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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 repeaters 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.].

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Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the filing period for your Regulatory Agenda will occur from April 30, 2007 to July 2, 2007 as July 1, 2007 is a Sunday and the office is closed.
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Prequalification of Design-Build Entities

2) **Code Citation:** 44 Ill. Adm. Code 995

3) **Section Numbers:**
   - 995.110   New
   - 995.120   New
   - 995.130   New
   - 995.140   New
   - 995.150   New
   - 995.300   New
   - 995.400   New
   - 995.500   New

4) **Statutory Authority:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 and 33-5 of the Illinois Procurement Code [30 ILCS 500] and the Design-Build Procurement Act [30 ILCS 537].

5) **A Complete Description of the Subjects and Issues Involved:** Provides a process and standards for prequalifying design-build entities, as well as standards for modification, suspension or denial of prequalification and reasons for debarment.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

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

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments.
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Fredrick W. Hahn
Chief Counsel
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield IL 62706

217/782-0700

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: Prequalification application and potential updates on a periodic basis

C) Types of Professional skills necessary for compliance: Design and Construction expertise and general business administration

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: of an administrative oversight.

The full text of the Proposed Rules begins on the next page:
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 995
PREQUALIFICATION OF DESIGN-BUILD ENTITIES

SUBPART A: RESPONSIBILITY

Section
995.110 Purpose
995.120 Definitions
995.130 Prequalification Required
995.140 Special Projects
995.150 Confidentiality

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section
995.300 Responsibility and Prequalification

SUBPART C: APPLICATION OF CDB ACTION

Section
995.400 General

SUBPART D: PROCEDURES

Section
995.500 Review and Hearings

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and
authorized by Section 16 of that Act, Sections 5-25, 30-20 and 33-5 of the Illinois Procurement
Code [30 ILCS 500] and the Design-Build Procurement Act [30 ILCS 537].

SOURCE: Adopted at 31 Ill. Reg. ______, effective ____________.
Section 995.110 Purpose

The Capital Development Board design-build agreements shall be awarded only to design-build entities containing one or more firms prequalified with CDB under the A/E and/or contractor prequalification rules.

Section 995.120 Definitions

The following definitions shall apply to this Part:

"A/E Prequalification Rules" means 44 Ill. Adm. Code 980, the rules by which CDB prequalifies design professionals.

"CDB" means the Capital Development Board, the agency.

"Contract" or "Contract Requirements" consist of any and all provisions of the CDB Design-Build Contract.

"Contractor Prequalification Rules" means 44 Ill. Adm. Code 950, the rules by which CDB prequalifies firms as bidders on CDB construction projects.

"Design-Build" means a construction project delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment and other construction services for the project.

"Design-Build Entity" or "DB" means any individual, sole proprietorship, firm, partnership, corporation, joint venture, or other legal entity that proposes to design and construct any public project under the Design-Build Procurement Act.

"Prequalification" is the status granted by CDB to responsible A/E or contracting firms that permits them to make submittals on CDB projects or be awarded a CDB contract.

Section 995.130 Prequalification Required

DB entities desiring to enter into a DB contract with CDB must include at least one firm prequalified with CDB under the A/E prequalification rules and/or the contractor prequalification rules prior to any submittal of qualifications or interest for a specific project and prior to entering a contractual relationship with CDB. For DB entities consisting of more than one independent firm (e.g., joint ventures or partnerships), each firm must be prequalified with CDB under the appropriate rule.

Section 995.140 Special Projects

When CDB determines a construction project is so large or unique that a special DB responsibility determination is warranted, CDB may set appropriate standards of acceptability different from those set out in this Part. The additional criteria will be described in the public solicitation for a design-build entity. Other provisions of this Part shall remain applicable.

Section 995.150 Confidentiality

CDB may release to anyone the firm's prequalification status with CDB. However, neither the Performance Evaluations of the firm on a design-build project (DB PE) nor the DB's written responses to them shall be made available to any other person or firm.

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section 995.300 Responsibility and Prequalification

At any time, CDB may consider whether an action is warranted concerning a firm's prequalification based on the rules under which that firm was prequalified with CDB. Actions that may be taken are those listed in the respective A/E and Contractor Prequalification Rules.

a) Any action regarding suspension, debarment, modification of prequalification, or conditional prequalification of the DB entity or its design consultants or prequalified subcontractors will follow the rules under which that firm was prequalified with CDB.
b) Any actions CDB takes with regard to suspension, debarment, modification of prequalification, or conditional prequalification of a firm in regard to its actions as a DB entity or as a design consultant or subcontractor to a DB entity will also apply to its prequalification to do other (non-DB) work with CDB, unless CDB specifically restricts its action to apply to the contractor’s prequalification to participate in DB projects.

c) CDB may consider that action regarding suspension, debarment, modification of prequalification, or conditional prequalification is warranted against any one or more than one or all of the firms in a DB entity, including design consultants or CDB prequalified subcontractors.

d) Reasons for CDB to consider suspension, debarment, modification of prequalification, or conditional prequalification, in addition to those reasons set out in the respective A/E or Contractor Prequalification Rules, include a violation of the Illinois Procurement Code or failure to conform to the requirements of a design-build agreement, in accord with Section 50-65 of the Procurement Code.

SUBPART C: APPLICATION OF CDB ACTION

Section 995.400  General

Suspension, debarment, nullification of prequalification, modification of prequalification, issuance of conditional prequalification, or denial of prequalification by CDB is applicable to a DB's direct contracts with CDB, unless CDB determines otherwise in writing.

SUBPART D: PROCEDURES

Section 995.500  Review and Hearings

CDB will follow those procedures established in the rules under which the firm was prequalified.
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

1) **Heading of the Part**: Selection of Design-Build Entities

2) **Code Citation**: 44 Ill. Adm. Code 1030

3) **Section Numbers**: Proposed Action:
   
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4) **Statutory Authority**: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 and 33-5 of the Illinois Procurement Code [30 ILCS 500] and the Design-Build Procurement Act [30 ILCS 537]

5) **A Complete Description of the Subjects and Issues Involved**: Provides processes for selecting and contracting with design-build firms for design-build duties on CDB projects.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No
10) Are there any other proposed rulemakings pending on this Part? No

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

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Fredrick W. Hahn
Chief Counsel
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield IL 62706
217/782-0700

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: Design-build entities who seek to do business with CDB will be required to submit proposals responsive to request for proposals and potentially submit to an interview process.

C) Types of Professional skills necessary for compliance: Design and Construction expertise and general business administration

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: of an administrative oversight.

The full text of the Proposed Rules begins on the next page:
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1030
SELECTION OF DESIGN-BUILD ENTITIES

Section
1030.100 Definitions
1030.110 Purpose
1030.120 Written Determination
1030.130 Public Notice
1030.140 Request for Proposal
1030.150 Preparation of Scope and Performance Criteria
1030.160 Selection Committee
1030.170 Phase 1 Evaluation
1030.180 Shortlist
1030.190 Phase 2 Evaluation
1030.200 Submission of Proposals
1030.210 Interviews
1030.220 Small Projects
1030.230 Award
1030.240 Reports and Evaluations
1030.250 Federal Requirements


SOURCE: Adopted at 31 Ill. Reg. _______, effective ____________.

Section 1030.100 Definitions

"Act" means the Design-Build Procurement Act [30 ILCS 537].

"Board" means the Capital Development Board.
"CDB" means Capital Development Board, the agency.

"Design-Bid-Build" means the traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] and the principles of competitive selection in the Illinois Procurement Code [30 ILCS 500].

"Design-Build" or "DB" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

"Design-Build Entity" or "DB Entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under the Act.


"Evaluation Criteria" means the requirements for the separate phases of the selection process as defined in the Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase 1 proposals.

"Scope and Performance Criteria" means the requirements for the public project, including, but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a DB entity to develop a proposal.

"User Agency" means the agency or unit of government for which the architectural/engineering firm is being selected.
Section 1030.110 Purpose

CDB shall procure DB services in compliance with the Act.

Section 1030.120 Written Determination

a) Before electing to use DB on a given project, CDB shall make a written determination, including a description as to the particular advantages of the DB procurement method for that project. The following factors shall be considered and addressed in that statement:

1) The probability that the DB procurement method will be in the best interests of the State by providing a material savings of time or cost over the design-bid-build or other delivery system.

2) The type and size of the project and its suitability to the DB procurement method.

3) The ability of CDB to define and provide comprehensive scope and performance criteria for the project.

4) The best interests of the State will be served by entering into a DB contract for the project.

5) The project will comply with the disadvantaged business and equal employment practices of the State as established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] and Section 2-105 of the Illinois Human Rights Act [775 ILCS 5/2-105].

b) Within 15 days after the initial determination, CDB will provide an advisory copy of the written determination to the Procurement Policy Board, and shall maintain the full record of determination for 5 years.

Section 1030.130 Public Notice
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

a) CDB shall issue a notice of intent to receive requests for proposals for a DB project at least 14 days before issuing the request for the proposal. A brief description of the proposed procurement shall be included in the notice.

b) The notice of intent shall be posted on CDB’s Internet Site (www.cdb.state.il.us) and may be published in the official State newspaper or otherwise made available in print.

c) The agency may also publish the notice in related construction industry service publications.

Section 1030.140 Request for Proposal

a) CDB shall provide a copy of the request for proposal to any party requesting a copy.

b) An RFP shall be prepared by CDB for each project and will contain the following information:

1) The Capital Development Board as the issuing agency;

2) A preliminary schedule for the completion of the contract;

3) The proposed budget for the project, the source of funds, and the currently available funds at the time the RFP is submitted;

4) Prequalification criteria for DB entities wishing to submit proposals. The criteria shall include CDB's normal prequalification, licensing, registration, and other requirements and any additional criteria deemed necessary by CDB;

5) Material requirements of the contract, including the proposed terms and conditions, required performance and payment bonds, insurance, the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act, and any other requirements deemed important by CDB;
The scope and performance criteria:

A) Shall be in sufficient detail and contain adequate information to reasonably apprise the qualified DB entities of CDB’s overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements;

B) Shall also include a description of the level of design to be provided in the proposals, including the scope and type of renderings, drawings, and specifications that will be required by CDB to be produced by the DB entities;

The evaluation criteria for each phase of the solicitation, including relative importance or weighting factor of each item (see Sections 1030.170, Phase 1 Evaluation, and 1030.190, Phase 2 Evaluation);

The number of entities that will be considered for the technical and cost evaluation phase (Phase 2);

The submittal schedule:

A) For projects estimated to cost less than $10 million, at least 21 days shall be allowed to prepare and submit Phase 1 proposals after the date of the issuance of the RFP.

B) For projects estimated to cost more than $10 million, at least 28 days shall be allowed to prepare and submit Phase 1 proposals after the date of the issuance of the RFP.

C) For all projects, at least 30 days shall be allowed to prepare and submit Phase 2 proposals after the selection of entities from the Phase 1 evaluation is completed;

Any other relevant information that CDB chooses to supply.

c) The DB entity shall be entitled to rely upon the accuracy of information included in the request for proposal in the development of its proposal.
Section 1030.150 Preparation of Scope and Performance Criteria

a) The scope and performance criteria shall be prepared by a design professional who is an employee of CDB, or CDB may contract with an independent design professional selected under the Architectural, Engineering and Land Surveying Qualification Based Selection Act [30 ILCS 535] to provide these services.

b) The design professional and/or officers of the design firm that prepares the scope and performance criteria are prohibited from participating in any DB entity proposal for the project.

Section 1030.160 Selection Committee

a) CDB shall establish a committee to evaluate and select the DB entity.

b) The committee shall consist of 5 or 7 members and include at least one licensed design professional and 2 members of the public.

1) Public members may not be employed by or associated with any firm holding a contract with CDB.

2) One public member shall be nominated by associations representing the general design or construction industry and one member shall be nominated by associations that represent minority or female-owned design or construction industry businesses.

3) The licensed design professional may be an employee of CDB or a representative of the firm that prepared the scope and performance criteria.

c) The selection committee may be designated for a set term or for the particular project, subject to the RFP.

d) The members of the selection committee must certify for each RFP that no conflict of interest exists between the members and the DB entities submitting proposals. If a conflict exists, the member must be replaced before any review of proposals.

