endorsed in a teaching field, or, until June 30, 2019, school support personnel area, and currently employed in Illinois public schools;

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- 2) four individuals holding current and valid professional educator licenses endorsed for principal or general administrative, and currently employed as principals in Illinois public schools;
 - 3) two individuals holding current and valid professional educator licenses endorsed for superintendent pursuant to 23 Ill. Adm. Code 25.365 or 25.360, as applicable, and currently employed as superintendents in Illinois public schools;
 - 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution;
 - 5) one licensed staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000; and
 - 6) one individual representing the Illinois business community. If the individual appointed is unable to attend all meetings, he or she may request that an alternate be appointed to attend in his or her absence.
- d) The Principal Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the SEPLB that the principal preparation program be approved; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
 - 2) issue a recommendation to the SEPLB that the principal preparation program be denied, including the reasons for the recommended denial; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant.
- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Principal Preparation Review Panel's recommendation.

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- f) Actions following upon the recommendation of the SEPLB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved principal preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Programs for the Preparation of Superintendents in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 33
- 3) Section Number: 33.70 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: In March, the State Board of Education considered changes in 23 Illinois Administrative Code 25 that address the process to be used to approve educator preparation providers and programs (see Subpart C of that rulemaking). Included in the proposed changes to Part 25 was a reorganization of Subpart C that shifted the requirements for program approval from Section 25.145 to Section 25.120. Since Part 33 refers to the process for educator preparation program approval, it needs to be updated to include the correct cross-reference.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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 of 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

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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: it was not apparent that the rules needed to be amended until after publication of the January agenda.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 33

PROGRAMS FOR THE PREPARATION OF SUPERINTENDENTS IN ILLINOIS

Section

33.10	Definitions
33.20	Purpose and Applicability
33.30	General Program Requirements
33.40	Internship Requirements
33.45	Assessment of the Internship
33.50	Coursework Requirements
33.60	Candidate Selection
33.70	Program Approval and Review
33.APPENDIX A	Competencies for Superintendents
33.APPENDIX B	Standard 2: Required Assessments
33.APPENDIX C	Standard 2: Assessment Rubric

AUTHORITY: Implementing Section 21B-25 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/21B-25 and 2-3.6].

SOURCE: Adopted at 38 Ill. Reg. 18948, effective September 8, 2014; amended at 39 Ill. Reg. 6668, effective April 27, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 33.70 Program Approval and Review

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code ~~25.12025-145~~ (Approval of Educator Preparation New Programs by the State Board of Education~~within Recognized Institutions~~).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code ~~25.12025-145~~, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:

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- 1) The guidance to be developed to ensure that internship supervisors effectively assist candidates to optimize their experiences during the internship;
- 2) The roles and responsibilities of candidates and internship supervisors;
- 3) The process the institution or not-for-profit entity will use to communicate with the internship supervisor and candidate;
- 4) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
- 5) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 33.60;
- 6) The competencies, to include those specified in Appendix A, expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
- 7) The activities to meet the expectations embedded in the competencies specified in Appendix A that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;
- 8) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information about how the partnership will continue to operate and how it will be evaluated;
- 9) A copy of any agreements with school districts (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
- 10) A description of each course proposed and the internship, to include:
 - A) a course syllabus;
 - B) how progress will be measured and successful completion will be determined;

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- C) a data table that demonstrates each course's, and the internship's, alignment to the ELCC standards (see Section 33.30(c)); and
 - D) for individual courses, a detailed description of any field experiences required for course completion;
- 11) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 33.45;
 - 12) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of licensed staff under Article 24A of the School Code [105 ILCS 5/Art. 24A]; and
 - 13) A complete description of how data about the program will be collected, analyzed and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district.
- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code ~~25.120(a)25.145(b)~~). The State Superintendent shall provide a complete request to the Superintendent Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:
- 1) two individuals holding current and valid Illinois professional educator licenses endorsed in a teaching field and currently employed in Illinois public schools;
 - 2) four individuals holding current and valid professional educator licenses endorsed for superintendent, and currently employed as superintendents in Illinois public schools;
 - 3) two individuals holding current and valid professional educator licenses endorsed for principal or general administrative and currently employed as principals in Illinois public schools;

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- 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution; and
 - 5) one licensed administrative staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000.
- d) The Superintendent Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the State Educator Preparation and Licensure Board (SEPLB) that the superintendent preparation program be approved; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
 - 2) issue a recommendation to the SEPLB that the superintendent preparation program be denied, including the reasons for the recommended denial; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant.
- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Superintendent Preparation Review Panel's recommendation.
- f) Actions following upon the recommendation of the SEPLB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved superintendent preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
235.100	New Section
235.105	New Section
235.110	New Section
235.120	New Section
235.130	New Section
235.140	New Section
- 4) Statutory Authority: 105 ILCS 5/1C-2
- 5) A Complete Description of the Subjects and Issues Involved: Over the last decade or so, the State Board has funded various initiatives to assist recipients of Early Childhood Block Grant (ECBG) funding and other early childhood stakeholders in providing high-quality programming in areas of the State with families and children most in need of services. In the past, the funding has been awarded both in the form of contracts, which are subject to the provisions of the Illinois Procurement Code, and as grants. As grants, the agency is required to articulate in administrative rules the entities eligible to apply for funding, required content of the application, criteria for review of the applications, and the terms and conditions of any grants awarded. Staff have determined that, going forward, funding for programs providing training, technical assistance and high-quality supports and programs for web-based services will be provided as grants; therefore rulemaking is necessary.

As proposed in Part 235, new Subpart B recognizes the differences between and the unique nature of programs providing training, technical assistance and high-quality supports and programs offering web-based services (see Sections 235.100 ("Purpose"), 235.105 ("Eligible Applicants") and 235.120 ("Application Review and Approval of New Programs")). Services under the programs for training, technical assistance and high-quality supports will be offered to all recipients of ECBG funding (i.e., both Prevention Initiative and Preschool Education, ages 3 to 5 years). Programs for web-based services include both early childhood resources offered online, as well as a mapping system used by early childhood agencies and stakeholders to target ECBG funding to areas with the highest needs and fewest services.

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Early Childhood staff intend to issue an RFP for programs for training, technical assistance and high-quality supports and one or more RFPs for web-based services when sufficient funding is available, and to fund these grants for a period of five years. Funding in any year subsequent to the initial grant year will be dependent on the availability of State funding and on the progress of the grantee in the previous year (see Section 235.130, "Application Content and Approval for Continuation Programs"). Limitations on the use of the funds and reporting requirements are proposed in Section 235.140 ("Terms of the Grant").

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes; see Section 235.100(a)(2).
- 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 of 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:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: it was not apparent that the rules needed to be amended until after publication of the January agenda.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235
 EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND
 PREVENTION INITIATIVE PROGRAMS

Section	
235.10	Purpose; Eligible Applicants
235.20	Application Procedure and Content for New or Expanding Programs
235.30	Additional Program Components for Preschool Education Proposals
235.40	Additional Program Components for Prevention Initiative Proposals
235.50	Proposal Review and Approval for New or Expanding Programs
235.55	Proposal Review Process and Additional Funding Priorities for Preschool Education Programs
235.60	Application Content and Approval for Continuation Programs
235.65	ExceleRate Illinois: Quality Rating and Improvement System
235.67	Program Monitoring
235.70	Terms of the Grant

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES~~PRESCHOOL FOR ALL CHILDREN PROGRAM~~

Section	
235.100	Purpose; Eligible Applicants (Repealed)
<u>235.105</u>	<u>Eligible Applicants</u>
235.110	Application Procedure and Content for New or Expanding Programs (Repealed)
235.120	Proposal Review and Approval for New or Expanding Programs (Repealed)
235.130	Application Content and Approval for Continuation Programs (Repealed)
235.140	Terms of the Grant (Repealed)

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section

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NOTICE OF PROPOSED AMENDMENTS

- 235.200 Implementation and Purpose; Eligible Applicants
235.210 Application Procedure and Content
235.220 Proposal Review and Approval of Proposals
- 235.APPENDIX A Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age
235.APPENDIX B Illinois Birth to Five Program Standards
235.APPENDIX C Illinois Early Learning Guidelines – Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71 and 2-3.89 of the School Code [105 ILCS 5/2-3.71 and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES PRESCHOOL FOR ALL CHILDREN PROGRAM

Section 235.100 Purpose; ~~Eligible Applicants (Repealed)~~

This Subpart B establishes the procedure and criteria for the award of one or more grants to eligible applicants for the purposes set forth in this Section.

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports, which are intended to:
- 1) provide training, technical assistance and high-quality supports to recipients of funding under the Early Childhood Block Grant (see Subpart A) and offer other professional development opportunities that include, but are not limited to, evidence-based program models, job-specific

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training, support for mental health consultation and research-based curricula, as applicable to the early childhood program offered (i.e., Preschool Education or Prevention Initiative);

- 2) align training and technical assistance opportunities to the Standards for Professional Learning (2011) promulgated by Learning Forward, 504 South Locust Street, Oxford OH 45056 and posted at <http://learningforward.org/> (no later additions to or editions of these standards are incorporated); and
- 3) ensure that each provider of professional development meets the requirements set forth in 23 Ill. Adm. Code 25.Subpart J (Renewal of Professional Educator Licenses) to award credit for professional development for educator license renewal purposes.

b) Grants for Web-Based Services shall address:

- 1) Web-Based Resources, which are provided through an early learning website for parents, caregivers, teachers and program personnel and offer evidence-based, reliable information on early childhood education focusing on standards-based instruction in a variety of formats (e.g., printable tip sheets; video, webinars and other multi-media resources; discussion boards and "frequently asked questions" posts; "rich site summary" feeds; interactive tools and activities; in-person workshops; and online newsletters).
- 2) Web-Based Early Childhood Asset Mapping System, which relates early care and education site locations to other contexts, such as income and ethnic variables, in order to ensure that allocations of early care and education resources are more equitable across the State and focus on geographic areas with high concentrations of at-risk children (as defined in Section 235.10(a)(3)).

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. _____, effective _____)

Section 235.105 Eligible Applicants

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports

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Entities eligible to apply for grants for statewide training, technical assistance and high-quality supports are school districts, university laboratory schools approved under 23 Ill. Adm. Code 452 (Public University Laboratory Schools), charter schools authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A], area vocational centers, regional offices of education, intermediate service centers and other not-for-profit entities with experience in providing training and technical assistance about educational, health, social and child development services to young children and their families.

- b) Entities eligible to apply for grants for web-based services are university laboratory schools approved under 23 Ill. Adm. Code 452 (Public University Laboratory Schools), area vocational centers, regional offices of education, intermediate service centers and not-for-profit entities with the expertise and demonstrated experience in early childhood learning and development necessary to deliver professional development or develop web-based resources, as these are defined in Section 235.100.

(Source: Added at 40 Ill. Reg. _____, effective _____)

**Section 235.110 Application Procedure and Content for New ~~or Expanding~~ Programs
(~~Repealed~~)**

Programs established under this Subpart B shall be funded for a five-year period. Funding in each year subsequent to the initial grant year is subject to a sufficient appropriation for the program and satisfactory progress of the grantee in the previous grant year. (See Section 235.130.)

- a) When State funding is expected to be available under this Subpart B for a given fiscal year, the State Superintendent of Education shall issue a Request for Proposals (RFP) to eligible entities. This request shall:
- 1) indicate the amount or expected amount for the program and the expected range for grant awards;
 - 2) describe the required content and format of proposals and identify the services and activities that will receive priority consideration for funding, if applicable;

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- 3) identify the data that recipients will be required to collect and report regarding the services and activities provided, the timelines for reporting and, as applicable, specifics about the evaluation to be conducted to measure the impact of the grant;
 - 4) identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget description that provides a detailed explanation of each line item of expenditure;
 - 5) include the information to be provided regarding any staff to be assigned to program activities, including any subcontractors proposed to provide services or conduct activities;
 - 6) include certifications, assurances and program-specific terms of the grant that the State Superintendent may require (also see Section 235.140); and
 - 7) indicate the deadline for submission of proposals, which shall provide applicants with at least 30 days in which to respond.
- b) Each proposal shall be signed by an authorized representative of the applicant entity.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of any approved proposal shall be incorporated into a Grant Agreement to be signed by the applicant's authorized representative and the State Superintendent of Education or designee.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. _____, effective _____)

**Section 235.120 Proposal Review and Approval for New ~~or Expanding~~ Programs
(Repealed)**

Proposals submitted for initial funding under this Subpart B shall be evaluated in accordance with the criteria applicable to the specific grant for which a proposal is being submitted.

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports

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- 1) Experience (30 points)
The applicant demonstrates sufficient knowledge about educational, health, social and child development services to young children and their families. The applicant demonstrates prior successful experience in providing training, technical assistance activities and high-quality supports similar in scope and type to those required under the RFP.
 - 2) Program Planning (15 points)
The proposal presents thorough procedures for assessing the staff development needs of the personnel in local Early Childhood Block Grant programs and assuring that all stakeholders have a voice in articulating training and technical assistance needs and involvement in evaluation efforts. The proposal describes a comprehensive data collection, evaluation and continuous quality improvement plan and sufficiently explains how the information will be provided to the State Board of Education by the deadlines indicated.
 - 3) Program Description (30 points)
The proposed activities are comprehensive, demonstrate a sound approach, and have a strong likelihood of effectively addressing the staff development needs of Early Childhood Block Grant personnel to assist them in complying with the statutory mandate to implement an evidence-based program model (as applicable), research-based curriculum, and the components of the Early Childhood Block Grant program. The proposal describes appropriate staff development activities, reasonable outputs and timelines, and proposes evaluation methods that will be successful in determining the effectiveness of the approaches taken.
 - 4) Cost-Effectiveness of the Proposed Activities (25 points)
The proposed staffing level is sufficient to assure that the proposal's activities and services will be provided in an effective and efficient manner. The proposed budget is consistent with the proposal's activities and appears to be cost-effective, as evidenced by the cost in relation to the numbers to be served and the services to be provided.
- b) Grants for Web-Based Services
- 1) Grantee Capability (30 points)

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- A) The applicant demonstrates sufficient capacity to fully deliver a project of the magnitude and scope inherent in web-based resources and services. The applicant includes a thorough description of its proposed staffing (indicating the number of staff to be employed and their responsibilities and qualifications). The staffing plan appears to have a high likelihood of contributing positively to the applicant's capacity to successfully perform the work outlined in the RFP.
- B) The proposal adequately demonstrates the applicant's ability to effectively manage and account for allocations and expenditures of the awarded funds.
- C) The proposal presents sufficient evidence of the applicant's expertise and experience in website construction and maintenance to suggest that the project will be implemented in a high-quality manner in accordance with the program specifications outlined in the RFP.
- 2) Quality of the Project Implementation/Work Plan (50 points)
The proposed plan is appropriate and demonstrates thorough planning, communication and innovation sufficient to meet each of the objectives identified in the RFP. The activities proposed are appropriate for the work to be accomplished.
- 3) Timeline, Cost-Effectiveness and Budget (20 points)
The project timeline is appropriate for the scope of the work and project deliverables. The proposal represents a cost-effective use of State resources, as evidenced by the amount requested to support the activities proposed. The budget is reasonable in relation to the services to be provided.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular RFP.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. _____, effective _____)

Section 235.130 Application Content and Approval for Continuation Programs (~~Repealed~~)

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The requirements of this Section shall apply to those applicants seeking funding to continue either training, technical assistance and support programs or web-based services grants beyond the initial grant period.

- a) In order to continue to provide services outlined in the initial Grant Agreement funded under this Subpart B, a grantee, each year, shall electronically submit an application for continuation. The application shall include at least the following:
- 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the Grant Agreement;
 - 2) an updated scope of the work that discusses the services and activities for which the funding will be used, as articulated in the application for continuation, and a rationale for the activities to be undertaken;
 - 3) budget summary and payment schedule, as well as a narrative budget description, i.e., a detailed explanation of each line item of expenditure;
 - 4) information about any subcontractors proposed to provide services or conduct activities; and
 - 5) the certifications and assurances referred to in Section 235.110(a)(6) applicable to the renewal period.
- b) A program established under this Subpart B shall be approved for continuation, provided that:
- 1) a need continues to exist for the program or services, and the specific services and activities proposed meet the priorities set forth in the application for continuation;
 - 2) the activities and services proposed will be effective in providing high-quality training, technical assistance and supports, or web-based services, as applicable, that meet the needs of Early Childhood Block Grant recipients and other providers;

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- 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
- 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received under this Subpart B.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. _____, effective _____)

Section 235.140 Terms of the Grant (~~Repealed~~)

- a) Subcontracting is allowed with prior written approval of the State Superintendent of Education.
- b) Activities shall be supported by funding under this Subpart B only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the grantee.
- c) Reporting: Each grantee shall submit evaluation information and other reports containing program-related data in a format specified by the State Board of Education, providing, at a minimum:
 - 1) For grants for statewide training, technical assistance and high-quality supports, data and information regarding trainings, technical assistance activities, mental health consultation support and participants; and
 - 2) For grants for web-based services, data and information regarding the events administered with grant funds, completed activities, website maintenance and website traffic.
- d) Travel expenses, including transportation costs and, when overnight stay is required, lodging and per diem, are subject to the State rates published by the Governor's Travel Control Board for State employees and posted at <http://www.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx>.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1650.202	Amendment
1650.203	Amendment
1650.3200	New Section
1650.3220	New Section
1650.3221	New Section
1650.3222	New Section
1650.3230	New Section
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: The definitions of "amount earned by member" in 1650.202 and "gainful employment" in 1650.203 are being amended to clarify that amounts contributed to a tax deferred retirement plan or other such account do not reduce a disability benefit recipient's earned income for gainful employment purposes.