Section 1030.170 Phase 1 Evaluation
a) In Phase 1, CDB will evaluate and shortlist the DB entities based on qualifications submitted in response to the RFP.

b) Evaluation shall be based on the prequalification requirements, evaluation criteria and relative importance or weighting of evaluation criteria as set forth in the RFP.

c) Proposals shall not be reviewed until after the deadline for submission has passed.

d) Proposals must meet all material requirements of the RFP or they may be rejected as non-responsive.

e) CDB shall have the right to reject any and all proposals.

f) CDB shall maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

g) Phase 1 evaluation criteria shall include:

1) experience of personnel;

2) successful experience with similar project types;

3) financial capability in relation to the size of the project;

4) timeliness of past performance;

5) experience with similarly sized projects;

6) successful reference checks of the firm;

7) commitment to assign personnel for the duration of the project;

8) qualifications of the entity's design consultants;

9) CDB prequalification in good standing of any subcontractor proposed to perform any of the 5 subdivisions of work defined in Section 30-30 of the Illinois Procurement Code;
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

10) Ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act;

11) Other relevant criteria deemed necessary by CDB.

h) CDB will eliminate any DB entity from consideration for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual performance, or development contracts with CDB, that may give the DB entity a financial or tangible advantage over other DB entities in the preparation, evaluation, or performance of the DB contract or that create the appearance of impropriety.

i) CDB will not consider any proposal that does not include the entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act.

j) CDB will publish the names of all DB entities submitting Phase 1 proposals on CDB's website in the next Professional Services Bulletin after the deadline for submission.

Section 1030.180 Shortlist

a) Upon completion of the Phase 1 qualifications evaluation, CDB shall create a shortlist of no fewer than 2 and no more than 6 (or the maximum number noted in the RFP) of the most highly qualified DB entities.

b) At its discretion, CDB may create a shortlist of fewer than the maximum number allowed by the RFP.

c) CDB shall notify in writing the entities selected for the shortlist.

1) The notification shall commence the period for preparation of Phase 2 submittals as listed in the RFP.
2) CDB may extend the period beyond that listed in the RFP, at its discretion, by including the new deadline in the written notification.

d) All DB entities selected for Phase 2 evaluation shall be published on CDB's website in the next Professional Services Bulletin after that determination.

Section 1030.190 Phase 2 Evaluation

a) In Phase 2, CDB will evaluate and rank the selected DB entities based on their technical and cost proposals.

b) Evaluation shall be based on the technical and cost submission components and relative importance or weighting of the technical and cost submission components as set forth in the RFP.

c) Proposals shall not be reviewed until after the deadline for submission has passed.

d) Proposals must meet all material requirements of the RFP or they may be rejected as non-responsive.

e) CDB shall have the right to reject any and all proposals.

f) CDB shall maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

g) CDB shall include the following criteria in the Phase 2 technical evaluation of DB entities:

1) compliance with objectives of the project;

2) compliance of proposed services to the RFP requirements;

3) quality of products or materials proposed;

4) quality of design parameters;

5) design concepts;

6) innovation in meeting the scope and performance criteria;
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

7) constructability of the proposed project;

8) other relevant criteria deemed necessary by CDB.

h) CDB shall include the following criteria in every Phase 2 cost evaluation:

1) total project cost;

2) construction costs;

3) time of completion;

4) other relevant criteria deemed necessary by CDB;

5) a total project cost criteria weighting factor of 25%.

i) CDB shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Section 1030.200 Submission of Proposals

a) Proposals must be properly identified and sealed.

b) Phase 1 proposals shall include a list of all design professionals and other entities as defined in Section 30-30 of the Illinois Procurement Code to which any work may be subcontracted during the performance of the contract.

c) Phase 1 proposals shall include a list of all entities that will perform any of the 5 subdivisions of work defined in Section 30-30 of the Illinois Procurement Code.

d) Phase 2 proposals shall include a bid bond and security in the format and amount as designated in the RFPs.

e) Phase 2 proposals shall contain a separate sealed envelope with the cost information within the overall proposal submission.
NOTICE OF PROPOSED RULES

f) The drawings and specifications of the proposal shall remain the property of the DB entity.

g) Proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by CDB, clear and convincing evidence of error is required for withdrawal.

Section 1030.210 Interviews

CDB may choose to conduct interviews when project complexity or other special circumstances warrant doing so. In such cases, all firms on the Phase 2 shortlist will be interviewed. These circumstances, if known, will be included in CDB’s initial written determination (Section 1030.120) and the interview requirement will be part of the original RFP. If circumstances become known later, CDB will amend its written determination and notify the Phase 2 short list entities by written amendment of the RFP.

Section 1030.220 Small Projects

In any case in which the total overall cost of the project is estimated to be less than $10 million, CDB may combine the two-phase procedure for selection into one combined step, provided that all the requirements of evaluation are performed in accordance with this Part.

Section 1030.230 Award

a) CDB may award the contract to the highest overall ranked entity based on the Phase 2 submissions.

b) Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing.

c) CDB may not request a best and final offer after the receipt of proposals.

d) CDB may negotiate with the selected DB entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the RFP are not diminished.

Section 1030.240 Reports and Evaluations

a) CDB shall require each selected DB entity to submit a written report at the end of every 6 month period following the contract award, and again prior to final
contract payout and closure, detailing its efforts and success in implementing the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act.

b) If the entity's performance in implementing the plan falls short of the performance measures and outcomes set forth in the plans submitted by the entity during the proposal process, CDB shall require a detailed written report, informing the General Assembly and the Governor whether and to what degree the DB entity promoted the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act.

Section 1030.250 Federal Requirements

CDB will comply with federal law and regulations and take all necessary steps to adapt the rules, policies, and procedures to remain eligible for federal aid.
1) **Heading of the Part:** Illinois Energy Conservation Code

2) **Code Citation:** 71 Ill. Adm. Code 600

3) **Section Numbers:**
   - 600.100 Amendment
   - 600.110 Amendment
   - 600.200 Amendment
   - 600.220 Amendment
   - 600.300 Amendment
   - 600.330 Amendment

4) **Statutory Authority:** Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125].

5) **A Complete Description of the Subjects and Issues Involved:** Legislation that passed in 2006 changed the definition of the Illinois Energy Conservation Code by removing the reference to the "2000 International Energy Conservation Code and the 2001 supplement" for privately funded commercial buildings and simply states that the latest published version of the International Energy Conservation Code will be required. We have modified our rules to match this change in Section 15 of the Energy Efficient Commercial Building Act [20 ILCS 3125/15]. This modification to the rule will ensure the newest edition of the International Energy Conservation Code is in effect at all times. It also updates the State building section of the rules to reference ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2004) instead of the 2001 version.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** Yes

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

11) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Lisa Mattingly  
Deputy Director of Professional Services  
Capital Development Board  
401 S. Spring Street  
3rd Floor Stratton Building  
Springfield, IL 62706  
217/524-6343

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** Those that are constructing, renovating or adding to commercial building structures or issuing building permit applications.

B) **Reporting, bookkeeping or other procedures required for compliance:** Those necessary for regulatory compliance.

C) **Types of Professional skills necessary for compliance:** Licensed Design Professionals.

14) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Board.

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER d: ENERGY CODES

PART 600
ILLINOIS ENERGY CONSERVATION CODE

SUBPART A: GENERAL

Section
600.100 Definitions
600.110 Adoption and Modification of the Code
600.120 Illinois Energy Conservation Advisory Council
600.130 Revisions to the Code

SUBPART B: STATE FUNDED FACILITIES

Section
600.200 Standards for State Funded Facilities
600.210 Request for Variance
600.220 Compliance

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

Section
600.300 Standards for Privately Funded Commercial Facilities
600.310 Exemptions
600.320 Local Jurisdiction
600.330 Compliance
600.340 Application to Home Rule Units

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; new Part adopted by emergency rulemaking at 29 Ill. Reg. 5736, effective April 8, 2005, for a maximum of 150 days; emergency expired September 4, 2005; emergency rulemaking repealed at 29 Ill. Reg. 6093, effective April 18, 2005, for a maximum of 150 days; emergency expired September 14, 2005; old Part repealed at 29 Ill. Reg. 16414 and
new Part adopted at 29 Ill. Reg. 14790, effective April 8, 2006; amended at 31 Ill. Reg. ______, effective ____________.

SUBPART A: GENERAL

Section 600.100 Definitions

Definitions of terms in the International Energy Conservation Code, incorporated by reference in Subpart C of this Part, apply, as do the following definitions:

"Act" means the Capital Development Board Act [20 ILCS 3105].

"Authority Having Jurisdiction" or "AHJ" means the organization, office or individual responsible for approving equipment, materials, an installation or procedure.

"CDB" means the Illinois Capital Development Board.

"Commercial Facility" means any building except a building that is classified as a residential building. [20 ILCS 3125/10]

"Council" means the Illinois Energy Conservation Advisory Council appointed under Subpart B of this Part.

"EECB Act" means the Energy Efficient Commercial Building Act [20 ILCS 3125].

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using Agency" means the State agency using facilities described in Section 4.01 of the Act.

"Illinois Energy Conservation Code" or "Code" means:

With respect to the State facilities covered by Subpart B:

This Part, all additional requirements incorporated within Subpart B (including ASHRAE 90.1 Standards), and any statutorily
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

authorized adaptations to the incorporated standards adopted by CDB; and

With respect to the privately funded commercial facilities covered by Subpart C:

This Part, all additional requirements incorporated within Subpart C (including the latest published edition of the International Code Council's 2000 International Energy Conservation Code, excluding published supplements, which encompasses ASHRAE 90.1), the 2001 supplement and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"IECC" means the International Energy Conservation Code.

"Municipality" means any city, village or incorporated town. [20 ILCS 3125/10]

"Residential Building" means a detached one-family or 2-family dwelling or any building three stories or less above grade level that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis (i.e., townhouse, row house, apartment house, convent, monastery, rectory, fraternity or sorority house, dormitory or rooming house). [20 ILCS 3125/10]

"State Funded Building" means and includes buildings under the jurisdiction of each officer, department, board, commission, institution and body politic and corporate of the State, including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. This includes State funded housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment and parking facilities [20 ILCS 3105/4.01].

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 600.110 Adoption and Modification of the Code

a) The purpose of the Illinois Energy Conservation Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB to adopt rules implementing a statewide Energy Code.

b) This Code as described in Subpart B (State facilities) is effective July 26, 2004. This Code as described in Subpart C (privately-funded commercial facilities) is effective April 8, 2006 one year after adoption by CDB.

c) Application of the Code

1) State Facilities. The Code as described in Subpart B of this Part applies to all State facilities for which money has been appropriated or authorized by the General Assembly.

2) Privately Funded Commercial Facilities. The Code as described in Subpart C of this Part applies to any commercial building or structure in this State for which a building permit application is received by a municipality or county. In the case of any addition, alteration, renovation or repair to any existing commercial structure, the Code applies only to the portions of that structure that are being added, altered, renovated or repaired. [20 ILCS 3125/20]

d) This Code, together with the standards incorporated by reference in this Part, has the force of a building code and is administrative law applicable in the State of Illinois.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

SUBPART B: STATE FUNDED FACILITIES

Section 600.200 Standards for State Funded Facilities

a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2004)(2001), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to State funded facilities, with the modifications outlined in subsection (c)(4).
b) This incorporation includes the following addenda to ASHRAE 90.1:

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All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.

cd) Modifications to ASHRAE 90.1

ASHRAE 90.1 is incorporated by this Section, but with the following modifications:

1) ASHRAE 90.1 Section 3.2

The terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.

2) ASHRAE 90.1 Section 6

A) Add the following sentence to the end of paragraph 6.2.5.3.3:

Final trimming of the pump impellers shall be the responsibility of the using agency.
CAPITAL DEVELOPMENT BOARD
NOTICE OF PROPOSED AMENDMENTS

B) Table 6.3.3.1:

Increase all horsepower shown in the table by .5.

3) ASHRAE 90.1 Section 9

A) Replace Exception to 9.2.1.1 with the following:

Exceptions to 9.2.1.1:

i) Lighting intended for 24-hour operation.

ii) Lighting in patient care areas.

iii) Lighting required for safety or security reasons.

2) B) Replace Exception to 9.4.1.2 with the following:

Exceptions to 9.4.1.2:

A) i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.

B) ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 600.220 Compliance

a) Compliance with the Illinois Energy Conservation Code for State facilities as described by this Subpart B shall mean meeting the requirements of ASHRAE 90.1. Compliance shall be demonstrated by submission of:

1) the compliance forms published in the ASHRAE 90.1 User's Manual; or
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Compliance Certificates generated by the U.S. Department of Energy's COMCheck-EZ code compliance tool (version 3.0); or

3) the seal of the Architect/Engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

b) **For CDB projects, final** compliance forms shall be submitted to CDB with the 100% design review package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal required by the Professional Services Agreement.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

**Section 600.300 Standards for Privately Funded Commercial Facilities**

a) The latest published edition of the International Code Council's International Energy Conservation Code (IECC), excluding published supplements-2000, the 2001 supplement, available from the International Code Council at 500 New Jersey Avenue NW, 6th Floor, Washington DC 20001, phone: 1-888-ICC-SAFE (422-7233) 5203 Leesburg Pike, Suite 600, Falls Church VA 22041, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).

b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.

c) Modifications to IECC

Under Section 15 of the EECB Act, when applying the Code to privately funded commercial facilities, CDB may modify the incorporated standards to respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the Act are maintained pursuant to that statutory authority.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
Section 600.330 Compliance

a) Compliance with the Illinois Energy Conservation Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ).

b) Minimum compliance shall be demonstrated by submission of:

1) the compliance forms published in the ASHRAE 90.1 User's Manual; or

2) Compliance Certificates generated by the U.S. Department of Energy's COMcheck-EZ code compliance tool (version 3.0); or

3) other comparable compliance materials that meet or exceed, as determined by the authority having jurisdiction, the compliance forms published in the ASHRAE 90.1 User's Manual or the U.S. Department of Energy's COMcheck-EZ code compliance tool (version 3.0); or

4) the seal of the Architect/Engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

(Source: Amended at 31 Ill. Reg. ______, effective ___________)
EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Organization, Information, Rulemaking and Hearings

2) **Code Citation:** 2 Ill. Adm. Code 1620

3) **Section Numbers:** Proposed Action:
   - 1620.300   New Section
   - 1620.330   Amend
   - 1620.360   Amend
   - 1620.510   Amend
   - 1620.610   Amend
   - 1620.700   Amend
   - 1620.830   New Section

4) **Statutory Authority:** Section 20-15(1) of the State Officials and Employees Ethics Act [5 ILCS 430/20-15(1)]

5) **A Complete Description of the Subjects and Issues Involved:** These rules govern the investigations of the Executive Inspectors General, further define the opening of an investigation file and investigations not completed within six months, permit responses to motions filed with the Commission, provide alternative support for revolving door petitioners, further define the Gift Ban and require agencies to inform the Executive Ethics Commission and Executive Inspector General when an ethics officer is replaced.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

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

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may be forwarded to:
EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chad Fornoff, Executive Director
Executive Ethics Commission
401 S. Spring
Wm. Stratton Bldg. Room 403
Springfield, Illinois 62706

217/558-1393

All written comments filed within 45 days after the date of publication of this Notice will be considered.

13) Initial Regulatory Flexibility Analysis:
A) Types of small businesses, small municipalities and not for profit corporations affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620
ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section
1620.5 Definitions
1620.10 Composition of Executive Ethics Commission
1620.20 Officers
1620.30 Appointment of Executive Director
1620.40 Duties of Executive Director
1620.50 Duties of Staff

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Section
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AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 31 Ill. Reg. ______, effective ____________.

SUBPART D: INVESTIGATIONS

Section 1620.300 Conduct of Investigations

a) Policy and Procedures Manual

1) All investigations by an Executive Inspector General or his or her employees (collectively known as EIG) shall be conducted in accordance with procedures contained within this Part and within a policy and procedures manual developed by the EIG and approved by the Executive Ethics Commission. A policy and procedures manual should give direction to EIG employees that supplement the requirements of the Act and this Part.

2) The policy and procedures manual described in subsection (c) shall be submitted for approval to the Executive Ethics Commission within 90 days after August 1, 2007. Any future amendments to the policy and procedures manual shall be subject to the Commission's approval. An updated policy and procedures manual for each EIG shall be posted on the EEC website.


1) Waiver by the Commission

Upon written petition by an Executive Inspector General, the Commission may grant a waiver of a provision of the policy and procedures manual upon a finding that the waiver is, in the particular case, necessary to the efficient administration of justice.

2) Temporary Waiver by the Chair
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The Chair of the Commission, or his or her designee, may likewise grant a waiver of the rules set out in this Part or a policy or procedure established in the manual in response to an oral or written request by an EIG if the Chair or his or her designee finds that the waiver is, in the particular case, necessary to the efficient administration of justice, and provided that, within 72 hours after the waiver, the Executive Inspector General files a written request to the Commission, which shall review the waiver request de novo.

c) The policy and procedures manual shall include, but not be limited to, the following:

1) An EIG may conduct investigations only in response to information reported to the EIG and not upon his or her own prerogative.

2) An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Section 1620.320.

3) An EIG shall not investigate allegations of violations of State or federal law or this Part made against an EIG (including his or her employees). An EIG shall not investigate allegations of violations of State or federal law or of this Part if an EIG (including his or her employees) could be reasonably deemed to be a wrongdoer or suspect. Instead, in such cases, the EIG shall promptly refer all such allegations to the EEC.

4) Within 15 business days after receipt of a case initiation form as described in Section 1620.320, the EIG shall do one of 5 things:

A) Determine that no investigation is appropriate; or

B) Open an investigation file pursuant to Section 1620.330 and commence an investigation; or

C) Refer the case initiation form to the appropriate EIG, the Executive Ethics Commission or other appropriate body as described in Section 1620.340 and take no further action; or

D) Suspend the investigation pending review of the outcome of other proceedings; or
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E) Refer the investigation to the Executive Ethics Commission.

5) Within 3 business days after the opening of an investigation file as described in Section 1620.330, an EIG shall disclose the existence of the investigation in writing to the ethics officer of the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number.

6) If, during the course of an investigation, an EIG discovers credible evidence that may reasonably give rise to felony prosecution, the EIG shall inform the appropriate law enforcement agency within 5 business days after that discovery.

7) All EIG requests for production of documents or physical objects under office or agency control shall be made in writing and directed to the general counsel of the affected office or agency or to his or her designee. The recipient of the request shall be informed that he or she has the right to consult private or other agency counsel or the Commission about the request if desired, but the recipient and counsel shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. The general counsel may assert any existing rights or protections under State or federal law with respect to the request. Asserting such rights or protections in good faith does not constitute failure to cooperate in an investigation.

8) All State officers or employees who are subjects of an investigation by an EIG and, according to present evidence or allegations, face potential discipline shall be notified by the EIG of whether the interview is criminal or administrative in nature and of the right to the presence of a union representative or co-worker uninvolved in the investigation or the representation of a private attorney during any interview. The interview subject shall sign a written acknowledgement of his or her understanding of these rights on a form pre-approved by the Commission. If, at any point, an interview subject indicates that he or she wants the presence of a person authorized by this subsection (c)(8), the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (c) is not admissible in any proceeding before the Executive Ethics Commission.
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9) No EIG shall infringe upon the right of employees or officers to seek advice from their agency ethics officer or from private legal counsel.

10) Conduct of Interview

A) Interviews shall be conducted in a businesslike manner. The investigator shall avoid any personality clashes, acts of undue familiarity, abuse, or use of profanity. The investigator shall treat all persons interviewed with respect and not unduly embarrass, inconvenience, intimidate or degrade the interviewee.

B) Any armed law enforcement officers present shall keep their weapons out of sight, unless physically threatened.

C) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law. Interviewees shall be granted access to their own prior statements in the possession of an EIG in advance of any interview.

D) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.

E) In the event that the subject of an interview believes that the investigator has operated in violation of this Part, or in violation of applicable law, he or she may file a written objection with the Commission, setting forth with specificity the nature of the alleged violation. Within 30 days after receiving the objection, the Commission shall issue a written finding either sustaining or overruling the objection, shall commence action to discover more facts (by interviewing witnesses, etc.), or shall refer the issue to an appropriate law enforcement authority. If the Commission sustains the objection, it shall issue a copy of its finding to the EIG to whom the investigator reports, as well as make public a copy of its finding.

11) State employees who are subjects of EIG interviews and who face potential discipline according to present evidence or allegations shall be asked by the interviewer to sign a written consent to audiotape the
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12) Upon completion of investigations, the EIG or his or her designee shall write a final report summarizing in detail the background of the investigation, the allegations, investigative steps taken and conclusions drawn. The final report shall include a recommendation regarding appropriate action. An investigation is deemed completed for purposes of this Part when all processes of internal review of the investigation and of the final report have terminated.

13) Within 3 business days after closing an investigation, an EIG shall disclose to the ethics officer of the affected agency and to the subjects of the investigation the fact that the investigation has been closed, along with its unique tracking number. Other witnesses entitled to written notification of the completion of an investigation, including employees covered by certain collective bargaining agreements, shall be notified of the closing of the investigation in accordance with those agreements.

14) The policy and procedures manual may contain additional policies or procedures not inconsistent with this Part, subject to Commission approval as outlined in subsection (a)(2).

d) Any person may complain to the Commission in writing concerning an EIG’s alleged violation of the Act or this Part. Upon receipt of a complaint, the Commission may notify the EIG and require him or her to provide information related to the investigation in order to determine whether any conduct has occurred that would require the Commission to appoint a Special Executive Inspector General pursuant to 5 ILCS 430/20-21. Under such circumstances, the Commission deems the EIG’s disclosure of such information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 1620.330 Opening an Investigation File
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a) Upon deciding to open an investigation file in accordance with Section 1620.300(c)(4)(B) receipt of a completed case initiation form, the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number, if upon information received and not upon his or her own prerogative, the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction. Investigations that have been closed and are reopened, involving the same alleged wrongdoing by at least one of the same persons who was the subject of the original complaint, shall be identified by the same tracking number as the initial investigation. All time limits stated in this Part shall be applied from the date of the original complaint.

b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 1620.360 Investigations Not Concluded Within Six Months

a) Should an Executive Inspector General not complete the final report as described in Section 1620.300(c)(12) within 6 months after opening an investigation file as described in Section 1620.300(c)(4)(B) investigation not be concluded within six months after opening an investigation file, the Executive Inspector General shall, on the 15th day of the following month, submit a report to the Commission. The report shall indicate the investigation's unique tracking number, the date the investigation began, a description of the nature of the alleged misconduct and reasons for the delay in concluding the investigation. If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.

b) The Executive Inspector General shall continue to report each investigation not concluded within six months on the 15th day of each month in accordance with subsection (a) until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a
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c) Should the Commission find that the information provided in the reports from the Executive Inspector General is insufficient to determine whether a Special Executive Inspector General should be appointed in accordance with Section 20-21 of the Act [5 ILCS 430/20-21], the Commission may request additional information from the Executive Inspector General or may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. Under such circumstances, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Amended at 31 Ill. Reg. ______, effective _____________)

SUBPART E: HEARINGS

Section 1620.510 Motions

a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on facts that are not in the record shall be supported by affidavit.

b) The motion shall point out specifically the defect complained of or other grounds for relief and shall specify the requested relief. The moving party shall file a proposed order with each motion.

c) The Chair or, if an administrative law judge has been appointed, the administrative law judge may determine all motions except motions that are potentially dispositive of the case. Motions that are potentially dispositive of the case must be determined by the Commission.

d) All written motions that are potentially dispositive of the case shall be filed with the Commission and served on the other party at least one week prior to the scheduled hearing. Potentially dispositive motions filed less than one week prior to a scheduled hearing may, in the Commission's discretion, be considered after the scheduled hearing. The scheduled hearing may be continued while the Commission considers the potentially dispositive motion if, in the opinion of the
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Chair or the administrative law judge, continuing the scheduled hearing is in the best interests of judicial economy.

e) The Commission may consider potentially dispositive motions with or without oral argument by the parties and may direct the Chair or administrative law judge to conduct a hearing on the motion and present proposed findings of fact and conclusions of law to the Commission.

f) Dispositive motions may not exceed 15 pages in length and non-dispositive motions may not exceed 5 pages in length without first obtaining leave of the Commission.

g) Responses to any motion by a non-moving party shall be permitted solely at the discretion of the Commission, the Chair or, if an administrative law judge has been appointed, the administrative law judge, who may also determine the deadline and format for the response.