Because Tier II provisions were added to Article 1 of the Pension Code rather than amending the TRS benefit provisions in Article 16, it is necessary to clarify with new Subpart R how TRS is applying the Tier II provisions in Article 1 in conjunction with Article 16 benefits. 1650.3200 defines "Tier II", a shorthand reference to individuals who became TRS members on or after January 1, 2011. These members are subject to the provisions of Section 1-160 of the Illinois Pension Code. 1650.3220 clarifies how the automatic increase applies to Tier II disability benefits. 1650.3221 explains how final average salary is determined for calculating a Tier II disability retirement annuity. 1650.3222 explains how the Tier II disability retirement annuity is calculated. 1650.3230 clarifies that TRS will apply the annual Tier II salary limitations to TRS creditable earnings irrespective of reciprocal service.
- 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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 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 does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia M. Fain
Senior Legal Counsel
Teachers' Retirement System
2815 West Washington
P. O. Box 19253
Springfield IL 62794-9253

217/753-0375

- 13) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 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: None

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section	
1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section	
1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section

1650.910	Summary and Purpose (Repealed)
1650.920	Definitions (Repealed)
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests (Repealed)
1650.950	Appeal of a Denial (Repealed)
1650.960	Executive Director's Response to Appeal (Repealed)
1650.970	Response to FOIA Requests (Repealed)
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
1650.1114	Filing a QILDRO or a Calculation Order with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROs Against Persons Who Became Members Prior to July 1, 1999

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SUBPART R: TIER II MEMBERS AND ANNUITANTSSection

1650.3200 Definitions
1650.3220 Automatic Increase in Tier II Disability Benefits
1650.3221 Tier II Disability Retirement Annuity Final Average Salary
1650.3222 Tier II Disability Retirement Annuity Calculation
1650.3230 Contributions for Tier II Members with Reciprocal Earnings

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998;

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emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART C: FILING OF CLAIMS

Section 1650.202 Disability Benefits – Definitions

For purposes of non-occupational disability benefits under 40 ILCS 5/16-149 and occupational disability benefits under 40 ILCS 5/16-149.1, the following terms and phrases shall have the following definitions:

"Commencement of disability" shall mean the date upon which a member is determined by required medical examination to be "incapacitated to perform the duties of his or her position as a teacher" as defined in this Section.

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"Date of application" shall mean the day upon which the System receives in its business offices the written or telefax notice required in this Section notifying the System the member is applying for disability benefits under the provisions of 40 ILCS 5/16-149 or 16-149.1.

"Date eligibility for salary ceases" shall mean the last date worked plus 31 days, or the date on which all of the member's sick leave is exhausted, whichever occurs later.

"Gainful employment" shall mean current employment from which a member realizes "earned income" as that term is defined in section 32(c)(2) of the Internal Revenue Code in excess of \$10,000 in any calendar year, unreduced by contributions to a tax deferred retirement plan account authorized by the Internal Revenue Code or the pro rata share thereof if less than a calendar year, while in receipt of a disability or occupational disability benefit.

"Incapacitated to perform the duties of his or her position as a teacher" shall mean the physical or mental inability to perform substantially all of the member's assigned job duties at the commencement of disability.

"Licensed physician" shall mean any individual licensed by the state in which he or she practices medicine. All reports submitted to the System shall include the registration number of the physician submitting the report.

"Teacher", for purposes of 40 ILCS 5/16-149(a) and 16-149.1(a), shall mean employment in any equivalent position set forth in 40 ILCS 5/16-106 in this State or another state, territory or by or under the auspices of the United States government.

"Upon application of a member" shall mean the filing of a written or telefax notice by or on behalf of a member notifying the System that the member is applying for disability benefits under the provisions of 40 ILCS 5/16-149 or 16-149.1.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 1650.203 Disability Retirement Annuity – Definitions

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For purposes of 40 ILCS 5/16-149.2, the following terms shall have the following definitions:

"Amount earned by the member" shall mean the member's "earned income" as that term is defined in section 32(c)(2) of the Internal Revenue Code in any calendar year while in receipt of a disability retirement annuity, unreduced by contributions to a tax-deferred retirement plan or account authorized by the Internal Revenue Code.

"Licensed physician" shall have the same definition as in Section 1650.202.

"No longer disabled" shall mean the member is no longer "incapacitated to perform the duties of his or her positions as a teacher" as that phrase is defined in Section 1650.202.

"Teacher" shall have the same definition as in Section 1650.202.

"The standard of disability provided in Section 16-149" shall mean "incapacitated to perform the duties of his or her position as a teacher" as that phrase is defined in Section 1650.202.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART R: TIER II MEMBERS AND ANNUITANTS

Section 1650.3200 Definitions

For purposes of this Subpart R, "Tier II" means the provisions of Section 1-160 of the Illinois Pension Code [40 ILCS 5/1-160] that apply to certain members and annuitants of the Teachers' Retirement System of the State of Illinois (the "System") as defined therein.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 1650.3220 Automatic Increase in Tier II Disability Benefits

- a) A Tier II member or annuitant receiving a disability benefit under the provisions of Section 16-149, 16-149.1 or 16-149.2 of the Illinois Pension Code [40 ILCS 5/16-149, 16-149.1 or 16-149.2] shall receive a 7% increase in the member's or annuitant's initial disability benefit on the January 1 following the fourth anniversary of the granting of the disability benefit.

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- b) On each January 1 following the 7% increase, the member's or annuitant's Tier II disability benefit shall be increased by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12-month period ending with the September preceding each November 1, whichever is less, of the initial disability benefit.
- c) If the annual unadjusted percentage change in the consumer price index-u preceding November 1 is zero or there is a decrease, the Tier II member's or annuitant's disability benefit shall not be increased.
- d) For persons receiving a disability retirement annuity under Section 16-149.2 of the Code, any prior annual increases shall cease as soon as the person is eligible to receive the annual increase provided in Section 1-160(e) of the Code [40 ILCS 5/1-160(e)].

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 1650.3221 Tier II Disability Retirement Annuity Final Average Salary

Final average salary for the purpose of determining a Tier II disability retirement annuity under Section 16-149.2 of the Illinois Pension Code [40 ILCS 5/16-149.2] shall be:

- a) For a Tier II member with less than 8 years of creditable service, the average salary during the member's entire period of creditable service.
- b) For a Tier II member with 8 or more years of creditable service, the average salary for the highest 8 consecutive years within the last 10 years of creditable service as determined under Section 1-160(b) of the Code [40 ILCS 5/1-160(b)].

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 1650.3222 Tier II Disability Retirement Annuity Calculation

- a) The Tier II disability retirement annuity shall be equal to the larger of:
 - 1) 35% of the most recent annual contract salary rate or, for part-time and substitute members, the most recent annualized salary rate; or

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- 2) If the disability commences prior to the member's attainment of age 62, the amount computed in accordance with Section 16-133 of the Code [40 ILCS 5/16-133], provided the amount computed under Section 16-133(a)(B) shall be reduced by .5% for each month that the member is less than age 62; or
- 3) If the disability commences after the member's attainment of age 62, and the member is not receiving a retirement annuity under Section 16-133 of the Code, the amount computed in accordance with Section 16-133.
- b) The Tier II disability retirement annuity shall be reduced by .5% for each month that the member is less than age 67 at the time the retirement annuity begins. However, this reduction shall not apply if the member retires on account of disability under Section 16-149.2 of the Code [40 ILCS 5/16-149.2] with at least 10 years of creditable service.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 1650.3230 Contributions for Tier II Members with Reciprocal Earnings

The annual Tier II salary limitations set forth in Section 1-160(b-5) of the Illinois Pension Code [40 ILCS 5/1-160(b-5)] shall be applied by the System without regard to whether a member has earnings in a reciprocal system as defined in Article 20 of the Code [40 ILCS 5/Art.20] in that plan year.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 601
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
601.101	Amendment
601.102	Amendment
601.104	Amendment
601.105	Amendment
601.115	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 17, 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/17, 27 and 28]
- 5) Effective Date of Rules: April 15, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) The text of the adopted rules including all incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14224; November 6, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

The Agency proposed adding a number of definitions in Section 601.105. The Board amended several of these new definitions in accordance with the Agency's proposal as modified in the course of the proceeding and in response to public comments: "Head", "Maximum Average Daily Demand", "Porosity", "Transmissivity", and "Well Hydraulics".

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

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend Parts 601, 602, and 603 of the Board's rules governing public water supplies. The Agency sought to amend the rules to streamline the water supply permitting process, incorporate terminology from the amended Public Water Supply Operations Act (415 ILCS 45) in the Board's public water supply regulations, and add provisions for incorporation by reference of various national water standards. Part 601 provides for this incorporation by reference and also includes the introduction and definitions for community water supplies. For further details, please see the Board's opinion and order of April 7, 2016, in docket R15-22.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mark Powell
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6887
mark.powell@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R15-22 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 601
INTRODUCTION

Section

601.101	General Requirements
601.102	Applicability and Organization of this Chapter
601.103	Severability
601.104	Analytical Testing
601.105	Definitions
601.115	Incorporation by Reference

601.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990; amended in R89-5 at 16 Ill. Reg. 1585, effective January 10, 1992; amended in R96-18 at 21 Ill. Reg. 6537, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6784, effective April 15, 2016.

Section 601.101 General Requirements

Owners and official custodians of a public water supply in the State of Illinois shall provide, pursuant to the ~~Environmental Protection Act [415 ILCS 5] (Act), the Pollution Control Board (Board)~~ Rules, and the Safe Drinking Water Act (42 ~~USCU.S.C.~~ 300f et seq.), continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

(Source: Amended at 40 Ill. Reg. 6784, effective April 15, 2016)

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Section 601.102 Applicability and Organization of this Chapter

- a) The provisions of this Chapter shall apply to groundwater and public water supplies, as defined in the Act, except for those designated as non-community water supplies. A public water supply shall be considered to end at each service connection.

- b) The Board regulations adopted in this Chapter are organized as provided in this Section.
 - 1) Part 601 contains definitions, analytical testing requirements, and incorporations by reference applicable to Parts 601, 602, 603 and 607.
 - 2) Part 602 contains permitting requirements and standards for community water supplies and technical, financial and managerial capacity requirements for new community water supplies.
 - 3) Part 603 contains ownership and responsible personnel requirements for community water supplies.
 - 4) Part 607 contains requirements for emergency operation and cross-connection control.
 - 5) Part 611 contains regulations identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a) and 1445(a) of the Safe Drinking Water Act (SDWA) (42 USC 300g-1(b), 300g-3(c), 300g-6(a) and 300j-4(a)). Part 611 establishes primary drinking water regulations and includes definitions and incorporations by reference applicable to Part 611.
 - 6) Part 615 contains requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 615 includes definitions and incorporations by reference applicable to Part 615.
 - 7) Part 616 contains requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or

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partially within a setback zone or a regulated recharge area. Part 616 includes definitions applicable to Part 616.

- 8) Part 617 contains the requirements and standards for regulated recharge areas. Part 617 includes definitions and an incorporation by reference applicable to Part 617.
- 9) Part 618 contains requirements and standards for maximum setback zones. Part 618 includes definitions applicable to Part 618.
- 10) Part 620 contains the method of classification of groundwater, nondegradation provisions, the groundwater quality standards, and procedures and protocols for the management and protection of groundwater. Part 620 includes definitions and incorporations by reference applicable to Part 620.

(Source: Amended at 40 Ill. Reg. 6784, effective April 15, 2016)

Section 601.104 Analytical Testing

- a) To determine compliance with ~~the~~these community water supplies rules and regulations (35 Ill. Adm. Code Subtitle F), all sampling, monitoring and testing and physical, chemical, bacteriological, and microscopic analyses shall be made according to the methods described in 35 Ill. Adm. Code 611, the National Primary Drinking Water Regulations (40 CFR 141), and any other method specifically approved by the Environmental Protection Agency (~~Agency~~).
- b) All analyses for substances other than those listed in 35 Ill. Adm. Code 611 ~~the rules and regulations~~ must be performed by methods acceptable to the Agency.

(Source: Amended at 40 Ill. Reg. 6784, effective April 15, 2016)

Section 601.105 Definitions

- a) For purposes of 35 Ill. Adm. Code 601, 602, 603 and 607 ~~this Chapter~~, unless a different meaning of a word or term is clear from the context:

"Act" means the Environmental Protection Act, ~~as amended~~, [415 ILCS 5].

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"Agency" means the Illinois Environmental Protection Agency.

"Aquifer Property Data" means the porosity, hydraulic conductivity, transmissivity and storage coefficient of an aquifer, head and hydraulic gradient.

"Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become microbiologically contaminated.

~~"Certified Laboratory" means any laboratory certified pursuant to Section 4(o) of the Act, or certified by USEPA approved by the Agency, the Illinois Department of Nuclear Safety or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].~~

~~"Chemical Analysis" means analysis for any inorganic or organic substance, with the exception of radiological or microbiological analyses.~~

"Chlorine"

"Chlorine Demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) must be given, expressing the chlorine demand in a given water.

"Combined Chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free Chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

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"Total Chlorine" means the sum of the free chlorine and the combined chlorine.

"Community Water Supply" or "CWS" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section 3.145 of the Act)

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Cross-connection"

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water that contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances when flow from one system to the other is possible.

"Direct Cross-connection" means a cross-connection formed when a piping system containing potable water is physically joined to another piping system containing water of unknown or questionable safety, steam, or one or more gases, chemicals or other substances.

"Indirect Cross-connection" means a cross-connection formed when water of unknown or questionable safety, steam or one or more gases, chemicals or other substances from one piping system can be forced, drawn by vacuum or otherwise introduced into another piping system containing potable water.

"Disinfectant" means any agentoxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, thatwhich is intended to kill or inactivate pathogenic microorganisms.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological

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~~effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).~~

~~"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.~~

~~"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.~~

~~"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.2103.64 of the Act)~~

~~"Halogen" means one of the chemical elements chlorine, bromine or iodine.~~

~~"Head" means the sum of the elevation head, pressure head and velocity head at a given point in an aquifer.~~

~~"Hydraulic Conductivity" means the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft²) under a unit hydraulic gradient (gpd/ft²).~~

~~"Hydraulic Gradient" means the rate of change of total head per unit distance of flow in a given direction.~~

~~"Infrastructure" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.~~

~~"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards~~

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~~(NBS) Handbook 69, except the daughter products of thorium 232, uranium 235 and uranium 238.~~

"Maximum Average Daily Demand" or "Maximum Demand" means the maximum consecutive seven day production period.

~~"Maximum Residence Time Concentration (MRTC)" means the concentration of total trihalomethanes found in a water sample taken at a point of maximum residence time in the public water supply distribution system.~~

~~"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.~~

"New Community Water Supply" means, beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Non-community Water Supply" means a public water supply that is not a community water supply. (Section 3.145 of the Act)

"Official Custodian" means an individual who is an officer of an entity that is the owner of a community water supply and acts as the owner's agent in matters concerning the community water supply. [415 ILCS 45/9.4]"Official Custodian" means any officer of an organization which is the owner or operator of a public water supply, and who has direct administrative responsibility for the supply.

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~~"Persistent Contamination" exists when analysis for total coliform is positive in one or more samples of a routine sample set, and when three or more subsequent repeat samples indicate the presence of contamination.~~

~~"Picoeerie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.~~

~~"Point of Maximum Residence Time" means that part of the active portion of the distribution system remote from the treatment plant where the water has been in the distribution system for the longest period of time.~~

~~"Porosity" means the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected, as defined by the ratio of the pore volume to the total volume of a representative sample of the medium.~~

~~*"Public Water Supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. (Section 3.28 of the Act)*~~

~~"Recurring Contamination" exists when analysis of total coliform is positive in one or more samples of a routine sample set, if this occurs four or more times in a twelve consecutive month period.~~

~~"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.~~

~~*"Responsible Operator in Charge" means an individual who is designated as a Responsible Operator in Charge of a community water supply pursuant to Section 1 of the Public Water Supply Operations Act [415 ILCS 45/1] and 35 Ill. Adm. Code 603. [415 ILCS 45/9.6]*~~

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"Sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user through a water service line.

"Storage Coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a community~~public~~ water supply.