(Source: Amended at 31 Ill. Reg. ______, effective ______________)

SUBPART F: WAIVER

Section 1620.610 Waiver of Revolving Door Prohibition

An officer or employee or the spouse or immediate family member living with such person may request the Commission to waive the revolving door prohibition (see 5 ILCS 430/5-45). The requestor shall file with the Commission a petition and 2 two supporting statements.

a) The petition shall be verified and describe in detail:

1) the officer or employee's involvement in the decision to award any State contract to the source, and/or the officer or employee's involvement in any regulatory or licensing decision that directly applied to the source;

2) the dates of the officer's or employee's involvement in these decisions;

3) the date that the requestor and the source first began discussing or negotiating a relationship; and

4) any other information that the requestor or Commission deems relevant.
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b) The requestor shall also submit two statements in support of the petition.

1) One statement shall be from the ethics officer of the State agency that employed the officer or employee at the time that the officer or employee had involvement with the source. If the ethics officer is the petitioner or otherwise has a conflict with this duty, the Commission may accept a statement from another appropriate agency officer or employee. The statement shall be verified and state that the ethics officer has read the requestor's petition, has made diligent inquiries into the underlying facts and circumstances surrounding the petition, believes the statements made in the petition are true and complete, and that the ethics officer knows of no reason why the Commission should not grant the requestor's petition. If the Ethics Officer is unable to make such attestation, he or she shall submit a written statement to the Commission setting forth the reasons why the attestation cannot be made.

2) The second statement shall be from the source. The statement shall be verified and state that the source, through its authorized representative, has read the requestor's petition, that the statements made in the petition are true and complete, and that the source knows of no reason why the Commission should not grant the requestor's petition.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)

SUBPART G: GIFT BAN

Section 1620.700 Gift Ban

For purposes of further defining exceptions to the Gift Ban [5 ILCS 430/10-15], the Commission defines the following terms:

a) "Educational materials and missions" are those materials and missions that:

1) have a close connection to the recipient officer's or employee's State employment or the mission of the agency or office;

2) predominately benefit the public and not the employee or officer; and
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3) are approved by the agency's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the agency's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance. The following items may be accepted without ethics officer approval:

A) Single copies of academic or professional publications or software in the employee's or officer's area of responsibility or field of study.

B) Waiver of conference registration fees for officers or employees serving as conference speakers, committee members or invitees of the conference host.

b) Travel Expenses

1) "Travel expenses for a meeting to discuss State business" are those expenses that:

A1) have a close connection to the recipient officer's or employee's State employment;

B2) predominately benefit the public and not the employee or officer;

C3) are for travel in a style and manner in character with the conduct of State business; and

D4) are approved by the agency's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel shall be reported to the agency's ethics officer as soon as practicable and contain a detailed explanation of why approval could not be obtained in advance.

2) For site visits, "travel expenses for a meeting to discuss State business" are those expenses that:

A) are related to site visits necessary as part of a purchasing or product review process, satisfy subsections (b)(1)(A) and (C), and
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are disclosed in a monthly summary report to the agency ethics officer; or

B) are travel, meals or lodging paid for by a prohibited source related to fundraising activities conducted by state university development officers or employees and are disclosed in a monthly summary report to the university ethics officer and are reimbursable, whenever practicable, to the recipient officer's or employee's agency and not directly to the recipient officer or employee.

(source: amended at 31 ill. reg. ______, effective ____________)

subpart h: miscellaneous filings

section 1620.830 designation of ethics officer

each officer and the head of each state agency under the jurisdiction of the executive ethics commission shall designate an ethics officer for the officer or state agency [5 ilcs 430/20-23].

a) the designation of the ethics officer shall be in writing and shall be forwarded to the executive ethics commission and to the appropriate executive inspector general.

b) the executive ethics commission and the appropriate executive inspector general shall be notified in writing within 10 business days after the replacement of any ethics officer.

(source: added at 31 ill. reg. ______, effective ____________)
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1) **Heading of the Part:** Control Of Emissions from Large Combustion Sources

2) **Code Citation:** 35 Ill. Adm. Code 225

3) **Section Numbers:** **Proposed Action:**
   - 225.130   Amend
   - 225.140   Amend
   - 225.150   New
   - 225.300   New
   - 225.305   New
   - 225.310   New
   - 225.315   New
   - 225.320   New
   - 225.325   New
   - 225.400   New
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   - 225.420   New
   - 225.425   New
   - 225.430   New
   - 225.435   New
   - 225.440   New
   - 225.445   New
   - 225.450   New
   - 225.455   New
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   - 225.465   New
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   - 225.520   New
   - 225.525   New
   - 225.530   New
   - 225.535   New
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225.540   New
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225.575   New
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225.605   New
225.610   New
225.615   New
225.620   New
225.625   New
225.630   New
225.635   New
225.640   New
225.APPENDIX A  New

4) Statutory Authority: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

5) A Complete Description of the Subjects and Issues Involved: For a more detailed discussion of these amendments, see the Board's April 19, 2007 opinion and order in docket R06-26. This rulemaking proposes amendments to Part 225 that are intended to reduce intra- and interstate transport of sulfur dioxide and nitrogen oxides from fossil fuel-fired electric generating units through the adoption of the Clean Air Interstate Rule (CAIR) trading programs for sulfur dioxide and nitrogen oxides.

The proposed amendments are intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NOx SIP Call (CAIR), 70 Fed. Reg. 25162 (May 12, 2005). The amendments also address, in part, the State's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM2.5) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

To meet these goals the rulemaking proposes amending Subpart A and adding four new Subparts to Part 225. Proposed new Subpart C contains regulations and standards to
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establish a sulfur dioxide (SO2) trading program in Illinois. The amendments include provisions that establish to which units these rules apply, compliance and emission requirements, permit requirements, and the allocations of allowances under the trading program.

Proposed new Subpart D seeks to add requirements to control nitrogen oxide (NO\textsubscript{x}) emissions from large electrical generating units through a NO\textsubscript{x} trading program. The amendments establish applicability and compliance requirements and establish an annual trading budget for affected units. The regulations include standards to set aside a certain amount of allowances for new units. Additionally, the proposed regulations contain recordkeeping and reporting provisions for units to earn Clean Air Set Aside (CASA) credits if the company sponsors a project that qualifies as a energy efficiency and conservation, renewable energy, or clean technology project.

The proposed new Subpart E includes amendments to establish a NO\textsubscript{x} emission control program for the ozone season. Again, this program establishes applicability and compliance requirements, and proposes permit requirements. The amendments propose the timelines to establish the ozone season and set the standards for the ozone allocations. Subpart E also proposes standards for new units set asides and clean air set-asides.

Proposed new Subpart F is the result of a joint motion filed with the Board by the Illinois Environmental Protection Agency (Agency) and Dynegy Midwest Generation. The Agency and Midwest Generation stated in their motion that on December 10, 2006, they entered into a memorandum of understanding (MOU) wherein the parties agreed to a timeline for Midwest Generation to achieve deep and sustained reductions in emissions of mercury, SO2, and NO\textsubscript{x} from their coal-fired Illinois EGUs. As a result, the Agency and Midwest Generation requested that the Board include with a new Subpart F to establish standards for Combined Pollutant Standards (CPS). The proposed Subpart F will establish an alternative means of compliance with the proposed emissions standards for mercury in Subpart B, Section 225.230(a) and will establish specific emissions levels for NO\textsubscript{x}, PM, and SO2. Reductions in mercury, NO\textsubscript{x}, PM, and SO2 emissions will be accomplished through a combination of permanent shut-downs of EGUs, installation of activated halogenated carbon injection systems for reduction of mercury (ACI), and the installation of pollution control equipment for NO\textsubscript{x}, PM, and SO2 emissions that will also reduce mercury emissions as a co-benefit. EGUs identified for compliance with the proposed Subpart F are referred to as a CPS Group.

Finally, the proposed amendments contain new definitions and materials to be incorporated by reference to supplement the proposed trading programs.
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6) Published Studies or Reports, and Sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objective: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2004)].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board held hearings this rulemaking on October 10 through October 12, 2006, in Springfield and on November 28 through November 30, 2006, in Collinsville. The Board received a significant amount of public comments in this rulemaking prior to proposing the amendments for first notice. The Board will continue to accept written public comment on this proposal for 45 days after the date of publication in the Illinois Register. Comments should reference Docket R06-26 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Amy Antoniolli at 312/814-3665 or email at antonioa@ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:
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A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact any small businesses, small municipalities and not for profit corporations that own or operate a large electrical generating unit that qualifies under the proposed amendments. These regulations are, however, substantively similar to those requirements imposed by the USEPA.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking imposes new recordkeeping and reporting requirements to comply with the proposed trading programs.

C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required.

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

The full text of the Proposed Amendments begins on the next page.
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SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
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PART 225
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**APPENDIX A** Specified EGUs for Purposes of Subpart F (Midwest Generation's Coal-Fired Boilers as of July 1, 2006)
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AUTHORITY: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].


SUBPART A: GENERAL PROVISIONS

Section 225.130 Definitions

The following definitions apply for the purposes of this Part. Unless otherwise defined in this Section or a different meaning for a term is clear from its context, the terms used in this Part have the meanings specified in 35 Ill. Adm. Code 211.

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

"Averaging demonstration" means, with regard to Subpart B of this Part, a demonstration of compliance that is based on the combined performance of EGUs at two or more sources.

"Base Emission Rate" means, for a group of EGUs subject to emission standards for NOx and SO2 pursuant to Section 225.233, the average emission rate of NOx or SO2 from the EGUs, in pounds per million Btu heat input, for calendar years 2003 through 2005 (or, for seasonal NOx, the 2003 through 2005 ozone seasons), as determined from the data collected and quality assured by the USEPA, pursuant to the 40 CFR 72 and 96 federal Acid Rain and NOx Budget Trading Programs, for the emissions and heat input of that group of EGUs.

"Board" means the Illinois Pollution Control Board. [415 ILCS 5/3.130]

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.
"CAIR authorized account representative" means, for the purpose of general accounts, a responsible natural person who is authorized, in accordance with 40 CFR 96, subparts BB, FF, BBB, FFF, BBBB, and FFFF to transfer and otherwise dispose of CAIR NO\textsubscript{x}, SO\textsubscript{2}, and NO\textsubscript{x} Ozone Season allowances, as applicable, held in the CAIR NO\textsubscript{x}, SO\textsubscript{2}, and NO\textsubscript{x} Ozone Season general account, and for the purpose of a CAIR NO\textsubscript{x} compliance account, a CAIR SO\textsubscript{2} Allowance System Tracking account, or a CAIR NO\textsubscript{x} Ozone Season compliance account, the CAIR designated representative of the source.

"CAIR designated representative" means, for a CAIR NO\textsubscript{x} source, a CAIR SO\textsubscript{2} source, and a CAIR NO\textsubscript{x} Ozone Season source and each CAIR NO\textsubscript{x} unit, CAIR SO\textsubscript{2} unit and CAIR NO\textsubscript{x} Ozone Season unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with 40 CFR 96, subparts BB, FF, BBB, FFF, BBBB, and FFFF as applicable, to represent and legally bind each owner and operator in matters pertaining to the CAIR NO\textsubscript{x} Annual Trading Program, CAIR SO\textsubscript{2} Trading Program, and CAIR NO\textsubscript{x} Ozone Season Trading Program, as applicable. For any unit that is subject to one or more of the following programs: CAIR NO\textsubscript{x} Annual Trading Program, CAIR SO\textsubscript{2} Trading Program, CAIR NO\textsubscript{x} Ozone Season Trading Program, or the federal Acid Rain Program, the designated representative for the unit must be the same natural person for all programs applicable to the unit.