~~"Total Trihalomethanes (TTHM)" means the sum of the concentration in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.~~

"Transmissivity" means the rate in gallons per minute (gpm), at which water is transmitted horizontally through a unit width by the total saturated thickness of an aquifer, in feet (ft), under a unit hydraulic gradient (gpm/ft).

~~"Trihalomethane (THM)" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen~~

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~~atoms in methane are each substituted by a halogen atom in the molecular structure.~~

"Water Main" means any pipe for the purpose of distributing potable water ~~that~~which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

"Water Service Line" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling or rental unit of the user.

"Well Hydraulics" means equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations and certain aquifer properties to determine the rate of withdrawal of the well. This term is inclusive of equations that quantify wellbore skin effects/well loss.

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

"Wellhead Protection Measures" means management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.

"Wellhead Protection Program" means the Wellhead Protection Program for the State of Illinois, approved by USEPA under section 1428 of the SDWA (42 USC 300h-7).

- b) Terms not specifically defined in subsection (a), will have the meanings ascribed in 35 Ill. Adm. Code 611.
- c) Terms not specifically defined in subsections (a) or (b) will have the meanings specified in The Water Dictionary, incorporated by reference in Section 601.115.

(Source: Amended at 40 Ill. Reg. 6784, effective April 15, 2016)

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Section 601.115 Incorporations by Reference

- a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Chapter I to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"ASTM" means those standards published by American Society for Testing and Materials (ASTM).

"AWWA" means those standards published by the American Water Works Association.

"NSF" means those standards published by the National Science Foundation International.

"Recommended Standards" means "Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies".

- b) The Agency incorporates the following materials by reference:

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959, (610)832-9500.

ASTM D 2241-09, Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series), approved December 1, 2009.

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

ANSI/AWWA A100-06, Water Wells, approved February 2, 2006, effective August 1, 2006.

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[ANSI/AWWA B100-09, Granular Filter Material, approved January 25, 2009, effective March 1, 2010.](#)

[ANSI/AWWA C151/A21.51-09, Ductile-Iron Pipe, Centrifugally Cast, approved January 25, 2009, effective September 1, 2009.](#)

[ANSI/AWWA C200-12, Steel Water Pipe, 6 In. \(150 mm\) and Larger, approved June 10, 2012, effective September 1, 2012.](#)

[ANSI/AWWA C301-07, Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, approved January 21, 2007, effective June 1, 2007.](#)

[ANSI/AWWA C651-05, Disinfecting Water Mains, approved January 16, 2005, effective June 1, 2005.](#)

[ANSI/AWWA C652-11, Disinfection of Water Storage Facilities, approved June 12, 2011, effective October 1, 2011.](#)

[ANSI/AWWA C653-03, Disinfection of Water Treatment Plants, approved January 19, 2003, effective June 1, 2003.](#)

[ANSI/AWWA C654-03, Disinfection of Wells, approved January 19, 2003, effective November 1, 2003.](#)

[AWWA C900-07 Polyvinyl Chloride \(PVC\) Pressure Pipe and Fabricated Fittings, 4 In. Through 12 In. \(100 mm Through 300 mm\), for Water Transmission and Distribution, 2007.](#)

[ANSI/AWWA C905-10, Polyvinyl Chloride \(PVC\) Pressure Pipe and Fabricated Fittings, 14 In. Through 48 In. \(350 mm Through 1,200 mm\), approved January 17, 2010, effective April 1, 2010.](#)

[AWWA C906-07 Polyethylene \(PE\) Pressure Pipe and Fittings, 4 In. \(100 mm\) Through 63 In. \(1,600 mm\) for Water Distribution and Transmission, 2007.](#)

[ANSI/AWWA D100-11, Welded Carbon Steel Tanks for Storage, approved January 23, 2011, effective July 1, 2011.](#)

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[ANSI/AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.](#)

[ANSI/AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.](#)

["The Water Dictionary", 2nd Edition, 2010.](#)

[NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, \(734\)769-8010.](#)

[NFS/ANSI 60-2013 Drinking Water Treatment Chemicals – Health Effects, April 2014.](#)

[NSF/ANSI 61-2013 Drinking Water System Components – Health Effects, March 2014.](#)

["Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies", 2012 Edition, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, Health Research Inc., Health Education Services Division, PO Box 7126, Albany NY 12224, \(518\)439-7286.](#)

["Standard Specifications for Water and Sewer Main Construction in Illinois", 7th Edition, 2014, Illinois Society of Professional Engineers, 100 East Washington Street, Springfield IL 62701, \(217\)544-7424.](#)

- c) [No later amendments to or editions of the materials listed in subsection \(b\) are incorporated.](#)

(Source: Added at 40 Ill. Reg. 6784, effective April 15, 2016)

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 602
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
602.101	Amendment
602.102	Repealed/New Section
602.103	Repealed/New Section
602.104	Amendment
602.105	Amendment
602.106	Amendment
602.107	Renumbered/New Section
602.108	Repealed/New Section
602.109	Repealed/New Section
602.110	Renumbered
602.111	Amendment
602.112	Amendment
602.113	Amendment
602.114	Amendment
602.115	Amendment
602.116	Amendment
602.117	Amendment
602.118	Amendment
602.119	Amendment
602.120	Amendment
602.200	New Section
602.205	New Section
602.210	New Section
602.215	New Section
602.220	New Section
602.225	New Section
602.230	New Section
602.235	New Section
602.240	New Section
602.245	New Section
602.250	New Section
602.255	New Section
602.260	New Section
602.300	New Section

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602.305	New Section
602.310	New Section
602.315	New Section
602.320	New Section
602.400	New Section
602.405	New Section
602.410	New Section
602.415	New Section
602.500	New Section
602.505	New Section
602.510	New Section
602.515	New Section
602.520	New Section

- 4) Statutory Authority: Implementing and authorized by Sections 17, 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/17, 27 and 28]
- 5) Effective Date of Rules: April 15, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The text of the adopted rules including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14239; November 6, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemakings? No
- 11) Differences between Proposal and Final Version:

The Board amended Section 602.106, Restricted Status, as originally proposed by the Agency to clarify that restricted status may apply to only a portion of a community water supply, allowing the Agency to issue construction permits that would not extend a violation, and to clarify that a construction permit may not issue if the water main would

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extend a violation of Agency rules (as well as of the Environmental Protection Act or Board rules).

The Board amended Section 602.107, Critical Review, as originally proposed by the Agency to more clearly define the circumstances under which a community water supply is placed on the Agency's critical review list.

The Board amended Section 602.113, Duration, as originally proposed by the Agency to make all algicide permits expire in five years.

The Board amended Section 602.116, Requirement for As-Built Plans, consistent with the Agency's modification of its original proposal to provide greater specificity.

The Board reversed the repeal of Section 602.120 proposed at first notice, and reinstated the first sentence of that provision.

The Board amended Section 602.200, Construction Permit Requirement, consistent with the Agency's modification of its original proposal to clarify when a construction permit is required.

The Board amended Section 602.205, Preliminary Plans, to clarify when preliminary plans must include a description of alternate solutions.

The Board amended Section 602.210, Construction Permit Applications, to clarify when certain information must be included in a construction permit application.

The Board amended Section 602.225, Engineer's Report, to clarify when an engineers report must describe alternate solutions.

The Board amended Section 602.235, Specifications, to clarify that a community water supply may reference standard specifications rather than supply alternate specifications.

The Board amended Section 602.245, Source Construction Applications, to clarify the information that must be included in applications and plans.

The Board amended Section 602.250, Treatment Construction Applications, to clarify the information that must be included in applications under this provision.

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The Board amended Section 602.255, Storage Construction Applications, to clarify the information that must be included in applications under this provision.

The Board amended Section 602.260, Water Main Construction Applications, to clarify the information that must be included in applications and plans under this provision.

The Board amended Section 602.310, Project Requiring Disinfection, to elaborate on the meaning of "other treatment components".

The Board amended Section 602.405, Algicide Permit Application, to specify that the information in an application must assure the safety of a community water supply.

The Board amended Section 602.410, Sampling, consistent with the Agency's modification of its proposal to remove the certified laboratory requirement for copper tests, and to cross-reference the standard for determining "high health risk" regarding copper concentrations.

The Board amended Section 602.505, Other Aquatic Pesticide Permit Application Contents, to specify that the information in an application must assure the safety of a community water supply.

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

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency initiated this proceeding by filing a rulemaking proposal to amend Parts 601, 602 and 603 of the Board's rules governing public water supplies. The Agency sought to amend the rules to streamline the water supply permitting process, incorporate terminology from the amended Public Water Supply Operations Act (415 ILCS 45) in the Board's public water supply regulations, and add provisions for incorporation by reference of various national water standards. Amended Part 602 consolidates into a single part the Board's and the Agency's permitting rules for community water supplies. The Agency claimed that so amending Part 602 will

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result in more efficient Agency review of permit applications. For further details, please see the Board's opinion and order of April 7, 2016, in docket R15-22.

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

Mark Powell
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6887
mark.powell@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R15-22 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 602
PERMITSSUBPART A: GENERAL PERMIT PROVISIONS

Section	
602.101	<u>Purpose</u> Construction Permit
602.102	<u>Community Water Supply Permits</u> Operating Permit
602.103	<u>Public Water Supply Capacity Development</u> Algicide Permit
602.104	Emergency <u>Permits</u> Permit
602.105	Standards for Issuance
602.106	Restricted Status
<u>602.107</u>	<u>Critical Review</u> Signatory Requirement for Permit Applications
602.108	<u>Right of Inspection</u> Construction Permit Applications
602.109	<u>Fees</u> Operating Permit Applications
<u>602.110</u>	<u>Signatory Requirement for Permit Applications</u> Algicide Permits Applications
602.111	Application Forms and Additional Information
602.112	Filing and Final Action by Agency on Permit Applications
602.113	Duration
602.114	Conditions (<u>Repealed</u>)
602.115	Design, Operation and Maintenance Criteria
602.116	Requirement for As-Built Plans
602.117	Existence of Permit No Defense
602.118	<u>Appeal of Final Agency Action on a Permit Application</u> Appeals from Conditions
602.119	Revocations
602.120	Limitations

SUBPART B: CONSTRUCTION PERMITS

<u>Section</u>	
<u>602.200</u>	<u>Construction Permit Requirement</u>
<u>602.205</u>	<u>Preliminary Plans</u>
<u>602.210</u>	<u>Construction Permit Applications</u>
<u>602.215</u>	<u>Submission of Applications, Plans and Specifications</u>
<u>602.220</u>	<u>Alterations</u>

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602.225	Engineer's Report
602.230	Design Criteria
602.235	Specifications
602.240	Plans
602.245	Source Construction Applications
602.250	Treatment Construction Applications
602.255	Storage Construction Applications
602.260	Water Main Construction Applications

SUBPART C: OPERATING PERMITS

<u>Section</u>	
602.300	Operating Permit Requirement
602.305	Operating Permit Applications
602.310	Projects Requiring Disinfection
602.315	Projects Not Requiring Disinfection
602.320	Partial Operating Permits

SUBPART D: ALGICIDE PERMITS

<u>Section</u>	
602.400	Algicide Permit Requirement
602.405	Algicide Permit Applications
602.410	Sampling
602.415	Required Permit Modification

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

<u>Section</u>	
602.500	Other Aquatic Pesticide Permit Requirement
602.505	Other Aquatic Pesticide Permit Application Contents
602.510	Permits Under Public Health Related Emergencies
602.515	State Agency Programs
602.520	Extension of Permit Duration

602.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

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SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984; emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg. 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg. 18030, effective November 12, 2003; amended in R15-22 at 40 Ill. Reg. 6799, effective April 15, 2016.

SUBPART A: GENERAL PERMIT PROVISIONS**Section 602.101 Purpose~~Construction Permit~~**

The purpose of this Part is to establish and enforce minimum standards for the permitting of community water supplies. The definitions in 35 Ill. Adm. Code 601.105 apply to this Part.

- a) No person shall construct, install, or operate a community water supply without a permit granted by the Agency. [415 ILCS 5/18(a)(3)]~~No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water supply installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances.~~
- b) Owners are required to submit plans and specifications to the Agency and obtain written approval before construction, installation, changes or additions to a community water supply, except as provided in Section 602.104. [415 ILCS 5/15(a)]~~All work performed on a public water supply shall be in accordance with accepted engineering practices.~~

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.102 Community Water Supply Permits~~Operating Permit~~

A community water supply may seek the following types of permits issued by the Agency:

- a) Construction Permit, pursuant to Subpart B of this Part;

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- b) Operating Permit, pursuant to Subpart C of this Part;
- c) Algicide Permit, pursuant to Subpart D of this Part; or
- d) Aquatic Pesticide Permit, pursuant to Subpart E of this Part.

~~No owner or operator of a public water supply shall cause or allow the use or operation of any new public water supply, or any new addition to an existing supply, for which a Construction Permit is required under this Part, without an Operating Permit issued by the Agency.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.103 Public Water Supply Capacity Development~~Algicide Permits~~

~~All new community water supplies must demonstrate technical, financial, and managerial capacity as a condition for issuance of construction and operating permits by the Agency. The demonstration must be consistent with the technical, financial and managerial provisions of the federal Safe Drinking Water Act (42 USC 300f), and regulations adopted by the Agency. [415 ILCS 5/15(b)]No algicide shall be applied to any stream, reservoir, lake, pond, or other body of water used as a public water supply source without an Algicide Permit issued by the Agency. Copper sulfate and potassium permanganate are the only algaecides which may be used in public water supplies. Permits issued under this Section will be valid for public water supply sources only.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.104 Emergency Permits

- a) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner, official custodian, ~~operator~~, or Responsible Operator in Charge~~person in responsible charge~~, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.
 - 1) ~~As-built plans and specifications covering the work performed under the telephone permit must be submitted to the Agency as soon as reasonably possible.~~

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- 2) ~~Modifications required by the Agency after review of the submission shall be made promptly.~~
- b) Emergency conditions are hazards or threats to public health caused by:
- 1) accidents;
 - 2) equipment failures;
 - 3) human error; or
 - 4) natural disasters.
- c) The Agency shall confirm to a permit applicant, in writing, within ~~10~~^{ten} days ~~after~~^{of} issuance, its granting of an emergency ~~construction~~ permit. ~~The~~^{Said} confirmation ~~will~~^{may} be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.
- d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the emergency permit must be submitted to the Agency within 60 days after issuance of the emergency permit, unless otherwise stated by the Agency in writing.
- e) The Agency may request that the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days after the Agency's written request, unless otherwise stated by the Agency.
- f) The Agency can be contacted by calling:
- 1) Bureau of Water, Division of Public Water Supplies Permit Section (217/782-1724); or
 - 2) after normal business hours, the State emergency number (217/782-3637 (STA-EMER) or 800/782-7860).
- g) Each applicant for an emergency permit to install or extend a water main must submit the appropriate fee, as specified in Section 16.1 of the Act, to the Agency

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within 10 calendar days from the date of issuance of the emergency construction permit. [415 ILCS 5/16.1]

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.105 Standards for Issuancea) Construction Permits and Operating Permits

- 1) The Agency shall not ~~issue~~~~grant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~~~public~~ water supply will be constructed, modified or operated so as not to cause a violation of the ~~Environmental Protection Act~~ ~~or~~ ~~Board rules~~~~[415 ILCS 5]~~.
- 2) ~~b)~~ Except as provided in subsection (a)(3), ~~the~~The Agency shall not ~~issue~~~~grant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~~~public~~ water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).
 - A) Criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115;
 - B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and
 - C) AWWA, ASTM, ANSI or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.
- 3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency must not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other~~promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other~~ design criteria ~~that~~~~which~~ the applicant proves will produce consistently satisfactory results.

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- 4)e) ~~The Agency shall not issuegrant any construction permit required by this Part unless the applicant submits proof that allany plan and specification documents required by this Section and Subpart B of this PartSection ~~602.108~~ have been prepared by a person licensedqualified under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], or, for site and groundwater conditions, under the Professional Geologist Licensing Act [225 ILCS 745], or any required combination of these Acts~~thereof~~.~~
- 5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership pursuant to 35 Ill. Adm. Code 603.101.
- 6) The existence of a violation of the Act, Board regulation, or Agency regulation will not prevent the issuance of a construction permit if:
- A) the applicant has been granted a variance or an adjusted standard from the regulation by the Board;
- B) the permit application is for construction or installation of equipment to alleviate or correct a violation;
- C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or
- D) the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.
- b) Algicide or Aquatic Pesticide Permit
The Agency must not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or

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aquatic pesticide will not cause a violation of the Act, Board regulation, or Agency regulation.

- d) ~~Until December 8, 2003, the Agency shall not deny for the following reasons any construction or operating permit required by this Part:~~
- ~~1) the radium 226 level is less than or equal to 20 pCi/L;~~
 - ~~2) the radium 228 level is less than or equal to 20 pCi/L; or~~
 - ~~3) the gross alpha particle activity level minus the radium 226 level is less than or equal to 15 pCi/L.~~
- e) ~~From December 8, 2003, until December 8, 2009, the Agency may issue a construction or operating permit to a public water supply that exceeds the maximum contaminant level (MCL) for combined radium (radium 226 and radium 228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~
- ~~1) A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
 - ~~2) An enforceable court order after referral by the Agency.~~

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.106 Restricted Status

- a) Restricted status shall be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a ~~community~~public water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules ~~or this Chapter~~. Violations of Board rules that can result in a restricted status determination include, but are not limited to, regulations establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.

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- 1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.
 - 2) Except as specified in Section 602.105(a)(5), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.
- b) The Agency must publish on its website and in the Environmental Register and update~~The Agency shall publish and make available to the public, at intervals of not more than threesix months, a comprehensive and up-to-date list of community water supplies subject to restrictive status and the reasons why. This list will be entitled the "Restricted Status List".~~
 - c) The Agency shall notify the owners or official custodian and Responsible Operator in Charge~~custodians of a community water supply~~supplies when the community water supply is initially placed on restricted status by the Agency.
 - d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list. Until December 8, 2003, the Agency shall not place public water supplies on restricted status when:
 - 1) ~~the radium-226 level is less than or equal to 20 pCi/L;~~
 - 2) ~~the radium-228 level is less than or equal to 20 pCi/L; or~~
 - 3) ~~the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 pCi/L.~~
 - e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.~~From December 8, 2003, until December 8, 2009, the Agency shall not place a public water supply on restricted status for exceeding the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~

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- 1) ~~A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
- 2) ~~An enforceable court order after referral by the Agency.~~

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.107 Critical Review~~Signatory Requirement for Permit Applications~~

- a) The Agency must publish in the Environmental Register and on its webpage, at the same frequency as the Restricted Status List, a list of those community water supplies that Agency records indicate exceed 80 percent of the rate of any of the quantity requirements in the Board's or Agency's rules. This list will be entitled the "Critical Review List".
- b) The Critical Review List must include a description of the cause of the community water supply's inclusion on the list.
- c) The Agency must notify the owner or official custodian and the Responsible Operator in Charge of the community water supply when the community water supply is initially placed on critical review status by the Agency.
- d) Owners or official custodians of community water supplies that have been placed on critical review status must notify of this status any person requesting construction of a water main extension.

~~All permit applications shall be signed by the owner or official custodian of the public water supply, or by the owner's duly authorized agent, and shall be accompanied by evidence of authority to sign the application.~~

(Source: Former Section 602.107 renumbered to Section 602.110 and new Section 602.107 added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.108 Right of Inspection~~Construction Permit Applications~~

The permittee must allow the Agency and its duly authorized representatives to perform inspections in accordance with its authority under the Act, including but not limited to:

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- a) entering at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted pursuant to a permit;
- b) having access to and copying at reasonable times any records required to be kept under the terms and conditions of a permit;
- c) inspecting at reasonable times, including during any hours of operation:
 - 1) equipment constructed or operated under the permit;
 - 2) equipment or monitoring methodology; or
 - 3) equipment required to be kept, used, operated, calibrated and maintained under the permit;
- d) obtaining and removing at reasonable times samples of any raw or finished water, discharge or emission of pollutants;
- e) entering at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.

~~All applications for any construction permit required under this Chapter shall contain, where appropriate, the following information and documents:~~

- ~~a) A summary of the design basis;~~
- ~~b) Operation requirements;~~
- ~~c) General layout;~~
- ~~d) Detailed plans;~~
- ~~e) Specifications;~~
- ~~f) A professional seal to satisfy Section 602.105(c) requirements;~~

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- ~~g) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and~~
- ~~h) Any other information required by the Agency for proper consideration of the permit.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.109 Fees Operating Permit Applications

- a) Each applicant required to pay a fee must submit the fee to the Agency along with the permit application or as-built plans. The Agency must deny any construction permit application for which a fee is required that does not contain the appropriate fee. [415 ILCS 5/16.1(a)]
- b) The following fees are required by the Act:
 - 1) \$240 if the construction permit application is to install or extend water main that is more than 200 feet, but not more than 1,000 feet in length. [415 ILCS 5/16.1(d)(1)]
 - 2) \$720 if the construction permit application is to install or extend water main that is more than 1,000 feet but not more than 5,000 feet in length. [415 ILCS 5/16.1(d)(2)]
 - 3) \$1200 if the construction permit application is to install or extend water main that is more than 5,000 feet in length. [415 ILCS 5/16.1(d)(3)]
- c) Any applicant who submits as-built plans to install or extend a water main must pay the fees listed in subsection (b). [415 ILCS 5/16.1(c)]
- d) Each applicant for an emergency construction permit to install or extend a water main must submit the appropriate fee to the Agency within 10 calendar days from the date of issuance of the emergency permit. [415 ILCS 5/16.1(c)]
- e) This Section does not apply to following:

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- 1) any department, agency or unit of State government for installing or extending a water main;
- 2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of the Act which allows such unit to issue construction permits under Title IV of the Act, or regulations adopted under Title IV (see, for example, 35 Ill. Adm. Code 690 or 35 Ill. Adm. Code Subtitle F generally), for installing or extending a water main;
or
- 3) any unit of local government or school district for installing or extending a water main where both of the following conditions are met:
 - A) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and
 - B) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension. [415 ILCS 5/16.1(f)]

All applications for operating permits shall contain:

- a) ~~The name and certificate number of the certified operator in responsible charge on the operational staff of the public water supply or the name and registration number of the registered person in responsible charge for supplies which are exempt from the requirement for a certified operator; and~~
- b) ~~the name and location of the public water supply;~~
- c) ~~the construction permit number under which the public water supply was constructed; and~~
- d) ~~any other information required by the Agency for proper consideration of the permit.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective

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Section 602.110 Signatory Requirement for Permit Applications~~Algae Permit Applications~~

All permit applications must be signed by the owner or official custodian of the community water supply, or by the owner's duly authorized agent, and must be accompanied by evidence of authority to sign the application.

- a) ~~All applications for algicide permits shall contain:~~
 - 1) ~~the name and certificate number of the certified operator supervising the application of the algicide;~~
 - 2) ~~a statement describing the extent of the algae problem, history of any past algae problems, and algicide treatments, and a description of any fish kills which have resulted from treatments in the past; and~~
 - 3) ~~adequate information to support exceeding the limits as stated in 35 Ill. Adm. Code 302: Water Quality Standards.~~
- b) ~~After any algicide permit is issued, and before the permit expires by its stated terms, if there is any major change either in the operation of the public water supply, or in algae growth, which affects the use of the algicide as outlined in the permit, the public water supply shall submit an application for modification of its permit. This application shall contain all of the information required by this subsection (b) and subsection (a) above.~~
- e) ~~Any algicide permit issued under this Section shall exempt the permittee from obtaining an aquatic pesticide permit as provided in 35 Ill. Adm. Code 652.601.~~

(Source: Former Section 602.110 repealed and former Section 602.107 renumbered to Section 602.110 at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.111 Application Forms and Additional Information

The Agency may prescribe the form in which all information required under this Part shall be submitted and ~~may require~~may adopt procedures requiring such additional information as is necessary to determine whether the ~~community~~public water supply ~~system~~ will meet the

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requirements of the Act and this Chapter.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.112 Filing and Final Action by Agency on Permit Applications

- a) For permits without a fee under Section 602.109:
- 1) An application for permit shall be deemed to be filed on the date of initial receipt by the Agency of the application documents. The Agency shall send the applicant written notification of receipt of the complete application.
 - 2) Except for emergency permits, applications for construction permits must be filed at least 90 days before the expected start of construction.
 - 3)b) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within 90~~ninety~~ days from the filing of the completed application, the applicant may deem the permit granted for a period of one year, ~~commencing on the ninety first day after the application was filed.~~
 - 4)e) Any applicant for a permit may waive in writing the requirement that the Agency must take final action within 90~~ninety~~ days from the filing of the application.
- b) For permits with a fee under Section 602.109:
- 1) An application for a permit must be deemed to be filed on the date the Agency has received the application documents and required fee. The Agency must send the applicant written notification of receipt of the complete application.
 - 2) Except for emergency construction permits, applications for construction permits must be filed at least 45 days before the expected start of construction.
 - 3) The Agency must deny construction permit applications that do not contain the entire fee.

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- 4) The Agency must take final action by granting or denying permits within 45 days after the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days after filing the application and payment of the required fee, the applicant may deem the permit issued.
- c) The Agency must maintain a progress record of all permit applications, including interim and final action dates. This information is available to the applicant upon request.
- d) The Agency ~~must~~ send all notices of final action by U.S. mail. The Agency ~~shall~~ be deemed to have taken final action on the date that the notice is mailed.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.113 Duration

- a) Construction ~~Permits~~permits
 - 1) Construction permits for community water supply facilities expire one year from the date of issuance or renewal, unless construction has started. If construction does not commence within one year from the date of issuance or renewal, the permit shall be valid for the start of construction within one year from the date of issuance and may be renewed for additional one year periods at the discretion of the Agency, upon written request of the applicant.
 - 2) If construction commences within one year from the date of issuance or renewal of the construction permit, the permit expires five years from the date of issuance or renewal. Construction, once started, may continue for four years without permit renewal and Thereafter, the permit may be renewed for periods specified by the Agency at its discretion, upon written request of the applicant for each permit renewal.
 - 3) For the purposes of this Section, construction must be deemed commenced when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

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- b) ~~Operating permits~~~~Operation Permits~~—~~Operation Permits~~ shall be valid until revoked unless otherwise stated in the permit.
- c) ~~Algicide Permits~~—Algicide permits must be issued for fixed terms of five years~~shall be valid for the period stated in the permit, but in no case longer than five years.~~
- d) Aquatic pesticide permits must be valid for a fixed term, not to exceed one year.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.114 Conditions

In addition to specific conditions authorized under this Part, the Agency may impose ~~such~~ conditions in a permit ~~as may be~~ necessary to accomplish the purposes of the Act and ~~that~~ are not inconsistent with regulations promulgated by the ~~Illinois Pollution Control Board~~ ~~(Board)~~.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.115 Design, Operation, and Maintenance Criteria

- a) The Agency may adopt criteria in rules for the design, operation, and maintenance of ~~community~~~~public~~ water supply facilities as necessary to insure safe, adequate, and clean water. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any of its rules for ~~community~~~~public~~ water supplies, the Agency shall comply with the provisions of the Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.116 Requirement for As-Built Plans

If any portion of~~Whenever~~ a community water supply has been constructed without a construction permit as required by Section 602.101, or an emergency permit issued pursuant to Section 602.104, the community water supply must submit to the Agency ~~may require~~ submission of as-built plans and specifications and a construction permit application. As-built

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plans and specifications must be prepared by a qualified person as described in Section 602.105(a)(4)602.105(e). All plans and specifications submitted to the Agency under this Section must be clearly marked "as-built" or "record drawings". Any deficiencies requiring correction, as determined by the Agency, must be corrected within a time limit set by the Agency. Submission of as-built plans and the correction of any deficiencies~~This~~ does not relieve the owner or official custodian from any liability for construction ~~of the supply~~ without a permit.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.117 Existence of Permit No Defense

The existence of a permit under this Chapter shall not constitute a defense to a violation of the Act, ~~or any Board regulation, or Agency regulation~~rule except for the requirements to secure construction, operating, algicide, aquatic pesticide or emergency permits.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.118 Appeal of Final Agency Action on a Permit Application~~Appeals from Conditions~~

- a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency's final decision pursuant to Section 40 of the Act.
- b) An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit ~~that~~which shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act.
- c) All appeals must be filed with the Board within 35 days after the date on which the Agency served its decision on the applicant.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.119 Revocations

Violation of any permit conditions or failure to comply with the Act, Board~~any rule or~~ regulation ~~or Agency regulation of this Chapter~~ shall be grounds for enforcement actions as provided in the Act, including revocation of a permit. Revocation of a permit~~Such enforcement actions~~ shall be sought by filing a complaint with the Board pursuant to Title VIII of the Act.

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(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.120 Limitations

Issuance of a permit under this Part does not relieve the applicant of the obligation to obtain other permits required from other State entities, the Agency, or local governing bodies. ~~Any permit issued under this Part shall not be considered to be valid unless and until all applicable permits from State agencies, including but not limited to those listed below, have been applied for.~~

<u>AGENCY</u>	<u>PERMIT DESCRIPTION</u>
Illinois Commerce Commission	Certificate of Convenience and Necessity
Dept. of Natural Resources Office of Water Resources	Changes to Existing Waterways

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART B: CONSTRUCTION PERMITS

Section 602.200 Construction Permit Requirement

- a) No person shall cause or allow the construction of any new community water supply installation, or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.
- b) Construction permits must be obtained by the owner or official custodian of a community water supply:
 - 1) prior to beginning construction of any proposed community water supply;
 - 2) prior to all alterations, changes or additions to an existing community water supply that may affect the sanitary quality, mineral quality or adequacy of the community water supply; and
 - 3) prior to adding new chemicals to the treatment process or changing the points of chemical application.

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- c) A construction permit is not needed for normal work items such as:
- 1) installation of customer service connections to distribution system water mains;
 - 2) installation or replacement of hydrants and valves in the distribution system;
 - 3) repair of water mains, including replacement of existing water mains with mains of equivalent size pipe in the same location;
 - 4) routine maintenance of equipment, such as painting, reconditioning or servicing;
 - 5) replacement of chemical feeders, pumps, controls, filter media, softener resins, pipes and appurtenances that have the same rated capacity as existing facilities previously permitted by the Agency; or
 - 6) installation or replacement of meters.
- d) All work performed on a community water supply must be in accordance with accepted engineering practices.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.205 Preliminary Plans

- a) To expedite the review of subsequent construction permit application plan documents, preliminary plans may be submitted prior to the submission of a construction permit application. No construction permit shall be issued until the completed application, required fee, plans and specifications have been submitted.
- b) If preliminary plans are submitted, as directed under the Illinois Drinking Water Revolving Loan Funding Process (see 35 Ill. Adm. Code 664), the documents must include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

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Section 602.210 Construction Permit Applications

All applications for construction permits required under this Part must contain, when appropriate, the following information and documents:

- a) General information, including, but not limited to:
 - 1) name of the community water supply;
 - 2) community water supply identification number;
 - 3) the name and mailing address of the owner or official custodian of the community water supply; and
 - 4) name, scope and location of the project;
- b) Engineer's report as specified in Section 602.225;
- c) A summary of the design criteria as specified in Section 602.230;
- d) Specifications as specified in Section 602.635;
- e) Plans as specified in Section 602.240;
- f) Specific information for the type of construction, as follows:
 - 1) For source construction, information specified in Section 602.245;
 - 2) For the construction of treatment facilities, information specified in Section 602.250;
 - 3) For the construction of storage facilities, information specified in Section 602.255;
 - 4) For the construction of water mains, information specified in Section 602.260;
- g) Water purchase contracts between water supplies and/or inter-municipal agreements, when applicable;

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- h) Evaluation of technical, managerial and financial capacity as specified in Section 602.103 for new community water supplies;
- i) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and
- j) Any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.215 Submission of Applications, Plans and Specifications

- a) Two copies of the completed application and of any required plans, specifications and supplemental schedules must be submitted to the Agency for review and approval.
- b) All permit applications must be mailed or delivered to the appropriate address designated by the Agency.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.220 Alterations

- a) Before any deviations from plans and specifications approved by the Agency are made, the owner or official custodian, or an authorized delegate, must make a written request for a supplemental permit.
- b) Revised plans or specifications must be submitted to and approved by the Agency with the supplemental permit request.
- c) The Agency must approve supplemental permit requests if those requests comply with Section 602.105 and this Subpart.

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- d) A supplemental permit is not required for minor changes that will not affect the location, capacity, hydraulic conditions, water treatment processes or sanitary or mineral quality of the water to be delivered.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.225 Engineer's Report

Upon request from the Agency, an applicant for a construction permit must submit an Engineer's Report. Types of construction projects for which the Agency may request an Engineer's Report include, but are not limited to, the construction of a new community water supply, a new source location, or a new water treatment process other than chemical feeding only. The Engineer's Report may be submitted as a preliminary plan pursuant to Section 602.205. An Engineer's Report submitted pursuant to this Section must contain the information specified by this Section.