"CAIR Trading Programs" means the requirements of this Part, and those provisions of the federal CAIR NO\textsubscript{x} Annual Season, CAIR SO\textsubscript{2}, or CAIR NO\textsubscript{x} Ozone Season Trading Programs set forth in 40 CFR 96, as incorporated by reference in Section 225.140.

"Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77, 90, 91, 95, 98a, or 99 (Reapproved 2004).

"Coal-derived fuel" means any fuel (whether in a solid, liquid or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

"Coal-fired" means:
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For purposes of Subparts B, D, and E, combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during a specified year.

For purposes of Subpart C, combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel.

"Cogeneration unit" means, for the purposes of Subparts C, D, and E, a stationary, fossil fuel-fired boiler or a stationary, fossil fuel-fired combustion turbine of which both of the following conditions are true:

- It uses equipment to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and
- It produces either of the following during the 12-month period beginning on the date the unit first produces electricity and during any subsequent calendar year after that in which the unit first produces electricity:
  - For a topping-cycle cogeneration unit, both of the following:
    - Useful thermal energy not less than five percent of total energy output; and
    - Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input if useful thermal energy produced is less than 15 percent of total energy output; or
  - For a bottoming-cycle cogeneration unit, useful power not less than 45 percent of total energy input.

"Combined cycle system" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

"Combustion turbine" means:
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An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

If the enclosed device described in under the above paragraph of this definition is combined cycle, any associated duct burner, heat recovery steam generator and steam turbine.

"Commence commercial operation" means, for the purposes of Subpart B of this Part, with regard to an EGU that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date must remain the unit's date of commencement of operation even if the EGU is subsequently modified, reconstructed or repowered. For the purposes of Subparts C, D and E, "commence commercial operation" is as defined in Section 225.150.

"Commence construction" means, for the purposes of Section 225.460(f), 225.470, 225.560(f), and 225.570, that the owner or owner's designee has obtained all necessary preconstruction approvals (e.g., zoning) or permits and either has:

- Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

- Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

For purposes of this definition:

"Construction" shall be determined as any physical change or change in the method of operation, including but not limited to fabrication, erection, installation, demolition, or modification of projects eligible for CASA allowances, as set forth in Sections 225.460 and 225.560.
"A reasonable time" shall be determined considering but not limited to the following factors: the nature and size of the project, the extent of design engineering, the amount of off-site preparation, whether equipment can be fabricated or can be purchased, when the project begins (considering both the seasonal nature of the construction activity and the existence of other projects competing for construction labor at the same time, the place of the environmental permit in the sequence of corporate and overall governmental approval), and the nature of the project sponsor (e.g., private, public, regulated).

"Commence operation", for purposes of Subparts C, D and E, means:

To have begun any mechanical, chemical, or electronic process, including, for the purpose of a unit, start-up of a unit’s combustion chamber, except as provided in 40 CFR 96.105, 96.205, or 96.305, as incorporated by reference in Section 225.140.

For a unit that undergoes a physical change (other than replacement of the unit by a unit at the same source) after the date the unit commences operation as set forth in the first paragraph of this definition, such date will remain the date of commencement of operation of the unit, which will continue to be treated as the same unit.

For a unit that is replaced by a unit at the same source (e.g., repowered), after the date the unit commences operation as set forth in the first paragraph of this definition, such date will remain the replaced unit’s date of commencement of operation, and the replacement unit will be treated as a separate unit with a separate date for commencement of operation as set forth in this definition as appropriate.

"Common stack" means a single flue through which emissions from two or more units are exhausted.

"Compliance account" means, for the purposes of Subparts D and E, a CAIR NO\textsubscript{X} Allowance Tracking System account, established by USEPA for a CAIR NO\textsubscript{X} source or CAIR NO\textsubscript{X} Ozone Season source pursuant to 40 CFR 96. subparts FF and FFFF in which any CAIR NO\textsubscript{X} allowance or CAIR NO\textsubscript{X} Ozone Season allowance allocations for the CAIR NO\textsubscript{X} units or CAIR NO\textsubscript{X} Ozone Season units.
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at the source are initially recorded and in which are held any CAIR NOx or CAIR NOx Ozone Season allowances available for use for a control period in order to meet the source's CAIR NOx or CAIR NOx Ozone Season emissions limitations in accordance with Sections 225.410 and 225.510, and 40 CFR 96.154 and 96.354, as incorporated by reference in Section 225.140. CAIR NOx allowances may not be used for compliance with the CAIR NOx Ozone Season Trading Program and CAIR NOx Ozone Season allowances may not be used for compliance with the CAIR NOx Annual Trading Program.

"Control period" means:

For the CAIR SO2 and NOx Annual Trading Programs in Subparts C and D, the period beginning January 1 of a calendar year, except as provided in Sections 225.310(d)(3) and 225.410(d)(3), and ending on December 31 of the same year, inclusive; or

For the CAIR NOx Ozone Season Trading Program in Subpart E, the period beginning May 1 of a calendar year, except as provided in Section 225.510(d)(3), and ending on September 30 of the same year, inclusive.

"Designated representative" means, for the purposes of Subpart B of this Part, the same as defined in 40 CFR 60.4102.

"Electric generating unit" or "EGU" means a fossil fuel-fired stationary boiler, combustion turbine or combined cycle system that serves a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

"Flue" means a conduit or duct through which gases or other matter is exhausted to the atmosphere.

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

"Fossil fuel-fired" means the combusting of any amount of fossil fuel, alone or in combination with any other fuel in any calendar year.

"Generator" means a device that produces electricity.
"Gross electrical output" means the total electrical output from an EGU before making any deductions for energy output used in any way related to the production of energy. For an EGU generating only electricity, the gross electrical output is the output from the turbine/generator set.

"Heat input" means, for the purposes of Subparts C, D, and E, a specified period of time, the product (in mmBtu/hr) of the gross calorific value of the fuel (in Btu/lb) divided by 1,000,000 Btu/mmBtu and multiplied by the fuel feed rate into a combustion device (in lb of fuel/time), as measured, recorded and reported to USEPA by the CAIR designated representative and determined by USEPA in accordance with 40 CFR 96, subpart HH, HHH, or HHHH, if applicable, and excluding the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

"Higher heating value" or "HHV" means the total heat liberated per mass of fuel burned (Btu/lb), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions.

"Input mercury" means the mass of mercury that is contained in the coal combusted within an EGU.

"Integrated gasification combined cycle" or "IGCC" means a coal-fired electric utility steam generating unit that burns a synthetic gas derived from coal in a combined-cycle gas turbine. No coal is directly burned in the unit during operation.

"Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.
"Oil-fired unit" means a unit combusting fuel oil for more than 15.0 percent of the annual heat input in a specified year and not qualifying as coal-fired.

"Output-based emission standard" means, for the purposes of Subpart B of this Part, a maximum allowable rate of emissions of mercury per unit of gross electrical output from an EGU.

"Potential electrical output capacity" means 33 percent of a unit's maximum design heat input, expressed in mmBtu/hr divided by 3.413 mmBtu/MWh, and multiplied by 8,760 hr/yr.

"Project sponsor" means a person or an entity, including but not limited to the owner or operator of an EGU or a not-for-profit group, that provides the majority of funding for an energy efficiency and conservation, renewable energy, or clean technology project as listed in Sections 225.460 and 225.560, unless another person or entity is designated by a written agreement as the project sponsor for the purpose of applying for NOx allowances or NOx Ozone Season allowances from the CASA.

"Rated-energy efficiency" means the percentage of thermal energy input that is recovered as useable energy in the form of gross electrical output, useful thermal energy, or both that is used for heating, cooling, industrial processes, or other beneficial uses as follows:

For electric generators, rated-energy efficiency is calculated as one kilowatt hour (3,413 Btu) of electricity divided by the unit's design heat rate using the higher heating value of the fuel, and expressed as a percentage.

For combined heat and power projects, rated-energy efficiency is calculated using the following formula:

\[
REE = \left(\frac{GO + UTE}{HI}\right) \times 100
\]

Where:

\[
REE = \text{Rated-energy efficiency, expressed as percentage.}
\]

\[
GO = \text{Gross electrical output of the system expressed in Btu/hr.}
\]
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\[ \text{UTE} = \text{Useful thermal output from the system that is used for heating, cooling, industrial processes or other beneficial uses, expressed in Btu/hr.} \]

\[ \text{HI} = \text{Heat input, based upon the higher heating value of fuel, in Btu/hr.} \]

"Repowered" means, for the purposes of an EGU, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:

- Atmospheric or pressurized fluidized bed combustion;
- Integrated gasification combined cycle;
- Magnetohydrodynamics;
- Direct and indirect coal-fired turbines;
- Integrated gasification fuel cells; or

As determined by the USEPA in consultation with the United States Department of Energy, a derivative of one or more of the technologies under this definition and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

"Rolling 12-month basis" means, for the purposes of Subpart B of this Part, a determination made on a monthly basis from the relevant data for a particular calendar month and the preceding 11 calendar months (total of 12 months of data), with two exceptions. For determinations involving one EGU, calendar months in which the EGU does not operate (zero EGU operating hours) must not be included in the determination, and must be replaced by a preceding month or months in which the EGU does operate, so that the determination is still based on 12 months of data. For determinations involving two or more EGUs, calendar months in which none of the EGUs covered by the determination operates (zero EGU operating hours) must not be included in the determination, and must be replaced by preceding months in which at least one of the EGUs covered by the
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determination does operate, so that the determination is still based on 12 months of data.

"Total energy output" means, with respect to a cogeneration unit, the sum of useful power and useful thermal energy produced by the cogeneration unit.

"Useful thermal energy" means, for the purpose of a cogeneration unit, the thermal energy that is made available to an industrial or commercial process, excluding any heat contained in condensate return or makeup water:

Used in a heating application (e.g., space heating or domestic hot water heating); or

Used in a space cooling application (e.g., thermal energy used by an absorption chiller).

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 225.140 Incorporations by Reference

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

a) 40 CFR 60, 60.17, 60.45a, 60.49a(k)(1) and (p), 60.50a(h), and 60.4170 through 60.4176 (2005).


f) 40 CFR 96, CAIR NO$_x$ Ozone Season Trading Program, subparts AAAA (excluding 40 CFR 96.304, 96.305(b)(2), and 96.306), BBBB, FFFF, GGGG, and HHHH (2006).
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ge) ASTM. The following methods from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, (610) 832-9585:


6) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).


(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 225.150 Commence Commercial Operation
Commence commercial operation means, for the purposes of Subparts C, D and E, with regard to a unit serving a generator:

a) To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in 40 CFR 96.105, 96.205, or 96.305, as incorporated by reference in Section 225.140.

1) For a unit that is a CAIR SO\(_2\) unit, CAIR NO\(_x\) unit, or a CAIR NO\(_x\) Ozone Season unit pursuant to 40 CFR 96.104, 96.204 or 96.304, respectively, on the date the unit commences commercial operation on the later of November 15, 1990 or the date the unit commences commercial operation as defined in subsection (a) of this Section and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date will remain the unit’s date of commencement of commercial operation, which will continue to be treated as the same unit.

2) For a unit that is a CAIR SO\(_2\) unit, CAIR NO\(_x\) unit, or a CAIR NO\(_x\) Ozone Season unit pursuant to 40 CFR 96.104, 96.204 or 96.304, respectively, on the later of November 15, 1990 or the date the unit commences commercial operation as defined in subsection (a) of this Section and that is subsequently replaced by a unit at the same source (e.g., repowered), such date will remain the replaced unit’s date of commencement of commercial operation, and the replaced unit will be treated as a separate unit with a separate date for commencement of commercial operation as defined in subsection (a) or (b) of this Section as appropriate.

b) Notwithstanding subsection (a) of this Section and except as provided in 40 CFR 96.105, 96.205, or 96.305 for a unit that is not a CAIR SO\(_2\) unit, CAIR NO\(_x\) unit, or a CAIR NO\(_x\) Ozone Season unit pursuant to Section 225.305, 225.405, or 225.505, respectively, on the later of November 15, 1990 or the date the unit commences commercial operation as defined in subsection (a) of this Section, the unit’s date for commencement of commercial operation will be the date on which the unit becomes an affected unit pursuant to Section 225.305, 225.405, or 225.505, respectively.