- a) General information, including:
- 1) a description of existing community water supply;
 - 2) a description of sewerage facilities;
 - 3) a description of the municipality or area to be served; and
 - 4) the name and mailing address of the owner or official custodian of the community water supply.
- b) The extent of the community water supply system, including:
- 1) a map of the area to be served with water and any provisions for extending the community water supply system;
 - 2) maps of additional areas to be served and an appraisal of the future requirements for service; and
 - 3) present and prospective industrial and commercial water supply needs that are likely to be required in the near future.
- c) Water consumption data, including:

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- 1) population trends as indicated by available records;
 - 2) an estimate of the number of consumers, based on population trends, who will be served by the proposed or expanded water supply system 20 years in the future;
 - 3) present and future water consumption values used as the basis of design;
 - 4) present and estimated future yield of the water sources for a community water supply; and
 - 5) estimated water loss in the distribution system based on available records.
- d) A justification for the project when two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process, each of which is feasible and practicable. The Engineer's Report must discuss the alternatives and provide reasons for selecting the one recommended, including financial considerations, operational requirements, operator qualifications, reliability and water quality considerations.
- e) Sources of Water Supply. The Engineer's Report must describe the proposed source or sources of water supply to be developed and the reasons for their selection, and provide information as follows:
- 1) For surface water sources:
 - A) hydrological data, stream flow and weather records;
 - B) safe yield, including all factors that may affect it;
 - C) documentation of structural safety of any spillway or dam to assure the spillway or dam can continue to provide a source of water during extreme weather;
 - D) description of the watershed, noting any existing or potential sources of contamination (such as highways, railroads, chemical facilities, land/water use activities, etc.) that may affect water quality;

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- E) summarized quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, etc.; and
 - F) source water protection issues or measures, including erosion and siltation control structures, that need to be considered or implemented.
- 2) For groundwater sources:
- A) the sites considered;
 - B) advantages of the site selected;
 - C) the elevations above mean sea level of site selected;
 - D) the probable character of geologic formations through which the source is to be developed;
 - E) hydrogeologic conditions affecting the site, such as anticipated interference between proposed and existing wells;
 - F) sources of possible contamination such as sewers and sewage treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water bearing formations, chemical facilities, waste disposal wells, and agricultural uses;
 - G) the test well depth and method of construction, including placement of liners or screens;
 - H) test pumping rates and their duration, including water levels and specific yield;
 - D) test well water quality information; and
 - J) wellhead protection measures being considered.
- f) Project sites, including:

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- 1) a discussion of the various sites considered and advantages of the chosen one;
 - 2) the proximity of residences, industries and other establishments; and
 - 3) any potential sources of pollution that may influence the quality of the supply or interfere with effective operation of the water works system, such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, and refuse and garbage dumps, etc.
- g) Proposed Treatment Processes. The Engineer's Report shall describe all proposed treatment processes necessary to meet the requirements of this Chapter and any available supporting data.
- h) Automation. The Engineer's Report must provide supporting data justifying automatic equipment, including the servicing and operator training to be provided, and must provide for manual override for any automatic controls.
- i) Power. The Engineer's Report must include the following power description:
- 1) the main source of power;
 - 2) dedicated standby power capable of providing power to operate the community water supply's water source, treatment plant and distribution facilities during power outages; and
 - 3) outside emergency power sources that are available.
- j) Soil characteristics, groundwater conditions and foundation problems, including:
- 1) the character of the soil through which water mains are to be laid;
 - 2) the foundation conditions prevailing at sites of proposed structures; and
 - 3) the approximate elevation of groundwater relative to mean sea level at its expected highest level in relation to subsurface structures.
- k) Flow requirements, including a hydraulic analysis based on flow demands and pressure requirements.

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BOARD NOTE: Fire flows, when fire protection is provided, should meet the recommendations of the Illinois Insurance Services Office or other similar agency for the service area involved.

- 1) Water Plant Wastes. When waste treatment facilities are necessary for the addition of a new process or an increase in water treatment plant capacity, those facilities must be included as part of the engineering plans and specifications, and the Engineer's Report must include the following:
 - 1) an estimate of the character and volume of the waste that will be generated and its proposed disposition; and
 - 2) the type of waste treatment, discharge location and frequency of discharge.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.230 Design Criteria

A summary of complete design criteria must be submitted for the proposed project containing, when applicable, the following:

- a) long term dependable yield of the source of supply;
- b) reservoir surface area, volume, and a volume versus depth curve;
- c) area of the watershed;
- d) estimated average and maximum daily water demands for the design period;
- e) number of proposed service connections;
- f) firefighting requirements;
- g) flash mix, flocculation and settling basin capacities;
- h) retention times;
- i) unit loadings;

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- j) filter area and the proposed filtration rate;
- k) backwash rate;
- l) feeder capacities and ranges; and
- m) minimum and maximum chemical application rates.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.235 Specifications

- a) Complete detailed specifications must be supplied or referenced from Standard Specifications for Water and Sewer Main Construction in Illinois, incorporated by reference in 35 Ill. Adm. Code 601.115, for all community water supply construction.
- b) The specifications must have a professional seal and signature that satisfy Section 602.105(a)(4).
- c) Water main standard specifications that have been adopted by a community water supply or a consulting engineer may be submitted for review by the Agency. If approved standard specifications are kept on file with the Agency, the community water supply or consulting engineer need not resubmit the specifications unless changes occur. Standard specifications must equal or exceed the requirements of Section 602.105.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.240 Plans

- a) Unless otherwise specified by the Agency, plans submitted to the Agency must provide the following:
 - 1) a suitable title;
 - 2) the name of the owner of the community water supply;

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- 3) the area or institution to be served;
 - 4) a scale;
 - 5) a north point;
 - 6) the data used;
 - 7) the boundaries of the municipality or area to be served;
 - 8) the date and the name and address of the designing engineer;
 - 9) a professional engineer's seal and signature to satisfy Section 602.105(a)(4);
 - 10) the locations and sizes of existing water mains;
 - 11) the locations and nature of existing water works structures and appurtenances affecting the proposed construction, noted on one sheet;
 - 12) the locations of any petroleum storage tanks within 400 feet of the proposed construction;
 - 13) dimensions, elevations and explanatory notes; and
 - 14) details as specified in Sections 620.245 through Section 602.260.
- b) Plans must be drawn to a scale that will describe the proposed structures and equipment.
- c) The size of plans submitted to the Agency must not exceed 24 inches by 36 inches.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.245 Source Construction Applications

Construction permit applications for the construction of a new, or the modification of an existing, well or surface water intake must include the information specified by this Section.

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- a) Well construction permit applications must specify the following:
- 1) the latitude and longitude of the well location;
 - 2) the location and nature of all potential routes, potential primary sources, and potential secondary sources of contamination within 2,500 feet of the well location;
 - 3) for sites subject to flooding, the well casing heights and maximum flood level based upon best available information, which includes, but is not limited to, the flood of record or the 100 year or 500 year flood projections;
 - 4) a general aquifer description;
 - 5) the total well depth;
 - 6) the well casing diameter, material, depth, weight, height above ground, and thickness;
 - 7) the grout type, thickness and depth;
 - 8) the screen diameter, material, slot size and length, if applicable;
 - 9) temporary capping and security measures during well construction;
 - 10) proposed pump test procedures;
 - 11) sampling procedures, if necessary under 35 Ill. Adm. Code 611.212, for wells that may be subject to surface water influences;
 - 12) the type, design capacity, head rating, and depth of pump setting;
 - 13) the column pipe diameter, length, material and joint;
 - 14) the discharge pipe diameter, depth of cover, material and valving;
 - 15) the casing vent diameter;

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- 16) the airline length;
 - 17) the location of the raw water sample tap;
 - 18) a description of how the top of the well casing is sealed;
 - 19) a description of access to the well site; and
 - 20) well hydraulics and aquifer property data.
- b) The following information must be submitted on plans for well construction permit applications:
- 1) the well location and a 2,500 foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination;
 - 2) the well location and a 400 foot radius showing the location of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
 - 3) a cross-section of the well showing finished grade, natural ground surface, vent, casing, column pipe, screen, well depth, pump depth, grout, gravel pack and discharge piping;
 - 4) all discharge piping, including pressure gauge, meter, sample tap, check valve, shut-off valve and vacuum/air release valve, if applicable;
 - 5) well house construction, if provided;
 - 6) the locations of all electrical junction boxes;
 - 7) the locations of all observation wells; and
 - 8) piping showing the ability to pump to waste.
- c) The following information must be submitted on plans for surface water intake construction permit applications:

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- 1) plan and profile views of the intake structure showing the location, elevation of intake ports, fish screens, valves, piping and pumps, if applicable;
- 2) location of inspection manholes, if applicable; and
- 3) location of chemical treatment, if applicable.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.250 Treatment Construction Applications

The following information must be submitted on plans for the construction of treatment facilities:

- a) all appurtenances, specific structures or equipment having any connection with the planned water treatment improvements;
- b) detailed hydraulic profiles of water flowing through treatment systems;
- c) schematic plumbing for all structures and equipment;
- d) location of feeders, piping layout and points of application;
- e) locations of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
- f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100 year or 500 year flood projections; and
- g) security provisions.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.255 Storage Construction Applications

The following information must be submitted on plans for the construction of storage facilities:

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- a) storage capacity;
- b) plan and profile views showing the location, elevation, piping, access hatches, vents, overflows, safety appurtenances and sample taps;
- c) for below ground or partially below ground storage tanks, locations of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118 within a 400 foot radius of the storage structure;
- d) security provisions;
- e) baffling arrangement, if applicable;
- f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100 year or 500 year flood projections; and
- g) for hydropneumatic tanks, the bypass piping, access manhole, drain, sight glass, pressure gauge, pressure relief valve, air compressor and housing;
- h) mixing systems, if applicable; and
- i) the ability to drain a storage tank without causing the pressure in the distribution system to drop below 20 psi.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.260 Water Main Construction Applications

- a) Water main construction permit applications must specify the following:
 - 1) the existing population served by the present supply, and the population to be served by the water main extension;
 - 2) the average daily pumpage for the community water supply on an annual basis;
 - 3) the maximum daily pumpage;

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- 4) the capacity of the community water supply;
 - 5) the capacity of the raw water source;
 - 6) the capacity of the proposed water main;
 - 7) the normal expected operating pressure on the proposed water main;
 - 8) the minimum expected operating pressure on the proposed water main;
 - 9) the pressure at the point of connection at present maximum demand;
 - 10) the calculated pressure at the point of connection under maximum demand after installation of the water main;
 - 11) the size of the pipe and total feet of the water main;
 - 12) the pipe material and type of joint;
 - 13) the proposed depth below ground surface of the water main;
 - 14) sewer and water separation:
 - A) an indication of whether the minimum horizontal and vertical separation requirements in 35 Ill. Adm. Code 653.119 have been met; and
 - B) an explanation of other measures taken to protect the water main if the separation requirements are not met;
 - 15) a disinfection plan that details the chemical to be used, initial disinfectant concentration, final disinfectant concentration and retention time in hours; and
 - 16) a water sampling plan to meet the requirements of Section 602.310.
- b) The following information must be submitted on plans with water main construction permit applications:

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- 1) the border lines of the municipality, water district or area to be served;
- 2) the size, length and identity of proposed water mains and water system structures;
- 3) the elevation of water mains where necessary to show proper separation from sewers and the elevation of other water system structures;
- 4) the location of existing or proposed streets;
- 5) the location of storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools;
- 6) the location of pipelines and other sources containing hydrocarbons;
- 7) the distance between the community water supply structures and the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
- 8) stream crossings with elevations of the stream bed shown, including the normal, extreme high and extreme low water levels of the stream; and
- 9) all appurtenances, specific structures or equipment having any connection with planned water mains and water system structures.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART C: OPERATING PERMITSSection 602.300 Operating Permit Requirement

- a) No person shall cause or allow the use or operation of any new community water supply, or any new addition to an existing community water supply, for which a construction permit is required under this Part, without an operating permit issued by the Agency.
- b) The operating permit application must be filed with the Agency when construction is complete.
- c) The operating permit must be obtained before the project is placed in service.

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d) Partial operating permits may be obtained pursuant to Section 602.320.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.305 Operating Permit Applications

a) All applications for operating permits must contain:

- 1) the name, signature and identification number of the Responsible Operator in Charge (see 35 Ill. Adm. Code 603);
- 2) the community water supply's name, address, identification number and project name;
- 3) the construction permit number, type of construction permit, and date the construction permit was issued;
- 4) an explanation of the status of the construction project. If the project is only partially completed, the applicant must provide the information set forth in Section 602.320; and
- 5) any other information required by the Agency for proper consideration of the permit, including, but not limited to, the submission of the water sample results pursuant to Section 602.310.

b) If the operating permit application is for the operation of a well, the operating permit application must include the following information in addition to the information required by subsection (a):

- 1) final geologic well log;
- 2) aquifer property data;
- 3) lateral area of influence, as calculated pursuant to 35 Ill. Adm. Code 671.Subpart B;
- 4) delineated well head protection area; and

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- 5) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.310 Projects Requiring Disinfection

- a) Satisfactory disinfection as specified in this Section must be demonstrated before the issuance of an operating permit for completed construction projects when facilities produce, contain, treat or carry water that must be bacteriologically safe. This includes, but is not limited to, water mains, filters, finished water storage tanks and wells.
- b) Disinfection of a filter with granular activated carbon (GAC) must be completed prior to adding the GAC. Disinfection of an ion exchange unit must be completed prior to adding a resin with a low chlorine tolerance. Disinfection of a membrane unit must be completed prior to adding membrane material with a low chlorine tolerance. Care should be taken when handling the GAC, resin or membrane to keep the material as clean as possible.
- c) Except as specified in subsection (d), satisfactory disinfection is demonstrated when two consecutive water sample sets collected from the completed project at least 24 hours apart indicate no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method, as set forth in 35 Ill. Adm. Code 611. A sample set consists of the following:
- 1) For water mains, representative water samples must be collected from every 1,200 feet of new main along each branch and from the end of the line. The Agency may approve a different sampling plan on a site-specific basis.
 - 2) For water treatment plants, representative water samples must be collected from each aerator, detention tank, filter, ion exchange unit and clearwell, from all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.

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- d) For water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 611.240, satisfactory disinfection is demonstrated when:
- 1) one water sample set from the completed project collected in accordance with subsection (c)(1) indicates no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611; and
 - 2) Adequate chlorine residual is present at the point of connection. Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.
- e) If the analyses performed pursuant to subsection (d) indicate the presence of bacterial growth, the community water supply must do the following to demonstrate satisfactory disinfection:
- 1) resample at the sampling point indicating contamination and at every sampling point downstream of the point indicating contamination;
 - 2) submit a general layout sheet of the project indicating the location of all water mains to be operating; and
 - 3) submit evidence to the Agency that two consecutive water sample sets collected as specified in subsection (e)(1) indicated no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611.
- f) Analyses conducted pursuant to this Section must be performed by a certified laboratory.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.315 Projects Not Requiring Disinfection

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Disinfection is not required for projects involving installation of equipment not in contact with finished water, which includes, but is not limited to, chemical feeders, coagulation basins and raw surface water transmission lines.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.320 Partial Operating Permits

- a) If all phases of a construction project will not be completed at one time, the Agency must issue a partial operating permit pursuant to Section 602.105 upon receipt of:
- 1) a cover letter describing which sections of the project are completed;
 - 2) a general layout plan sheet of the project indicating the location of water mains, treatment processes or storage facilities to be operated;
 - 3) a completed and signed operating permit application; and
 - 4) bacteriological analyses results from water samples collected from the completed section of the project verifying satisfactory disinfection in accordance with Section 602.310.
- b) Additional operating permits may be obtained in accordance with this Section as other portions of the project are completed.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART D: ALGICIDE PERMITS**Section 602.400 Algicide Permit Requirement**

- a) No person shall apply algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Algicide Permit issued by the Agency.
- b) Permits issued under this Subpart D will be valid for community water supply sources only.

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(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.405 Algicide Permit Applications

All applications for Algicide Permits must contain:

- a) the name and identification number of the Responsible Operator in Charge supervising the application of the copper sulfate, copper sulfate based products, or copper sulfate chemical aids;
- b) a statement describing the extent of the algae problem, history of any past algae problems, and past algicide treatments;
- c) a description of any adverse effects algae has had on the various treatment processes and on the finished water quality;
- d) a description of any fish kills that might have resulted from past use of copper sulfate, copper sulfate based products, and copper sulfate chemical aids;
- e) the location and volume of the body of water where the copper sulfate, copper sulfate based products, or copper sulfate chemical aids will be applied;
- f) the name of the source stream (if any);
- g) the amount of copper sulfate, copper sulfate based products, or copper sulfate chemical aids to be used for each treatment;
- h) the time interval between treatments;
- i) a copy of the applicant's authorization to discharge under an NPDES permit if the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids is applied to a water of the United States;
- j) additional information requested by the Agency to assure the safety of a community water supply, as required by 35 Ill. Adm. Code 302.210; and
- k) any other information required by the Agency for proper consideration of the permit.

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(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.410 Sampling

- a) The owner or official custodian, or an authorized delegate, must collect water samples for each application of copper sulfate, copper sulfate based products, or copper sulfate chemical aids. Water samples must be collected at the locations and times established in this subsection (a).
- 1) From the raw water intake, one sample must be collected before treatment.
 - 2) From the entry point to the distribution system:
 - A) One sample must be collected approximately 24 hours following the copper sulfate treatment.
 - B) One sample must be collected approximately 48 hours following the copper sulfate treatment.
- b) The sample results must demonstrate that concentrations of copper do not pose a high health risk to water consumers in accordance with 35 Ill. Adm. Code 611.350(c)(2).