1) For a unit with a date for commencement of commercial operation as defined in subsection (b) of this Section and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same
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source), such date will remain the unit’s date of commencement of commercial operation, which shall continue to be treated as the same unit.

2) For a unit with a date for commencement of commercial operation as defined in subsection (b) of this Section and that is subsequently replaced by a unit at the same source (e.g., repowered), such date will remain the replaced unit’s date of commencement of commercial operation, and the replaced unit will be treated as a separate unit with a separate date for commencement of commercial operation as defined in subsection (a) or (b) of this Section as appropriate.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

SUBPART C: CLEAN AIR ACT INTERSTATE RULE (CAIR) SO\(_2\) TRADING PROGRAM

Section 225.300 Purpose

The purpose of this Subpart C is to control the emissions of sulfur dioxide (SO\(_2\)) from EGUs annually by implementing the CAIR SO\(_2\) Trading Program pursuant to 40 CFR 96, as incorporated by reference in Section 225.140.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.305 Applicability

a) Except as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:

1) The following units are CAIR SO\(_2\) units, and any source that includes one or more such units is a CAIR SO\(_2\) source subject to the requirements of this Subpart C: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up of the unit’s combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2) If a stationary boiler or stationary combustion turbine that, pursuant to subsection (a)(1) of this Section, is not a CAIR SO\(_2\) unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25
MWe producing electricity for sale, the unit will become a CAIR SO₂ unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.

b) The units that meet the requirements set forth in subsections (b)(1), (b)(3), and (b)(4) of this Section will not be CAIR SO₂ units and units that meet the requirements of subsections (b)(2) and (b)(5) of this Section are CAIR SO₂ units:

1) Any unit that is a CAIR SO₂ unit pursuant to subsection (a)(1) or (a)(2) of this Section and:
   A) Qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit; and
   B) Does not serve at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe supplying any calendar year more than one-third of the unit’s potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution for sale.

2) If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and meets the requirements of subsection (b)(1) of this Section for at least one calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO₂ unit starting on the earlier of January 1 after the first calendar year during which the unit no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subsection (b)(1)(B) of this Section.

3) Any unit that is a CAIR SO₂ unit pursuant to subsection (a)(1) or (a)(2) of this Section commencing operation before January 1, 1985 and:
   A) Qualifies as a solid waste incineration unit; and
   B) With an average annual fuel consumption of non-fossil fuel for 1985-1987 exceeding 80 percent (on a Btu basis) and an average
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annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).

4) Any unit that is a CAIR SO$_2$ unit under subsection (a)(1) or (a)(2) of this Section commencing operation on or after January 1, 1985 and:

A) Qualifies as a solid waste incineration unit; and

B) With an average annual fuel consumption of non-fossil fuel the first three years of operation exceeding 80 percent (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).

5) If a unit qualifies as a solid waste incineration unit and meets the requirements of subsection (b)(3) or (b)(4) of this Section for at least three consecutive years, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO$_2$ unit starting on the earlier of January 1 after the first three consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of 20 percent or more.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.310 Compliance Requirements

a) The owner or operator of a CAIR SO$_2$ unit must comply with the requirements of the CAIR SO$_2$ Trading Program for Illinois as set forth in this Subpart C and 40 CFR 96, subpart AAA (CAIR SO$_2$ Trading Program General Provisions, excluding 40 CFR 96.204 and 96.206); 40 CFR 96, subpart BBB (CAIR Designated Representative for CAIR SO$_2$ Sources); 40 CFR 96, subpart FFF (CAIR SO$_2$ Allowance Tracking System); 40 CFR 96, subpart GGG (CAIR SO$_2$ Allowance Transfers); and 40 CFR 96, subpart HHH (Monitoring and Reporting); as incorporated by reference in Section 225.140.

b) Permit requirements:
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1) The owner or operator of each source with one or more CAIR SO₂ units at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the CAIR SO₂ Trading Program ("CAIR permit") that complies with the requirements of Section 225.320 (Permit Requirements).

2) The owner or operator of each CAIR SO₂ source and each CAIR SO₂ unit at the source must operate the CAIR SO₂ unit in compliance with its CAIR permit.

c) Monitoring requirements:

1) The owner or operator of each CAIR SO₂ source and each CAIR SO₂ unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart HHH. The CAIR designated representative of each CAIR SO₂ source and each CAIR SO₂ unit at the CAIR SO₂ source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHH, applicable to the CAIR designated representative.

2) The compliance of each CAIR SO₂ source with the emissions limitation pursuant to subsection (d) of this Section will be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart HHH and 40 CFR 75.

d) Emission requirements:

1) By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the owner or operator of each CAIR SO₂ source and each CAIR SO₂ unit at the source must hold a tonnage equivalent in CAIR SO₂ allowances available for compliance deductions pursuant to 40 CFR 96.254(a) and (b) in the CAIR SO₂ source's CAIR SO₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held may not be less than the total tons of SO₂ emissions for the control period from all CAIR SO₂ units at the CAIR SO₂ source, as determined in accordance with 40 CFR 96, subpart HHH.
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2) Each ton of SO₂ emitted by a CAIR SO₂ unit in excess of the tonnage authorization of CAIR SO₂ allowances held by the owner or operator for each CAIR SO₂ unit in its CAIR SO₂ Allowance System Tracking account for each day of the applicable control period will constitute a separate violation of this Subpart C, the Clean Air Act, and the Act.

3) Each CAIR SO₂ unit will be subject to the monitoring requirements of subsection (c)(1) of this Section starting on the later of January 1, 2009 or the deadline for meeting the unit’s monitoring certification requirements pursuant to 40 CFR 96.270(b)(1) or (2) and for each control period thereafter.

4) CAIR SO₂ allowances must be held in, deducted from, or transferred into or among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts FFF and GGG.

5) In order to comply with the requirements of subsection (d)(1) of this Section, a CAIR SO₂ allowance may not be deducted for compliance according to subsection (d)(1) of this Section for a control period in a calendar year before the year for which the allowance is allocated.

6) A CAIR SO₂ allowance is a limited authorization to emit SO₂ in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.205, and no provision of law, will be construed to limit the authority of the United States or the State to terminate or limit this authorization.

7) A CAIR SO₂ allowance allocated by USEPA pursuant to the CAIR SO₂ Trading Program does not constitute a property right.

8) Upon recordation by USEPA pursuant to 40 CFR 96, subpart FFF or GGG, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source’s compliance account, as defined by 40 CFR 96.202, is deemed to amend automatically, and become a part of, any CAIR permit of the CAIR SO₂ source. This automatic amendment of the CAIR permit will be deemed an operation of law and will not require any further review.
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e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of the CAIR SO\textsubscript{2} source and each CAIR SO\textsubscript{2} unit at the source must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

   A) The certificate of representation for the CAIR designated representative for the source and each CAIR SO\textsubscript{2} unit at the source, all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents must be retained on site at the source beyond such five-year period until the documents are superseded because of the submission of a new certificate of representation, pursuant to 40 CFR 96.213, changing the CAIR designated representative.

   B) All emissions monitoring information, in accordance with 40 CFR 96, subpart HHH.

   C) Copies of all reports, compliance certifications, and other submissions and all records made or required pursuant to the CAIR SO\textsubscript{2} Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR SO\textsubscript{2} Trading Program or with the requirements of this Subpart C.

   D) Copies of all documents used to complete a CAIR permit application and any other submission or documents used to demonstrate compliance pursuant to the CAIR SO\textsubscript{2} Trading Program.

2) The CAIR designated representative of a CAIR SO\textsubscript{2} source and each CAIR SO\textsubscript{2} unit at the source must submit to the Agency and USEPA the reports and compliance certifications required pursuant to the CAIR SO\textsubscript{2} Trading Program, including those pursuant to 40 CFR 96, subpart HHH.

f) Liability:
1) No revision of a permit for a CAIR SO\textsubscript{2} unit may excuse any violation of the requirements of this Subpart C or the requirements of the CAIR SO\textsubscript{2} Trading Program.

2) Each CAIR SO\textsubscript{2} source and each CAIR SO\textsubscript{2} unit must meet the requirements of the CAIR SO\textsubscript{2} Trading Program.

3) Any provision of the CAIR SO\textsubscript{2} Trading Program that applies to a CAIR SO\textsubscript{2} source (including any provision applicable to the CAIR designated representative of a CAIR SO\textsubscript{2} source) will also apply to the owner and operator of the CAIR SO\textsubscript{2} source and to the owner and operator of each CAIR SO\textsubscript{2} unit at the source.

4) Any provision of the CAIR SO\textsubscript{2} Trading Program that applies to a CAIR SO\textsubscript{2} unit (including any provision applicable to the CAIR designated representative of a CAIR SO\textsubscript{2} unit) will also apply to the owner and operator of the CAIR SO\textsubscript{2} unit.

5) The CAIR designated representative of a CAIR SO\textsubscript{2} unit that has excess SO\textsubscript{2} emissions in any control period must surrender the allowances as required for deduction pursuant to 40 CFR 96.254(d)(1).

6) The owner or operator of a CAIR SO\textsubscript{2} unit that has excess SO\textsubscript{2} emissions in any control period must pay any fine, penalty, or assessment or comply with any other remedy imposed pursuant to the Act and 40 CFR 96.254(d)(2).

g) Effect on other authorities: No provision of the CAIR SO\textsubscript{2} Trading Program, a CAIR permit application, a CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.205 will be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of a CAIR SO\textsubscript{2} source or a CAIR SO\textsubscript{2} unit from compliance with any other regulation promulgated pursuant to the CAA, the Act, any State regulation or permit, or a federally enforceable permit.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.315 Appeal Procedures
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The appeal procedures for decisions of USEPA pursuant to the CAIR SO₂ Trading Program are set forth in 40 CFR 78, as incorporated by reference in Section 225.140.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.320 Permit Requirements

a) Permit requirements:

1) The owner or operator of each source with a CAIR SO₂ unit is required to submit:

   A) A complete permit application addressing all applicable CAIR SO₂ Trading Program requirements for a permit meeting the requirements of this Section, applicable to each CAIR SO₂ unit at the source. Each CAIR permit must contain elements required for a complete CAIR permit application pursuant to subsection (b)(2) of this Section.

   B) Any supplemental information that the Agency determines is necessary in order to review a CAIR permit application and issue a CAIR permit.

2) Each CAIR permit will be issued pursuant to Section 39 or 39.5 of the Act, must contain federally enforceable conditions addressing all applicable CAIR SO₂ Trading Program requirements, and will be a complete and segregable portion of the source's entire permit pursuant to subsection (a)(1) of this Section.

3) No CAIR permit may be issued and no CAIR SO₂ Allowance System Tracking account may be established for the CAIR SO₂ source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative or alternate designated representative pursuant to 40 CFR 96, subpart BBB, for a source and the CAIR SO₂ unit at the source.

4) For all CAIR SO₂ units that commenced operation before July 1, 2008, the owner or operator of the unit must submit a CAIR permit application meeting the requirements of this Section on or before July 1, 2008.
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5) For CAIR SO₂ units that commence operation on or after July 1, 2008, and that are and are not subject to Section 39.5 of the Act, the owner or operator of such units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 Ill. Adm. Code 201 and the applications must specify that they are applying for CAIR permits and must address the CAIR permit application requirements of this Section.

b) Permit applications:

1) Duty to apply: The owner or operator of any source with one or more CAIR SO₂ units must submit to the Agency a CAIR permit application for the source covering each CAIR SO₂ unit pursuant to subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4) or (a)(5) of this Section. The owner or operator of any source with one or more CAIR SO₂ units must reapply for a CAIR permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and, as applicable, Sections 39 and 39.5 of the Act.