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.415 Required Permit Modification

After any Algicide Permit is issued, and before the permit expires, if there is any major change either in the operation of the community water supply or in algae growth that affects the use of the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, as outlined in the permit, the community water supply must submit an application for modification of its permit. This application must contain all the information required by Section 602.405.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS**Section 602.500 Other Aquatic Pesticide Permit Requirement**

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- a) When the application of the pesticide will have an effect on any community water supply, no person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Aquatic Pesticide Permit issued by the Agency. Effect is defined as any measurable concentration of the pesticide in the intake water of the community water supply.
- b) No person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, within 20 miles upstream of a public or food processing water supply intake without an Aquatic Pesticide Permit issued by the Agency. The 20 mile upstream distance must be measured as follows:
- 1) for streams, the distance must be measured from the water supply intake to the downstream edge of the application area;
 - 2) for impoundments, the distance must be measured as the straight line distance over water from the intake to the nearest edge of the application area or, if the shape of the impoundment will not allow a straight line measurement over water, the distance must be measured as the shortest distance over water between the intake and the application area;
 - 3) for streams tributary to impoundments, the distance must be the sum of the stream distance plus the shortest line distance described in subsection (b)(2).

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.505 Other Aquatic Pesticide Permit Application Contents

All applications for Aquatic Pesticide Permits must contain, at a minimum:

- a) The reasons for controlling the aquatic plant or animal nuisance.
- b) Applicant Information

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- 1) The applicant must be the official custodian of, or have control over the waters to which the aquatic pesticide is applied.
 - 2) The application must contain the name, address, telephone number and signature of the applicant. If the applicant's signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for the times and locations identified in the application.
- c) Applicator Information
- 1) The name, address and telephone number of the applicator.
 - 2) The applicator's Illinois Department of Agriculture license number.
 - 3) A list of the limitations imposed by the applicator's license that restrict the types of pesticides that may be used by the applicator.
- d) General Information
- 1) A description of the aquatic pesticide by trade name, chemical name or name of active ingredients, and names of decomposition products.
 - 2) The U.S. Environmental Protection Agency (USEPA) Registration Number for the pesticide.
 - 3) A description of the steps to be followed in preparing and applying the pesticide, including, but not limited to, proportions, mixing and precautions in preparation. A copy or facsimile of the label containing this information may be used to satisfy this requirement.
- e) Time and Location of Treatment
- 1) A depiction of the area or areas to be treated on a U.S. Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. The depiction must include the locations and provide the name of the owners of all water intakes for a distance of 20 miles downstream of each area to be treated.

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- 2) Ponds under 10 acres to be treated, but that are not used as a water source for public or food processing water supplies, must be described using a map of the pond, its tributaries and the surrounding area.
 - A) Pond locations must be given and described using the quarter section, section number, township, range, county and township name.
 - B) The name of all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated must be provided.
- 3) The date and time required for each treatment.
- f) An inventory of the species, size and population of animals or plants to be controlled.
- g) Contacts with Downstream Water Users
 - 1) Written documentation showing that all water supplies described in Section 602.500 have been notified of the proposed treatment and provided details of possible adverse effects.
 - 2) The names of water supply operators who will be notified 24 hours before the aquatic pesticide application.
- h) Application and Precautions
 - 1) A description of the method to be used to apply the pesticide.
 - 2) A description of the method to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.
 - 3) A description of the method to be used to remove dead plants or animals should these accumulations result in water quality deterioration.
 - 4) A description of the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.

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- 5) A description of the method to be used for detoxification of the water in the event of water supply contamination.
 - 6) A description of the actions to be taken to insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, the anticipated frequency of retreatment shall be stated.
 - 7) A copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.
- i) Water Characteristics and Chemistry
- 1) The expected life of the pesticide's active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.
 - 2) A list of the limiting chemical constituents of the water to be treated that can hinder the effectiveness of the pesticide.
 - 3) A list of the short term and chronic effects of the pesticide on people and animals.
 - 4) A description of the weather and stream flow conditions under which the pesticide must be applied.
 - 5) A list of the references used to obtain information required by subsections (i)(1) through (4).
- j) Pesticide Dosage and Concentration
- 1) A description of the pesticide dosage.
 - 2) A description of the concentration of the pesticide in the water immediately after application.
 - 3) A copy of the computations used to determine the concentration.
- k) Stream and Impoundment Data

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- 1) Streams
 - A) The stream flow expected during pesticide application.
 - B) When stream flows are not available, data on high, average and low stream flow conditions.
 - C) The specific quantity of discharge in cubic feet per second and the average stream velocity in feet per second.
 - 2) Impoundments
 - A) The surface area, average depth, maximum depth and volume of the impoundment.
 - B) The flow expected into and out of the impoundment during the time the pesticide will be active, including the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.
 - C) Information pertinent to the segment in question when only part of the impoundment will be treated.
 - D) A depiction of the water flow patterns to the water supply intake on a map of the impoundment.
 - E) An estimate of the minimum time required for the aquatic pesticide to reach the water supply intake.
 - 3) A list of the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.
- 1) Additional Information and Reports
 - 1) Additional information must be provided to the Agency upon request to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210. A copy of the applicant's authorization to discharge under

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an NPDES permit must be submitted if the aquatic pesticide is applied to a water of the United States.

- 2) A report letter must be filed with the Agency within 30 days following each application of the aquatic pesticide. The report must include, but is not limited to:
- A) the names and addresses of the applicant and applicator;
 - B) the aquatic pesticide application permit number;
 - C) the date of aquatic pesticide application;
 - D) the name and amount of aquatic pesticide applied; and
 - E) a description of any mishap that endangered a community water supply and a chronology of the steps taken to correct the problem.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.510 Permits Under Public Health Related Emergencies

The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is immediately endangered by an aquatic pest such as a disease-carrying organism. Aquatic Pesticide Permits issued by telephone must have special conditions for safeguarding downstream public and food processing water supplies.

- a) The Agency must confirm to the applicant in writing the granting of an emergency Aquatic Pesticide Permit within 10 days after issuance.
- b) A written report containing the same information required for a permit application under Section 602.505 must be made to the Agency within 30 days following pesticide application.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.515 State Agency Programs

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The Departments of Public Health, Natural Resources and Agriculture may place on file with the Agency information required by Section 602.505(h), (i) and (j) for reference in future permit applications.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.520 Extension of Permit Duration

The Agency may extend the duration of an Aquatic Pesticide Permit when circumstances beyond the control of the applicant prevent the aquatic pesticide application during the time specified in the permit.

- a) All requests for extensions of permit duration must:
 - 1) be in writing;
 - 2) list the reasons the aquatic pesticide could not be applied on the date permitted;
 - 3) give the new date the aquatic pesticide is to be applied;
 - 4) contain a statement that the aquatic pesticide will be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and
 - 5) contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.

- b) Requests for extensions of permit duration may be made by telephone provided:
 - 1) the information listed in subsection (a) is stated; and
 - 2) the information listed in subsection (a) is transmitted in writing to the Division of Public Water Supplies Permit Section within five days after the date verbal approval for an extension of permit duration is given by the Agency.

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- c) Applications for extensions of permit duration shall not be granted if more than 60 days have elapsed from the date of aquatic pesticide application listed in the permit.
- d) Extensions of permit duration, if granted by the Agency, must be in writing and must state the time of the extension.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

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- 1) Heading of the Part: Ownership and Responsible Personnel
- 2) Code Citation: 35 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
603.101	Amendment
603.102	Repealed/New Section
603.103	Amendment
603.104	Repealed/New Section
603.105	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4, 10, 27, 28 and 28.2 of the Illinois Environmental Protection Act [415 ILCS 5/4, 10, 27, 28 and 28.2]
- 5) Effective Date of Rules: April 15, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The text of the adopted rules including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14289; November 6, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Board made only non-substantive changes, e.g., punctuation and abbreviation, to the proposal.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The Agency initiated this proceeding by filing a rulemaking proposal to amend Parts 601, 602, and 603 of the Board's rules governing public water supplies. The Agency sought to amend the rules to streamline the water supply permitting process, incorporate terminology from the amended Public Water Supply Operations Act (415 ILCS 45) in the Board's public water supply regulations, and add provisions for incorporation by reference of various national water standards. Most of the amendments necessary to make the regulations consistent with the amended Public Water Supply Operations Act, including adding the concept of a Responsible Operator in Charge, are to Part 603. For further details, please see the Board's opinion and order of April 7, 2016, in docket R15-22.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mark Powell
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6887
mark.powell@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R15-22 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 603
OWNERSHIP AND RESPONSIBLE PERSONNEL

Section

603.101	Ownership
603.102	Administrative Contact <u>Responsible Personnel</u>
603.103	Responsible Operator in Charge <u>Certified Operator</u>
603.104	Exempt Community Water Supply <u>Registered Person in Responsible Charge</u>
603.105	Notification of Change of Ownership or <u>Responsible Operator in Charge</u> Responsible Personnel

603.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended at 40 Ill. Reg. 6853, effective April 15, 2016.

Section 603.101 Ownership

- a) To assure the continued maintenance and operation of ~~community~~ public water supplies, each supply ~~must~~ shall be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.
- b) The body exercising ~~such~~ direct supervision over a community water supply shall file with the ~~Environmental Protection Agency~~ (Agency) a statement of ownership before commencing construction of any ~~community~~ public water supply facility. ~~Public water supplies in existence on December 21, 1974, shall file a statement of ownership with the Agency no later than ninety days after that date.~~

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- c) The body filing ~~such~~ a statement of ownership under subsection (b) shall be considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in accordance with Section 603.105.
- d) The owner or official custodian and the Responsible Operator in Charge ~~and individual~~ designated ~~in responsible charge~~ pursuant to Sections 603.103 ~~must~~ ~~or 603.104 shall~~ be jointly accountable for the proper operation of the community water supply.

(Source: Amended at 40 Ill. Reg. 6853, effective April 15, 2016)

Section 603.102 Administrative Contact~~Responsible Personnel~~

The owner or official custodian of a community water supply may designate, on forms provided by the Agency, an individual to act as agent of the owner or official custodian for all matters related to the community water supply. The designated agent must be known as the Administrative Contact of the community water supply. Any notice provided to the Administrative Contact must be considered notice to the owner or official custodian. An individual's designation as Administrative Contact must remain in effect until the Agency receives written notice otherwise.

~~Each public water supply shall have designated an individual in responsible charge of the operation of that supply properly qualified and registered pursuant to Public Water Supply Operations Act [415 ILCS 45], with all provisions of the Public Water Supply Operations Act complied with.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6853, effective April 15, 2016)

Section 603.103 Responsible Operator in Charge~~Certified Operator~~

- a) Under the Public Water Supply Operations Act, all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge. [415 ILCS 45/1].
- b)a) Each ~~community~~public water supply, unless exempted under Section 603.104, ~~must designate; shall have a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act, designated in~~

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~~responsible charge of the supply's operation.~~

- 1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or
 - 2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.
- c) The Responsible Operator in Charge must be a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.
- d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency pursuant to 35 Ill. Adm. Code 681.1015.
- e)b) The owner or official custodian and the Responsible Operator in Charge ~~must~~certified operator designated in responsible charge shall file a signed statement identifying the Responsible Operator in Charge ~~certified operator in responsible charge~~ on forms provided by the Agency.
- 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~
 - 2) ~~One properly certified operator may supervise both the treatment and distribution facilities of the supply.~~
- f)e) Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge. [415 ILCS 45/1.1(a)] ~~Completion of the forms shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and certified operator.~~
- g) Responsible Operator in Charge must submit to the Agency, in accordance with Board rules, consumer confidence reports, monthly operating reports, and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

drinking water compliance monitoring results, such as corrosion control reports and monitoring results. [415 ILCS 45/1.1(b)(3)]

(Source: Amended at 40 Ill. Reg. 6853, effective April 15, 2016)

Section 603.104 Exempt Community Water Supply~~Registered Person in Responsible Charge~~

Pursuant to Section 9.1 of the Public Water Supply Operations Act, a community water supply is not required to have a Responsible Operator in Charge if it:

- a) *consists only of distribution and storage facilities and does not have any collection and treatment facilities;*
 - b) *obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;*
 - c) *does not sell water to any person; and*
 - d) *is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.2]*
- a) ~~A public water supply may seek an exemption from the requirement of a certified operator in responsible charge.~~
 - b) ~~Each public water supply seeking such exemption shall so request in writing to the Agency.~~
 - e) ~~Each public water supply exempted from the certified operator requirement by the Agency, pursuant to the Public Water Supply Operations Act, shall have either a certified operator or person registered in accordance with the Public Water Supply Operations Act, designated in responsible charge of the supply's operation.~~
 - d) ~~Each public water supply exempted by the Agency and retaining a registered person in responsible charge shall file with the Agency a signed statement identifying the registered person in responsible charge on forms provided by the Agency. Such statement shall also be signed by the registered person in responsible charge.~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~
- 2) ~~One properly registered person in responsible charge may supervise both the treatment and distribution facilities of the supply.~~
- e) ~~Completion of the above forms shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and registered person in responsible charge.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6853, effective April 15, 2016)

Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge~~Responsible Personnel~~

- a) ~~Within 15 days after any change in ownership of a community water supply, the new owner must notify the~~The Agency ~~shall be notified within fifteen days~~, on forms supplied by the Agency, ~~by the owner of a public water supply~~ of changes in ownership.
- b) ~~Within 15 days after any change in the Responsible Operator in Charge, the owner or official custodian and the new Responsible Operator in Charge must notify the~~The Agency ~~shall be notified within fifteen days~~, on forms supplied by the Agency, of ~~the~~ changes in responsible personnel, ~~and who may be contacted in the event such contact is required.~~
- e) ~~No notification shall be considered valid unless the new owner or responsible personnel indicates acceptance of these responsibilities and duties in the notification document.~~

(Source: Amended at 40 Ill. Reg. 6853, effective April 15, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 12, 2016 through April 18, 2016. The rulemakings are scheduled for review at the Committee's May 10, 2016 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>
5/28/16	<u>Illinois Student Assistance Commission</u> , Grant Program for Medical Assistants in Training (23 Ill. Adm. Code 2742)	1/29/16 40 Ill. Reg.2195	5/10/16
5/28/16	<u>Department of Natural Resources</u> , Operations of Watercraft Carrying Passengers For Hire on Illinois Waters (17 Ill. Adm. Code 2080)	2/19/16 40 Ill. Reg. 3161	5/10/16

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ILLINOIS COMMUNITY COLLEGE BOARD

Heading of the Part: Administration of the Illinois Public Community College Act

Code Citation: 23 Ill. Adm. Code 1501

Section Numbers: 1501.507

Date Originally Published in the *Illinois Register*: 4/24/15
39 Ill. Reg. 5743

At its meeting on April 12, 2016, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that ICCB be more timely in implementing new statute. PA 96-194, which is being implemented by this rulemaking, became effective 1/1/10.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Payment of Taxes By Electronic Funds Transfer

Code Citation: 86 Ill. Adm. Code 750

Section Numbers: 750.300

Date Originally Published in the *Illinois Register*: 1/22/16
40 Ill. Reg. 1660

At its meeting on April 12, 2016, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that DOR seek a statutory amendment to resolve the conflict between Sec. 210 of the Department of Revenue Law and the Motor Fuel Tax Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Net Metering

Code Citation: 83 Ill. Adm. Code 465

Section Numbers: 465.5 465.10
465.35 465.40
465.50 465.55
465.70 465.80
465.90

Date Originally Published in the *Illinois Register*: 5/8/15
39 Ill. Reg. 06134

At its meeting on 4/12/16, the Joint Committee on Administrative Rules objected to Sections 465.35(b) & 90 of the above-referenced rulemaking because those portions of the rulemaking are inconsistent with Section 16-107.5 of the Public Utility Act. The statute defines and uses the term "electricity provider". The Commission has chosen to use the term "electricity supplier" and give that term a meaning that differs from the statute.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Tobacco Products Tax Act of 1995

Code Citation: 86 Ill. Adm. Code 660

Section Numbers: 660.5 660.10 660.15
660.16 660.18 660.20
660.24 660.25 660.26
660.27 660.28 660.29
660.30 660.35 660.40
660.45 660.50 660.55

Date Originally Published in the *Illinois Register*: 1/29/16
40 Ill. Reg. 2156

At its meeting on 4/12/16, the Joint Committee on Administrative Rules objected to Section 660.16(a)(8) of the rulemaking of the Department of Revenue titled Tobacco Products Tax Act of 1995 (86 Ill. Adm. Code 660; 40 Ill. Reg. 2156) because requiring license applicants to provide any other information DOR may lawfully require, without stating in rule the actual type of information it will require, constitutes policy not in rule, in violation of Section 5-20 of the Illinois Administrative Procedure Act [5 ILCS 100], and violates Section 10-21 of the Tobacco Products Tax Act of 1995 [35 ILCS 143].

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY
OBJECTION TO PROPOSED RULEMAKING

DEPARTMENT OF LABOR

- 1) Heading of Part: Job Opportunities for Qualified Applicants Act
- 2) Code Citation: 56 Ill. Adm. Code 340
- 3) Section Numbers:

340.100	340.110	340.200
340.210	340.220	340.300
340.310	340.320	340.330
340.340	340.400	
- 4) Notice of Proposed Rulemaking Published in *Illinois Register*: 8/14/15; 39 Ill. Reg. 11206
- 5) Summary of Rulemaking: Implements PA 98-774 that created the Job Opportunities for Qualified Applicants Act that prohibits private employers, with 3 specified exceptions, from inquiring about a job applicant's criminal history until the applicant has been qualified for the job and selected for an interview or tendered an offer of employment. The Act requires DOL to investigate violations of the Act.
- 6) JCAR Action: Objection (1/4/16; 40 Ill. Reg. 316)
- 7) Basis for JCAR Action: At its 12/15/15 meeting, JCAR objected to the above-referenced rulemaking because the Department of Labor refused to state in Section 340.210(d) how it will define the "reasonable period of time" within which a party to a complaint review can request a Department determination that good cause beyond the party's control caused an untimely submission, allowing the submission to be considered by the Department. Section 5-10 of the Illinois Administrative Procedure Act requires any agency policy that affects an entity outside the agency be stated in rule.
- 8) Agency Response: None
- 9) Basis for JCAR Determination of Failure to Remedy: DOL chose not to respond to the Objection by the end of the 90 day response period, 3/18/16. Sec. 5-110(f) of the IAPA states that an agency's failure to respond to a JCAR Objection constitutes withdrawal of the rulemaking in its entirety. At its 4/12/16 meeting, JCAR found that the Department's failure to respond, and the consequent withdrawal of the rulemaking, did not remedy the

Objection. The Job Opportunities for Qualified Applicants Act places requirements and limitations on employers. The statute requiring DOL to investigate alleged employer violations of the Act is in place, but DOL has yet to adopt rules governing these investigations and any resulting penalties. JCAR voted to issue this Notice of Failure to Remedy for publication in the next *Illinois Register*.

PROCLAMATIONS

2016-100**4p-/Wolf-Hirschhorn Syndrome Awareness Day**

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our awareness and understanding of a genetic disorder known as 4p- syndrome, also known as Wolf-Hirschhorn syndrome; and,

WHEREAS, children with 4p- syndrome are usually born with low birth weight and develop slowly, both cognitively and physically, compared to their same-age peers, and experience medical complications while still maintaining pleasant and lovable personalities; and,

WHEREAS, dedicated professionals are presently involved in valuable research to explore new therapies and diagnostic tools, and to offer hope to persons with 4p- syndrome; and,

WHEREAS, the 4p- Support Group estimates that approximately 1,000 individuals in the United States have 4p- syndrome, though it is thought many remain undiagnosed; and,

WHEREAS, it is incumbent upon the citizens of Illinois to work together as a people and as a state to increase research into understanding the syndrome, to advocate for effective diagnostic screenings, to support the development of improved therapies for early intervention and other necessary and critical treatments, as well as join in recognizing and applauding the valuable role which families and advocates of those who have 4p- syndrome play in helping our medical community advance the knowledge and awareness of this syndrome; and,

WHEREAS, the State of Illinois is pleased to join people throughout our nation in promoting a special celebration which seeks to raise awareness of 4p- syndrome, designed to have a positive and productive impact on the lives of all people with 4p- syndrome and their caregivers.

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the April 16, 2016, as **4p-/WOLF-HIRSCHHORN SYNDROME AWARENESS DAY** in the State of Illinois.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-101**Childhood Apraxia Awareness Day**

WHEREAS, May 14, 2016, marks the third annual Childhood Apraxia of Speech (CAS) Awareness Day, during which Illinois will raise state and national awareness about CAS, a particularly difficult, persistent and severe neurological speech disorder in youngsters; and,

PROCLAMATIONS

WHEREAS, CAS causes affected children to have extreme difficulty planning and producing the precise, highly refined, and specific series of movements of the tongue, lips, jaw and palate that are necessary in producing clear, intelligible speech; it is among the most severe of speech and communication problems in young children; and,

WHEREAS, while the act of learning to speak comes effortlessly to most children, those with apraxia endure an incredible and lengthy struggle, and although not life threatening, the disorder is life altering as families are left to cope with the emotional, physical and financial challenges of having a child diagnosed with CAS; and,

WHEREAS, every child should be afforded their best opportunity to develop speech and every child deserves a voice; with early intervention and appropriate therapy, most children with CAS will learn to communicate with their own voices; and,

WHEREAS, these children, as well as their families, deserve our highest respect for their effort, determination and resilience in the face of such obstacles;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 14, 2016, as **CHILDHOOD APRAXIA AWARENESS DAY** in Illinois.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-102**Childhood Drowning Prevention Month**

WHEREAS, drowning is the leading cause of accidental death for children aged one through four, accounting for nearly one-third of all accidental deaths of toddlers and pre-school children; and,

WHEREAS, drowning is the second leading cause of death for children ages one through 14 and claims the life of an average of two children per day in the United States; and,

WHEREAS, child drowning can occur in seconds in pools, bathtubs, hot tubs, decorative garden ponds, and even buckets that contain as little as two inches of water; and,

WHEREAS, 16 Illinois children lost their lives to accidental drowning in 2015, including 7 in swimming pools, three in flood waters, three in lakes, two in ponds and one in a river; and,

PROCLAMATIONS

WHEREAS, for every child that drowns, five more are victims of near-drowning that require emergency medical care, often leading to hospitalization and causing long-term brain damage that can include memory loss, learning disabilities, and permanent loss of basic functioning that results in a permanent vegetative state; and,

WHEREAS, inadequate supervision of children, which includes neglect that results in drowning, is the third-leading cause of all child deaths indicated by the Illinois Department of Children and Family Services; and,

WHEREAS, it is important to recognize that constant adult supervision is needed when children are near or in water; and,

WHEREAS, the use of floatation devices and inflatable toys cannot replace parental supervision because such devices can suddenly shift position, lose air, or slip out from underneath, leaving the child in a dangerous situation; and,

WHEREAS, adults need to practice "Reach Supervision" by staying within an arm's length of young children; and,

WHEREAS, the state's "Get Water Wise...Supervise!" campaign urges the public to prevent childhood drowning and near-drowning by providing adult supervision whenever children are near or in water; and,

WHEREAS, the Illinois Department of Children and Family Services, the Illinois Child Death Review Team and other community partners recognize that childhood drowning is preventable if proper adult supervision is provided;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as **CHILDHOOD DROWNING PREVENTION MONTH** in Illinois, and encourage all parents and caregivers to learn and practice proven child water safety precautions, ensuring the safety of all Illinois children.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-103
Electrical Safety Month

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and,

PROCLAMATIONS

WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than \$1.4 billion annually; and,

WHEREAS, more than six people are electrocuted each week in the United States; and

WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and,

WHEREAS, citizens are urged to install, test, and properly maintain an adequate number of smoke alarms; and,

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school, and workplace through education, awareness, and advocacy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2016 as **ELECTRICAL SAFETY MONTH** in Illinois, and encourage all citizens to observe the importance of establishing and practicing electrical safety habits in the home, school, and workplace to reduce the number of electrically-related fires, injuries, and deaths.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-104**Heterotaxy Syndrome Awareness Day**

WHEREAS, Heterotaxy syndrome is a congenital condition that affects the development, placement and presence of internal organs; and,

WHEREAS, the public is unaware of Heterotaxy syndrome, including many medical professionals; and,

WHEREAS, Heterotaxy syndrome affects many body systems and requires a team of many specialists for treatment; and,

WHEREAS, families struggle to educate medical teams and are often the only common thread between medical specialties; and,

WHEREAS, mortality is high, but due to lack of tracking and research, the exact numbers are unclear; and,

PROCLAMATIONS

WHEREAS, those with Heterotaxy syndrome that survive to adulthood find their condition largely unknown to the community; and,

WHEREAS, funding into causes and holistic treatment of Heterotaxy syndrome are low; and,

WHEREAS, Heterotaxy Syndrome Awareness Day provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and,

WHEREAS, the establishment of Heterotaxy Syndrome Awareness Day will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Heterotaxy Syndrome;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 4, 2016, as **HETEROTAXY SYNDROME AWARENESS DAY** to help raise awareness of this rare but serious condition.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-105**Health Care Workers Day**

WHEREAS, healthcare organizations in the state of Illinois, are both dedicated and committed to providing high-quality care for their communities; and,

WHEREAS, the state of Illinois is recognized for its medical research, training and treatment and commitment to the health and well-being of its residents and communities; and,

WHEREAS, all members of the healthcare team - nurses, allied health professionals, support staff, financial services personnel, administration, physicians and volunteers - are recognized as a vital component to providing the very best healthcare; and,

WHEREAS, healthcare employees make much-needed contributions in every healthcare facility and help to increase awareness of Illinois' reputation for healthcare excellence; and,

WHEREAS, the more than 200 hospitals and health systems that are Illinois Health and Hospital Association members wish to express their thanks and appreciation to healthcare workers for their unwavering commitment and contributions at work and in their communities;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 10, 2016 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-106
Home Education Week

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois and across the country; and,

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and,

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and,

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and,

WHEREAS, studies show students who are educated at home typically score at or above the national average on standardized tests, exhibit self-confidence, good citizenship, and are fully-prepared academically to meet the challenges of today's society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 25-29, 2016, as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role home education plays in educating our children.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-107
Illinois Medical Coders Week

WHEREAS, medical coders identify and address patterns of disease, illness, and injury in populations, as well as identify the trends and patterns in the procedures and services they

PROCLAMATIONS

provide by reviewing all tests, diagnoses, results, and medications, and translating them to a numerical value; and,

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury, and to treatment, including for heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and,

WHEREAS, medical coders help preserve the history of communities by abstracting information from birth and death records; and,

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and,

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices and outpatient and hospital settings; and,

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and,

WHEREAS, the State of Illinois is proud to recognize medical coders for all their hard work in this state, and throughout the country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 16-22, 2016, as **ILLINOIS MEDICAL CODERS WEEK**, and encourage all citizens to recognize and honor the medical coders for their invaluable contributions to the improvement of our healthcare system.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-108**Illinois Realtors Day**

WHEREAS, the mission of the Illinois Association of Realtors is to be the premier real estate advocate for the public, its members, and the communities they serve. In its 100-year history, the IAR has become known as the "Voice for Real Estate", and it takes pride in advocating for the protection of private property rights and helping families realize the American dream of homeownership; and,

PROCLAMATIONS

WHEREAS, on April 25, 1916, the Articles of Incorporation were signed creating the Real Estate Association of Illinois; since its incorporation, the Illinois Association of Realtors has been watchful over issues of property taxes, tax reform, and fees that impact the transfer of real estate; and,

WHEREAS, the IAR partners with the Regional Economic Applications Laboratory (REAL) at the University of Illinois at Urbana-Champaign to provide essential housing reports and market forecasts to Illinois media and also researches the positive economic impact of home sales across sectors of the Illinois economy; and,

WHEREAS, the IAR engages directly with consumers on local advocacy issues through the Real Property Alliance and provides much-needed assistance to hard hit communities, donating more than \$575,000 toward disaster relief since 1997 through its Realtors Relief Foundation; and,

WHEREAS, the IAR opened a newly constructed headquarters building in the downtown Springfield historic district in 2007 and is a founding supporter of the Governor's Mansion Restoration Project, in addition to supporting the Springfield community as a sponsor of the Kidzeum's Green Home Construction Exhibit;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 25, 2016, as **ILLINOIS REALTORS DAY** in the State of Illinois, in recognition of the Illinois Association of Realtors, its members and staff during their 100th anniversary celebration.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-109**Money Smart Week**

WHEREAS, the economic progress of our country is dependent upon the financial well-being of its citizens; and,

WHEREAS, citizens have many choices on how to manage their financial affairs, making it important to become educated about the best options available; and,

WHEREAS, educational institutions, financial institutions, government entities and community-based organizations can work together to help consumers make informed choices about their personal finances; and,

WHEREAS, improved financial literacy results in a higher standard of living for individuals and greater community stability;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 23-30, 2016, as **MONEY SMART WEEK** in Illinois and encourage all citizens to increase financial literacy.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-110**National Public Works Week**

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and,

WHEREAS, the support of understanding and informed citizens is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and,

WHEREAS, the health, safety, and comfort of a community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and,

WHEREAS, the efficiency of the qualified and dedicated personnel of public works departments is supported when citizens understand the importance of public works; and,

WHEREAS, the year 2016 marks the 56th annual **NATIONAL PUBLIC WORKS WEEK** sponsored by the American Public Works Association;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-21, 2016 as National Public Works Week in Illinois.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-111**National Retirement Planning Week**

WHEREAS, preparing for a secure future is not a life stage or income-specific endeavor; and,

PROCLAMATIONS

WHEREAS, each day about 10,000 Baby Boomers who are members of a generation largely unsure of their financial future are about to enter their retirement years; and,

WHEREAS, providing for financial wellness in our later years is now an individual responsibility; and,

WHEREAS, providing for and financing one's retirement is now increasingly difficult, with more Americans shouldering the burdens themselves; and,

WHEREAS, a unique set of challenges has emerged, including changes in employee benefits, longer life spans, uncertainty with Social Security and Medicare, as well as rising cost of health care; and,

WHEREAS, the latest research findings from the Insured Retirement Institute (IRI) has shown that Baby Boomer's confidence in their financial preparations for retirement are steadily dropping, with barely a quarter optimistic about their situation in 2015; and,

WHEREAS, there is a growing need to educate Americans on retirement planning; and,

WHEREAS, carving some time out on a routine basis to review your finances and assess you financial preparedness for retirement is an achievable first step; and,

WHEREAS, being proactive about planning and seeking professional guidance when warranted can help Americans achieve financial freedom; and,

WHEREAS, crafting a holistic financial plan for retirement can restore confidence and build savings for those post-working years; and,

WHEREAS, experts from the National Retirement Planning Coalition, the group that organizes National Retirement Planning Week are urging Americans to use this time to develop, review and /or revise their retirement plans with the tools and help available at www.RetireonYourTerms.org; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 11-15, 2016, as **NATIONAL RETIREMENT PLANNING WEEK** in Illinois, in recognition of this national effort to help consumers focus on their financial needs in retirement.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

PROCLAMATIONS

National Water Safety Month

WHEREAS, swimming and aquatic-related activities can play a role in good physical and mental health and enhance the quality of life for all people; and,

WHEREAS, water safety education plays in preventing drowning and recreational water-related injuries; and,

WHEREAS, Illinois is aware of the contributions made by the recreational water industry, as represented by the organizations involved in the National Water Safety Month Coalition in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to recreate, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and,

WHEREAS, the pool, spa, water park, recreation and parks industries support ongoing efforts and commitments to educate the public on pool and spa safety issues and initiatives; and,

WHEREAS, the citizens of Illinois understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to water parks;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby declare May 2016 as **NATIONAL WATER SAFETY MONTH** in Illinois.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

**2016-113
Paralegal Day**

Whereas, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and,

Whereas, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law; and,

Whereas, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2016; and,

PROCLAMATIONS

Whereas, created in 1972, the Illinois Paralegal Association represents more than 1,100 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals and is celebrating its 44th anniversary this year; and,

Whereas, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals;

Therefore, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 3, 2016, as **PARALEGAL DAY** in the State of Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-114
Student Council Week

WHEREAS, Student Councils provide a terrific opportunity for young leaders of tomorrow; and,

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading; and,

WHEREAS, an important part of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges; and,

WHEREAS, finding common ground, building consensus, and inspiring cooperation to achieve a goal is the core of leadership; and,

WHEREAS, good leaders are those who know this, and the best leaders are those whose results support their vision; and,

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service; and,

WHEREAS, Student Council benefits students, schools, and the entire community; and,

PROCLAMATIONS

WHEREAS, this year, the 82nd Annual Illinois Association of Student Councils State Convention will be held from May 5-7, 2016, in Springfield; and,

WHEREAS, the conference will attract students from all across the state who will participate in seminars and workshops to exchange ideas to help them become better leaders;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of May 2-6, 2016, as **STUDENT COUNCIL WEEK** in Illinois, in support of Student Council, and to encourage future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn.