2) Information requirements for CAIR permit applications: A complete CAIR permit application must include the following elements concerning the source for which the application is submitted:

A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration must also be included, if applicable;

B) Identification of each CAIR SO₂ unit at the source; and

C) The compliance requirements applicable to each CAIR SO₂ unit as set forth in Section 225.310.

3) An application for a CAIR permit will be treated as a modification of the CAIR SO₂ source’s existing federally enforceable permit, if such a permit has been issued for that CAIR SO₂ source, and will be subject to the same procedural requirements. When the Agency issues a CAIR permit pursuant to the requirements of this Section, it will be incorporated into
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and become part of that CAIR SO₂ source's existing federally enforceable permit.

c) Permit content: Each CAIR permit is deemed to incorporate automatically the definitions and terms specified in Section 225.120 and, upon recordation of USEPA under 40 CFR 96, subparts FFF and GGG, as incorporated by reference in Section 225.140, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from the compliance account of the CAIR SO₂ source covered by the permit.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.325 Trading Program

a) The CAIR SO₂ Trading Program is administered by USEPA. CAIR SO₂ allowances are issued as described by the definition for allocate in 40 CFR 96.220, as incorporated by reference in Section 225.140. The amount of CAIR SO₂ allowances to be credited to a CAIR SO₂ source's CAIR SO₂ Allowance Tracking System account for a CAIR SO₂ unit will be determined in accordance with 40 CFR 96.253, as incorporated by reference in Section 225.140.

b) A CAIR SO₂ allowance is a limited authorization to emit SO₂ during the calendar year for which the allowance is allocated or any calendar year thereafter pursuant to the CAIR SO₂ Trading Program as follows:

1) For one CAIR SO₂ allowance allocated for a control period in a year before 2010, one ton of SO₂, except as provided for in the compliance deductions pursuant to 40 CFR 96.254(b);

2) For one CAIR SO₂ allowance allocated for a control period in 2010 through 2014, 0.5 ton of SO₂, except as provided for in the compliance deductions pursuant to 40 CFR 96.254(b); and

3) For one CAIR SO₂ allowance allocated for a control period in 2015 or later, 0.35 ton of SO₂, except as provided for in the compliance deductions pursuant to 40 CFR 96.254(b).

(Source: Added at 31 Ill. Reg. ______, effective ____________)
SUBPART D: CAIR NOₓ ANNUAL TRADING PROGRAM

Section 225.400  Purpose

The purpose of this Subpart D is to control the annual emissions of nitrogen oxides (NOₓ) from EGUs by determining allocations and implementing the CAIR NOₓ Annual Trading Program.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.405  Applicability

a) Except as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:

1) The following units are CAIR NOₓ units, and any source that includes one or more such units is a CAIR NOₓ source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2) If a stationary boiler or stationary combustion turbine that, pursuant to subsection (a)(1) of this Section, is not a CAIR NOₓ unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit will become a CAIR NOₓ unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.

b) The units that meet the requirements set forth in subsections (b)(1), (b)(3), and (b)(4) of this Section will not be CAIR NOₓ units and units that meet the requirements of subsections (b)(2) and (b)(5) of this Section are CAIR NOₓ units:

1) Any unit that is a CAIR NOₓ unit pursuant to subsection (a)(1) or (a)(2) of this Section and:

A) Qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit; and
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B) Does not serve at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe supplying any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution for sale.

2) If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and meets the requirements of subsection (b)(1) of this Section for at least one calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR \textit{NO}_x unit starting on the earlier of January 1 after the first calendar year during which the unit no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subsection (b)(1)(B) of this Section.

3) Any unit that is a CAIR \textit{NO}_x unit pursuant to subsection (a)(1) or (a)(2) of this Section commencing operation before January 1, 1985 and:
   
   A) Qualifies as a solid waste incineration unit; and
   
   B) With an average annual fuel consumption of non-fossil fuel for 1985-1987 exceeding 80 percent (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).

4) Any unit that is a CAIR \textit{NO}_x unit under subsection (a)(1) or (a)(2) of this Section commencing operation on or after January 1, 1985 and:
   
   A) Qualifies as a solid waste incineration unit; and
   
   B) With an average annual fuel consumption of non-fossil fuel the first three years of operation exceeding 80 percent (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).
5) If a unit qualifies as a solid waste incineration unit and meets the requirements of subsection (b)(3) or (b)(4) of this Section for at least three consecutive years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO\textsubscript{x} unit starting on the earlier of January 1 after the first three consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of 20 percent or more.

(Source: Added at 31 Ill. Reg. _______, effective ____________)

Section 225.410 Compliance Requirements

a) The owner or operator of a CAIR NO\textsubscript{x} unit must comply with the requirements of the CAIR NO\textsubscript{x} Annual Trading Program for Illinois as set forth in this Subpart D and 40 CFR 96, subpart AA (NO\textsubscript{x} Annual Trading Program General Provisions, excluding 40 CFR 96.104, 96.105(b)(2), and 96.106); 40 CFR 96, subpart BB (CAIR Designated Representative for CAIR NO\textsubscript{x} Sources); 40 CFR 96, subpart FF (CAIR NO\textsubscript{x} Allowance Tracking System); 40 CFR 96, subpart GG (CAIR NO\textsubscript{x} Allowance Transfers); and 40 CFR 96, subpart HH (Monitoring and Reporting); as incorporated by reference in Section 225.140.

b) Permit requirements:

1) The owner or operator of each source with one or more CAIR NO\textsubscript{x} units at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the CAIR NO\textsubscript{x} Annual Trading Program ("CAIR permit") that complies with the requirements of Section 225.420 (Permit Requirements).

2) The owner or operator of each CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the source must operate the CAIR NO\textsubscript{x} unit in compliance with its CAIR permit.

c) Monitoring requirements:

1) The owner or operator of each CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart HH and Section 225.450. The CAIR designated representative of each CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the CAIR NO\textsubscript{x}
source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HH, applicable to a CAIR designated representative.

2) The compliance of each CAIR NO\textsubscript{x} source with the NO\textsubscript{x} emissions limitation pursuant to subsection (d) of this Section will be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart HH.

d) Emission requirements:

1) By the allowance transfer deadline, March 1, 2010, and by March 1 of each subsequent year, the owner or operator of each CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the source must hold CAIR NO\textsubscript{x} allowances available for compliance deductions pursuant to 40 CFR 96.154(a) in the CAIR NO\textsubscript{x} source’s CAIR NO\textsubscript{x} compliance account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held may not be less than the tons of NO\textsubscript{x} emissions for the control period from all CAIR NO\textsubscript{x} units at the source, as determined in accordance with 40 CFR 96, subpart HH.

2) Each ton of NO\textsubscript{x} emitted in excess of the number of CAIR NO\textsubscript{x} allowances held by the owner or operator for each CAIR NO\textsubscript{x} unit in its CAIR NO\textsubscript{x} compliance account for each day of the applicable control period will constitute a separate violation of this Subpart D, the Act, and the CAA.

3) Each CAIR NO\textsubscript{x} unit will be subject to the monitoring requirements of subsection (c)(1) of this Section starting on the later of January 1, 2009 or the deadline for meeting the unit’s monitoring certification requirements pursuant to 40 CFR 96.170(b)(1) or (b)(2) and for each control period thereafter.

4) CAIR NO\textsubscript{x} allowances must be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts FF and GG.

5) In order to comply with the requirements of subsection (d)(1) of this
Section, a CAIR NO\textsubscript{x} allowance may not be deducted for compliance according to subsection (d)(1) of this Section for a control period in a year before the calendar year for which the allowance is allocated.

6) A CAIR NO\textsubscript{x} allowance allocated by the Agency or USEPA pursuant to the CAIR NO\textsubscript{x} Annual Trading Program is a limited authorization to emit one ton of NO\textsubscript{x} in accordance with the CAIR NO\textsubscript{x} Trading Program. No provision of the CAIR NO\textsubscript{x} Trading Program, the CAIR NO\textsubscript{x} permit application, the CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.105, and no provision of law, will be construed to limit the authority of the United States or the State to terminate or limit this authorization.

7) A CAIR NO\textsubscript{x} allowance allocated by the Agency or USEPA pursuant to the CAIR NO\textsubscript{x} Annual Trading Program does not constitute a property right.

8) Upon recordation by USEPA pursuant to 40 CFR 96, subpart FF or GG, every allocation, transfer, or deduction of a CAIR NO\textsubscript{x} allowance to or from a CAIR NO\textsubscript{x} source compliance account is deemed to amend automatically, and become a part of, any CAIR NO\textsubscript{x} permit of the CAIR NO\textsubscript{x} source. This automatic amendment of the CAIR permit will be deemed an operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of the CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the source must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(E) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

A) The certificate of representation for the CAIR designated representative for the source and each CAIR NO\textsubscript{x} unit at the source, all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents must be retained on site at the source beyond such five-year period until the documents are superseded because of the
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submission of a new certificate of representation pursuant to 40 CFR 96.113, changing the CAIR designated representative.

B) All emissions monitoring information, in accordance with 40 CFR 96, subpart HH.

C) Copies of all reports, compliance certifications, and other submissions and all records made or required pursuant to the CAIR NO\textsubscript{x} Annual Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR NO\textsubscript{x} Annual Trading Program or with the requirements of this Subpart D.

D) Copies of all documents used to complete a CAIR NO\textsubscript{x} permit application and any other submission or documents used to demonstrate compliance pursuant to the CAIR NO\textsubscript{x} Annual Trading Program.

E) Copies of all records and logs for gross electrical output and useful thermal energy required by Section 225.450.

2) The CAIR designated representative of a CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit at the source must submit to the Agency and USEPA the reports and compliance certifications required pursuant to the CAIR NO\textsubscript{x} Annual Trading Program, including those pursuant to 40 CFR 96, subpart HH.

f) Liability:

1) No revision of a permit for a CAIR NO\textsubscript{x} unit may excuse any violation of the requirements of this Subpart D or the requirements of the CAIR NO\textsubscript{x} Annual Trading Program.

2) Each CAIR NO\textsubscript{x} source and each CAIR NO\textsubscript{x} unit must meet the requirements of the CAIR NO\textsubscript{x} Annual Trading Program.

3) Any provision of the CAIR NO\textsubscript{x} Annual Trading Program that applies to a CAIR NO\textsubscript{x} source (including any provision applicable to the CAIR designated representative of a CAIR NO\textsubscript{x} source) will also apply to the
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4) Any provision of the CAIR NO\textsubscript{x} Annual Trading Program that applies to a CAIR NO\textsubscript{x} unit (including any provision applicable to the CAIR designated representative of a CAIR NO\textsubscript{x} unit) will also apply to the owner and operator of the CAIR NO\textsubscript{x} unit.

5) The CAIR designated representative of a CAIR NO\textsubscript{x} unit that has excess emissions in any control period must surrender the allowances as required for deduction pursuant to 40 CFR 96.154(d)(1).

6) The owner or operator of a CAIR NO\textsubscript{x} unit that has excess NO\textsubscript{x} emissions in any control period must pay any fine, penalty, or assessment or comply with any other remedy imposed pursuant to the Act and 40 CFR 96.154(d)(2).

g) Effect on other authorities: No provision of the CAIR NO\textsubscript{x} Annual Trading Program, a CAIR permit application, a CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.105 will be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of a CAIR NO\textsubscript{x} source or a CAIR NO\textsubscript{x} unit from compliance with any other regulation promulgated pursuant to the CAA, the Act, any State regulation or permit, or a federally enforceable permit.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.415 Appeal Procedures

The appeal procedures for decisions of USEPA pursuant to the CAIR NO\textsubscript{x} Annual Trading Program are set forth in 40 CFR 78, as incorporated by reference in Section 225.140.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.420 Permit Requirements

a) Permit requirements:

1) The owner or operator of each source with a CAIR NO\textsubscript{x} unit is required to
submit:

A) A complete permit application addressing all applicable CAIR NO\textsubscript{x} Annual Trading Program requirements for a permit meeting the requirements of this Section, applicable to each CAIR NO\textsubscript{x} unit at the source. Each CAIR permit must contain elements required for a complete CAIR permit application pursuant to subsection (b)(2) of this Section.