Issued by the Governor April 4, 2016

Filed by the Secretary of State April 14, 2016

2016-115**Crossing Guard Appreciation Day**

WHEREAS, approximately 20,000 children under the age of 14 suffer motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and,

WHEREAS, many of these injuries can be avoided if children had proper walking and biking safety education and did not choose to cross streets or use intersections unsupervised; and,

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and,

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones; and,

WHEREAS, safety can be improved by drivers following the directions of crossing guards; and,

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets, teaching children to look both ways before crossing streets, and other essential safety rules; and,

WHEREAS, crossing guards are an important component of the Illinois Safe Routes to School program, which makes communities safer for kids to walk and bicycle to school, promotes physical activity and reduces harmful impacts to environmental and community health;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, do hereby proclaim April 27, 2016, as **CROSSING GUARD APPRECIATION DAY** in Illinois, in recognition of the services these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor April 5, 2016

Filed by the Secretary of State April 14, 2016

2016-116
Military Child Month

WHEREAS, thousands of brave Americans have made countless sacrifices to defend our country and preserve freedom in Afghanistan, Iraq, and around the world; and,

WHEREAS, nearly 29,000 Illinois children and youth have been directly affected by the military service of at least one parent; and,

WHEREAS, it is our duty as citizens to pay tribute to service members and their children for their commitment to this nation and their struggles – because when parents serve in the military, their children are heroes too; and,

WHEREAS, it is only fitting that we take time to recognize these children's contributions, celebrate their spirit, and let our men and women in uniform know that while they are taking care of us, we are taking care of their children; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as **MILITARY CHILD MONTH** in Illinois, and encourage all citizens and local communities to provide support and give thanks to military children and families.

Issued by the Governor April 5, 2016

Filed by the Secretary of State April 14, 2016

2016-117
Day of Recognition Honoring Colonel Charles Young and the Buffalo Soldiers

WHEREAS, Charles Young was born to Gabriel and Armintra Young in Mays Lick, Kentucky, on March 12, 1864; and,

WHEREAS, in 1889, Young graduated West Point Military Academy as the third Black graduate and then entered the United States Armed Forces as a Second Lieutenant Cavalry assigned to the Ninth United States Cavalry, serving at this post throughout the western frontier; and,

PROCLAMATIONS

WHEREAS, Young served as Professor of Military Science at Wilberforce University on detached duty and was promoted to First Lieutenant in 1896; and,

WHEREAS, in 1899 during the Spanish American War, Young was appointment Major, United States Volunteers, in the Ohio National Guard to command its Ninth Infantry Battalion; and,

WHEREAS, after being promoted to Captain in 1901, Young commanded a cavalry troop in the Ninth Cavalry and lead his men in combat in the Philippine Islands during the Philippine Insurrection from 1901 to 1902; and,

WHEREAS, Young served as a military attaché to Liberia from 1912 to 1915 where he developed the Liberian Frontier Forces, and was wounded during a rescue mission; and,

WHEREAS, for his exceptional work in Liberia, the National Association for the Advancement of Colored People awarded Young the Spingarn Award in 1916; and,

WHEREAS, Young was reassigned to the Tenth United States Cavalry and served in the Punitive Expedition in Mexico with General John J. Pershing from 1916 to 1917; and,

WHEREAS, during his promotion board in 1917, Young was medically retired and promoted to Lieutenant Colonel making him the highest ranking African American in the United States Armed Forces; and,

WHEREAS, it is believed that had it not been for the political and social climate of the times, Colonel Young would have become the first African American Brigadier General in American History; and,

WHEREAS, Colonel Young and the Buffalo Soldiers sacrificed greatly to serve their fellow man, overcoming remarkable obstacles and confounding all expectations of the times. They achieved previously unimagined heights of success as soldiers of phenomenal skill, integrity, and honor; and,

WHEREAS, in remembrance, with the utmost reverence and pride by citizens across Illinois, we recognize and honor this 93rd anniversary of Colonel Young's internment in Arlington National Cemetery on June 1, 1923, and the 150th anniversary of the formation of the legendary Buffalo Soldiers who partook in outstanding military service to the United States of America;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 1, 2016, as **DAY OF RECOGNITION HONORING COLONEL CHARLES YOUNG AND THE BUFFALO SOLDIERS** in Illinois, as tribute to the legacy they left for future generations

PROCLAMATIONS

of American citizens and members of the United States Armed Forces and for the phenomenal righteousness and valor with which they served our great nation.

Issued by the Governor April 8, 2016

Filed by the Secretary of State April 14, 2016

2016-118**Education and Sharing Day**

WHEREAS, education is essential to putting our children on the path to good jobs and a decent living; and,

WHEREAS, in order to remain competitive into the 21st century, the state will need to equip the next generation's children with the education and skills demanded by a modern economy; and,

WHEREAS, learning is a lifelong practice, not confined solely to the classroom. In every action, whether at work, play, or rest, it is our task as parents, teachers, and mentors to make sure our children grow up practicing the values we preach; and,

WHEREAS, we have a solemn obligation to pass on values that we hold dear, such as independence, honesty, discipline, compassion, drive, and courage. We must be ever mindful that we are on a continuing path toward a more perfect union, and that much remains to be done to fulfill the concept of equality for all; and,

WHEREAS, we recall the memory of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who worked to teach generations of young men and women the value of education and strong character; and,

WHEREAS, his work deepened ties among people the world around, and his legacy inspires the service, charity, and goodwill he championed in life; and,

WHEREAS, as we take this opportunity to reflect on the example he and so many others have set, let each of us strive to better realize the values we share;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 19, 2016, as **EDUCATION AND SHARING DAY** in Illinois.

Issued by the Governor April 8, 2016

Filed by the Secretary of State April 14, 2016

2016-119

PROCLAMATIONS

Exceptional Children's Week

WHEREAS, children with exceptionalities may be identified by having one or more of the following needs: autism, deaf-blindness, deafness, hearing impairment, emotional disability, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, gifts/talents, or visual impairment who, by reason thereof, require special education and related services; and,

WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use within the community and today's world; and,

WHEREAS, the tendency of placing limitations and inadequate access of an exceptionality can be changed by properly trained professionals who provide specialized instruction in conjunction with community awareness, knowledge, interest, and understanding of exceptional individuals; and,

WHEREAS, consistent with democratic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an appropriate education and are provided the specialized instruction they need; and,

WHEREAS, the Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2016, as **EXCEPTIONAL CHILDREN'S WEEK** in Illinois, and I urge each citizen of Illinois to take responsibility for continued awareness of and support for exceptional children and youth.

Issued by the Governor April 8, 2016

Filed by the Secretary of State April 14, 2016

2016-120**Fair Housing Month**

WHEREAS, April 11, 2016, marks the 48th anniversary of the passage of the U.S. Fair Housing Act, which created a national fair housing policy to ban discrimination based on race, color, religion, national origin, sex, familial status, or disability; and,

WHEREAS, this year also marks the 37th anniversary of the Illinois Human Rights Act, which bars discrimination in housing based on race; color; religion; national origin; sex, including

PROCLAMATIONS

sexual harassment; pregnancy; physical or mental disability; familial status; age; ancestry; marital status; disability; military status; unfavorable discharge from military service; sexual orientation, including gender-related identity; or order of protection status; and,

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; and,

WHEREAS, decent, safe and affordable housing is part of the American dream; and,

WHEREAS, economic stability, community health and human relations are improved by diversity and integration; and,

WHEREAS, stable, integrated, and balanced residential patterns are threatened by discriminatory acts and unlawful housing practices that result in segregation of residents and opportunities in Illinois communities; and,

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, housing professionals, financial institutions, elected officials, state agencies, and others must be combined to promote and preserve integration, fair housing, and shared opportunity in every community, and to address the immense challenge of ensuring that every person in Illinois has access to affordable housing;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2016 as **FAIR HOUSING MONTH** in Illinois in commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, and I urge all Illinois residents to embrace diversity, recognize the importance of equal opportunity in housing, and recognize the important work of equal housing advocates.

Issued by the Governor April 8, 2016

Filed by the Secretary of State April 14, 2016

2016-121**Illinois Equal Pay Day**

WHEREAS, the U.S. Census Bureau reports year-round, full-time working women in 2011 earned only 82 percent of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

WHEREAS, according to the most recent data from the Bureau of Labor Statistics, Illinois women in 2011 earned 78 cents for every dollar earned by Illinois men, based on median weekly earnings of full-time workers; and,

PROCLAMATIONS

WHEREAS, equal pay for equal work strengthens the security of families and eases future retirement costs; and,

WHEREAS, the Illinois Department of Human Rights is dedicated to both securing freedom from unlawful discrimination for all individuals within the State of Illinois, and ensuring equal opportunity and affirmative action as the policy of this state for all its residents; and

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 12, 2016, as **ILLINOIS EQUAL PAY DAY**, in recognition of the value of women's contributions to the labor force and the Illinois economy as a whole, and I call on all employers to provide equal pay for equal work.

Issued by the Governor April 8, 2016

Filed by the Secretary of State April 14, 2016

2016-122**Motorcycle Awareness Month**

Whereas, the Illinois Department of Transportation and its partners are committed to improving traffic safety and working together to reduce the number of traffic fatalities in Illinois; and,

Whereas, the Illinois Department of Transportation is a national leader in motorcycle safety and education, training more than 400,000 riders throughout the state since the Illinois Cycle Rider Safety Training Program began in 1976; and,

Whereas, preliminary statistics indicate motorcycle fatalities claimed 146 lives in 2015, continuing a trend of motorcycle fatalities accounting for 14.4 percent of all traffic fatalities in Illinois, even though motorcycles account for just 3 percent of all vehicle registrations; and,

Whereas, the spring and summer months are motorcycle season in Illinois, and motorists can expect to see more motorcyclists riding in traffic; and,

Whereas, motorcycles have rightful access to the same roads as any other vehicle; and,

Whereas, increased motorcycle awareness leads to improved safety for all of the traveling public;

Therefore, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as **MOTORCYCLE AWARENESS MONTH** in Illinois and encourage all motorists to keep our highways safe and to "Start Seeing Motorcycles".

PROCLAMATIONS

Issued by the Governor April 8, 2016
Filed by the Secretary of State April 14, 2016

2016-123**Turkish Heritage and Children's Day**

WHEREAS, the children of Turkey have celebrated "Sovereignty and Children's Day" as a national holiday since 1920; and,

WHEREAS, on this day the children of the nation of Turkey hold a special session of the Grand National Assembly to discuss children's issues; and,

WHEREAS, throughout the last two decades children from around the world have traveled to Turkey to participate in this important day; and,

WHEREAS, UNICEF has recognized this important day as International Children's Day – a day of worldwide fraternity and understanding between children; and,

WHEREAS, "Turkish Heritage and Children's Day" represents an international commitment to peace and brotherhood; and,

WHEREAS, "Turkish Heritage and Children's Day" promotes the welfare of the children not only in the state of Illinois but also of the world;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim April 23, 2016, as **TURKISH HERITAGE AND CHILDREN'S DAY** in the State of Illinois.

Issued by the Governor April 8, 2016
Filed by the Secretary of State April 14, 2016

2016-124**Conquer Cancer Day and Month**

WHEREAS, cancer is a group of more than 100 different diseases characterized by the uncontrolled abnormal growth of cells; and,

WHEREAS, cancer remains the second-leading cause of death in the United States, affecting people of all ages, ethnicities, and socio-economic backgrounds; and,

WHEREAS, early prevention and frequent screening are effective defenses against the various forms of cancer; and,

PROCLAMATIONS

WHEREAS, more than one million people are diagnosed with cancer each year, and the overall survival rate averages 66 percent, with approximately 10.5 million cancer survivors in the United States; and,

WHEREAS, the Conquer Cancer Foundation (CCF) was created by the world's foremost cancer doctors of the American Society of Clinical Oncology (ASCO) to seek dramatic advances in the prevention, treatment and cures of all types of cancer; and,

WHEREAS, CCF works toward creating a cancer-free world by funding breakthrough cancer research and sharing cutting-edge knowledge with patients and physicians worldwide, and by improving the quality of care and access to care, enhancing the lives of all who are touched by cancer; and,

WHEREAS, ASCO's annual meeting will be June 3-7, 2016, and various Campaign to Conquer Cancer focused programs and activities are planned throughout the week of ASCO's annual meeting to engage the people of Chicago in a collective effort to Conquer Cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 1, 2016, as **CONQUER CANCER DAY**, and June 2016 as **CONQUER CANCER MONTH** in Illinois, and encourage all Illinoisans to recognize and support the important and enduring work of oncologists as they continue to help and heal the greater community.

Issued by the Governor April 11, 2016

Filed by the Secretary of State April 14, 2016

2016-125
Days of Remembrance

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and murder of six million Jews by the Nazi regime and its collaborators between 1933 and 1945; and,

WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny; and,

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and,

WHEREAS, we should rededicate ourselves to the principles of individual freedom in a just society; and,

PROCLAMATIONS

WHEREAS, pursuant to Public Law 96-388, enacted on October 7, 1980, the United States Congress dedicated the Days of Remembrance of the victims of the Holocaust; and,

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to bear in memory the victims of the Holocaust while reflecting on the need for respect of all people; and,

WHEREAS, this year's observance will take place from May 1 through May 8, including the Day of Remembrance known as Yom HaShoah on May 5th;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-8, 2016, as the **DAYS OF REMEMBRANCE** in Illinois, in memory of the victims and survivors of the Holocaust, as well as the rescuers and liberators, and I urge all citizens to collectively and individually strive to overcome bigotry, hatred, and indifference through learning, tolerance and remembrance.

Issued by the Governor April 11, 2016

Filed by the Secretary of State April 14, 2016

2016-126**Emergency Medical Services for Children Day**

WHEREAS, Emergency Medical Services (EMS) for Children recognizes that children have unique physiological responses to illness and injury; and,

WHEREAS, EMS for Children promotes a specialized approach to pediatric care; and,

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and,

WHEREAS, in Illinois there are 12 standby emergency departments approved for pediatrics, 88 emergency departments approved for pediatrics, 10 pediatric critical care centers, 8,052 first responder defibrillators, 20,668 basic EMTs, 610 intermediate EMTs, 15,444 paramedic EMTs, 4,746 emergency communications registered nurses, 2,819 trauma nurse specialists, 389 pre-hospital registered nurses and 3,012 emergency medical dispatchers dedicated to promoting preventive measures, pre-hospital care, emergency department services, outpatient and specialized services, and inpatient and rehabilitative care; and,

WHEREAS, Illinois champions the nation's EMS for Children's commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;

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THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, proclaim May 18, 2016, as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois.

Issued by the Governor April 11, 2016

Filed by the Secretary of State April 14, 2016

2016-127**Emergency Medical Services Week**

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency medical dispatchers and first responders who are dedicated to saving lives; and,

WHEREAS, in Illinois there are 64 EMS resource hospitals and 66 trauma centers, and 8,052 first responder defibrillators; 20,668 basic EMTs, 610 intermediate EMTs, 15,444 paramedic EMTs, 4,746 emergency communications registered nurses, 2,819 trauma nurse specialists, 389 pre-hospital registered nurses, and 3012 emergency medical dispatchers selflessly providing 24-hour service to the people of Illinois; and,

WHEREAS, this year's national theme, "EMS STRONG: CALLED TO CARE" underscores the immediate nature of the situations to which EMS personnel must respond;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-21, 2016, as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois, and I call this observance to the attention of all our citizens.

Issued by the Governor April 11, 2016

Filed by the Secretary of State April 14, 2016

2016-128**Hepatitis Awareness Month**

WHEREAS, hepatitis C is a blood-borne virus and infected individuals can transmit it to others through drug use, which accounts for approximately two-third of all new cases, as well as through other modes of transmission including sexual contact, tattooing, from mother to unborn child during the birth process, and via occupational exposure to blood; and,

PROCLAMATIONS

WHEREAS, it is believed that the majority of people with hepatitis C, including many infected through blood transfusions before 1992 or blood products before 1987, do not know they are infected, and many at high-risk for future infection are not aware of their risk; and,

WHEREAS, it is estimated that three out of four people infected with the hepatitis C virus do not know they have it; and,

WHEREAS, it is estimated that 3.2 million Americans and six to eight percent of American veterans are infected with the Hepatitis C virus; and,

WHEREAS, hepatitis C virus infection is the most common blood-borne infection in the United States, and worldwide, about 150 million people are chronically infected with the hepatitis C virus, and approximately 15,000 Americans die every year from liver cancer or other chronic liver disease associated with viral hepatitis; and,

WHEREAS, 75 to 85 percent of individuals infected with the hepatitis C virus go on to develop chronic infection, which can result in damage to the liver, end-stage liver disease, and death; and,

WHEREAS, studies show new therapies can clear the virus from in excess of 90 percent of affected patients' bodies, and for others, risk of progression can be prevented or delayed through early detection, appropriate medical management, and behavior change; and,

WHEREAS, the Centers for Disease Control has designated May as National Hepatitis Awareness Month to highlight the serious damage that hepatitis can do to the liver; and,

WHEREAS, the Centers for Disease Control recommends that persons born between 1945 and 1965 be screened for the hepatitis C virus; and,

WHEREAS, increased public awareness and education about hepatitis C, and the provision of a continuum of hepatitis-related services including prevention programming, testing, and medical management/treatment, is needed to ensure the best possible health outcomes for individuals already infected with the hepatitis C virus and to prevent new infections;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2016 as **HEPATITIS AWARENESS MONTH** in order to raise awareness.

Issued by the Governor April 11, 2016

Filed by the Secretary of State April 14, 2016

ILLINOIS ADMINISTRATIVE CODE
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