B) Any supplemental information that the Agency determines necessary in order to review a CAIR permit application and issue any CAIR permit.

2) Each CAIR permit will be issued pursuant to Sections 39 and 39.5 of the Act, must contain federally enforceable conditions addressing all applicable CAIR NO\textsubscript{x} Annual Trading Program requirements, and will be a complete and segregable portion of the source's entire permit pursuant to subsection (a)(1) of this Section.

3) No CAIR permit may be issued, and no CAIR NO\textsubscript{x} compliance account may be established for a CAIR NO\textsubscript{x} source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant to 40 CFR 96, subpart BB, for the CAIR NO\textsubscript{x} source and the CAIR NO\textsubscript{x} unit at the source.

4) For all CAIR NO\textsubscript{x} units that commenced operation before July 1, 2007, the owner or operator of the unit must submit a CAIR permit application meeting the requirements of this Section on or before July 1, 2007.

5) For all CAIR NO\textsubscript{x} units that commence operation on or after July 1, 2007, the owner or operator of these units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 Ill. Adm. Code 201 and the applications must specify that they are applying for CAIR permits and must address the CAIR permit application requirements of this Section.

b) Permit applications:
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1) **Duty to apply**: The owner or operator of any source with one or more CAIR NOx units must submit to the Agency a CAIR permit application for the source covering each CAIR NOx unit pursuant to subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4) or (a)(5) of this Section. The owner or operator of any source with one or more CAIR NOx units must reapply for a CAIR permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and, as applicable, Sections 39 and 39.5 of the Act.

2) **Information requirements for CAIR permit applications**: A complete CAIR permit application must include the following elements concerning the source for which the application is submitted:

   A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration must also be included, if applicable;

   B) Identification of each CAIR NOx unit at the source; and

   C) The compliance requirements applicable to each CAIR NOx unit as set forth in Section 225.410.

3) An application for a CAIR permit will be treated as a modification of the CAIR NOx source's existing federally enforceable permit, if such a permit has been issued for that source, and will be subject to the same procedural requirements. When the Agency issues a CAIR permit pursuant to the requirements of this Section, it will be incorporated into and become part of that source's existing federally enforceable permit.

c) **Permit content**: Each CAIR permit is deemed to incorporate automatically the definitions and terms specified in Section 225.120 and, upon recordation of USEPA under 40 CFR 96, subparts FF and GG, as incorporated by reference in Section 225.140, every allocation, transfer, or deduction of a CAIR NOx allowance to or from the compliance account of the CAIR NOx source covered by the permit.

(Source: Added at 31 Ill. Reg. ______, effective ___________)
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Section 225.425  Annual Trading Budget

The CAIR NOₓ Annual Trading budget available for allowance allocations for each control period will be determined as follows:

a) The total base CAIR NOₓ Annual Trading budget is 76,230 tons per control period for the years 2009 through 2014, subject to a reduction for two set-asides, the New Unit Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five percent of the budget will be allocated to the NUSA and 25 percent will be allocated to the CASA, resulting in a CAIR NOₓ Annual Trading budget of 53,361 tons available for allocation per control period pursuant to Section 225.440. The requirements of the NUSA are set forth in Section 225.445, and the requirements of the CASA are set forth in Sections 225.455 through 225.470.

b) The total base CAIR NOₓ Annual Trading budget is 63,525 tons per control period for the year 2015 and thereafter, subject to a reduction for two set-asides, the NUSA and the CASA. Five percent of the budget will be allocated to the NUSA and 25 percent will be allocated to the CASA, resulting in a CAIR NOₓ Annual Trading budget of 44,468 tons available for allocation per control period pursuant to Section 225.440.

c) If USEPA adjusts the total base CAIR NOₓ Annual Trading budget for any reason, the Agency will adjust the base CAIR NOₓ Annual Trading budget and the CAIR NOₓ Annual Trading budget available for allocation, accordingly.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.430  Timing for Annual Allocations

a) No later than July 31, 2007, the Agency will submit to USEPA the CAIR NOₓ allowance allocations, in accordance with Sections 225.435 and 225.440, for the 2009, 2010, and 2011 control periods.

b) By October 31, 2008, and October 31 of each year thereafter, the Agency will submit to USEPA the CAIR NOₓ allowance allocations in accordance with Sections 225.435 and 225.440, for the control period four years after the year of the applicable deadline for submission pursuant to this Section. For example, on October 31, 2008, the Agency will submit to USEPA the allocations for the 2012 control period.
c) The Agency will allocate allowances from the NUSA to CAIR NO\textsubscript{x} units that commence commercial operation on or after January 1, 2006. The Agency will report these allocations to USEPA by October 31 of the applicable control period. For example, on October 31, 2009, the Agency will submit to USEPA the allocations from the NUSA for the 2009 control period.

d) The Agency will allocate allowances from the CASA to energy efficiency, renewable energy, and clean technology projects pursuant to the criteria in Sections 225.455 through 225.470. The Agency will report these allocations to USEPA by October 1 of each year. For example, on October 1, 2009, the Agency will submit to USEPA the allocations from the CASA for the 2009 control period, based on reductions made in the 2008 control period.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.435 Methodology for Calculating Annual Allocations

The Agency will calculate converted gross electrical output, in MWh, for each CAIR NO\textsubscript{x} unit that has operated during at least one calendar year prior to the calendar year in which the Agency reports the allocations to USEPA as follows:

a) For control periods 2009, 2010, and 2011, the owner or operator of the unit must submit in writing to the Agency by June 1, 2007, a statement that either gross electrical output data or heat input data is to be used to calculate the unit's converted gross electrical output. The data shall be used to calculate converted gross electrical output pursuant to either subsection (a)(1) or (a)(2) of this Section:

1) Gross electrical output: If the unit has four or five control periods of data, then the gross electrical output (GO) will be the average of the unit's three highest gross electrical outputs from the 2001, 2002, 2003, 2004, or 2005 control periods. If the unit has three or fewer control periods of gross electrical output data, the gross electrical output will be the average of those control periods. If the unit does not have gross electrical output for the 2004 and 2005 control periods, the gross electrical output will be the gross electrical output data from the 2005 control period. If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the unit's share of the total...
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control period heat input of these units for the control period. The unit's converted gross electrical output will be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{GO \times MWh \times 1.0}; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO \times MWh \times 0.6}; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO \times MWh \times 0.4}. \]

2) Heat input (HI): If the unit has four or five control periods of data, the average of the unit's three highest heat inputs from the 2001, 2002, 2003, 2004 or 2005 control period, will be used. If the unit has heat inputs from the 2003, 2004, or 2005 control period, the heat input will be the average of those years. If the unit does not have heat input from the 2004 and 2005 control periods, the heat input from the 2005 control period will be used. The unit's converted gross electrical output will be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu) \times 0.0967}; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu) \times 0.0580}; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu) \times 0.0387}. \]

b) For control periods 2012 and 2013, the owner or operator of the unit must submit in writing to the Agency, by June 1, 2008, a statement that either gross electrical output data or heat input data will be used to calculate the unit's converted gross electrical output. The unit's converted gross electrical output shall be calculated pursuant to either subsection (b)(1) or (b)(2) of this Section:

1) Gross electrical output: The average of the unit's two most recent years of control period gross electrical output, if available; otherwise it will be the unit's most recent control period's gross electrical output. If a generator is
served by two or more units, the gross electrical output of the generator shall be attributed to each unit in proportion to the unit's share of the total control period heat input of such units for the control period. The unit's converted gross electrical output shall be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{GO (in MWh)} \times 1.0; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO (in MWh)} \times 0.6; \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO (in MWh)} \times 0.4. \]

2) Heat input: The average of the unit's two most recent years of control period heat input; otherwise the unit's most recent control period's heat input, e.g., for the 2012 control period, the average of the unit's heat input from the 2006 and 2007 control periods. If the unit does not have heat input from the 2006 and 2007 control periods, the heat input from the 2007 control period shall be used. The unit's converted gross electrical output shall be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0967; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0580; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0387. \]

c) For control period 2014 and thereafter, the unit's gross electrical output will be the average of the unit's two most recent control period's gross electrical output, if available; otherwise it will be the unit's most recent control period's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the unit's share of the total control period heat input of these units for the control period. The unit's converted gross electrical output will be calculated as follows:
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1) If the unit is coal-fired:
   CGO (in MWh) = GO \times 1.0;

2) If the unit is oil-fired:
   CGO (in MWh) = GO \times 0.6; or

3) If the unit is neither coal-fired nor oil-fired:
   CGO (in MWh) = GO \times 0.4.

d) For a unit that is a combustion turbine or boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy, the Agency will add the converted gross electrical output calculated for electricity pursuant to subsection (a), (b), or (c) of this Section to the converted useful thermal energy (CUTE) to determine the total converted gross electrical output for the unit (TCGO). The Agency will determine the converted useful thermal energy by using the average of the unit's control period useful thermal energy for the prior two control periods, if available; otherwise the unit's control period useful thermal output for the prior year will be used. The converted useful thermal energy will be determined using the following equations:

   1) If the unit is coal-fired:
      CUTE (in MWh) = UTE (in mmBtu) \times 0.2930;

   2) If the unit is oil-fired:
      CUTE (in MWh) = UTE (in mmBtu) \times 0.1758; or

   3) If the unit is neither coal-fired nor oil-fired:
      CUTE (in MWh) = UTE (in mmBtu) \times 0.1172.

e) The CAIR NO\textsubscript{x} unit's converted gross electrical output and converted useful thermal energy in subsections (a)(1), (b)(1), (c), and (d) of this Section for each control period will be based on the best available data reported or available to the Agency for the CAIR NO\textsubscript{x} unit pursuant to the provisions of Section 225.450.

f) The CAIR NO\textsubscript{x} unit's heat input in subsections (a)(2) and (b)(2) of this Section for each control period will be determined in accordance with 40 CFR 75, as incorporated by reference in Section 225.140.
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(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.440 Annual Allocations

a) For the 2009 control period, and each control period thereafter, the Agency will allocate, to all CAIR NO\(_x\) units in Illinois for which the Agency has calculated the total converted gross electrical output pursuant to Section 225.435, a total amount of CAIR NO\(_x\) allowances equal to tons of NO\(_x\) emissions in the CAIR NO\(_x\) Annual Trading budget available for allocation as determined in Section 225.425 and allocated pursuant to this Section.

b) The Agency will allocate CAIR NO\(_x\) allowances to each CAIR NO\(_x\) unit on a pro-rata basis using the unit’s total converted gross electrical output calculated pursuant to Section 225.435. If there are insufficient allowances to allocate whole allowances pro rata, these unallocated allowances will be retained by the Agency and will be available for allocation in later control periods.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.445 New Unit Set-Aside (NUSA)

For the 2009 control period and each control period thereafter, the Agency will allocate CAIR NO\(_x\) allowances from the NUSA to CAIR NO\(_x\) units that commenced commercial operation on or after January 1, 2006, and do not yet have an allocation for the particular control period pursuant to Section 225.440, in accordance with the following procedures:

a) Beginning with the 2009 control period and each control period thereafter, the Agency will establish a separate NUSA for each control period. Each NUSA will be allocated CAIR NO\(_x\) allowances equal to five percent of the amount of tons of NO\(_x\) emissions in the base CAIR NO\(_x\) Annual Trading budget in Section 225.425.

b) The CAIR designated representative of a new CAIR NO\(_x\) unit may submit to the Agency a request, in a format specified by the Agency, to be allocated CAIR NO\(_x\) allowances from the NUSA, starting with the first control period after the control period in which the new unit commences commercial operation and until the first control period for which the unit may use CAIR NO\(_x\) allowances allocated to the unit pursuant to Section 225.440. The NUSA allowance allocation request may only be submitted after a new unit has operated during one control period, and no later than March 1 of the control period for which allowances from the NUSA are
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being requested.

c) In a NUSA allowance allocation request pursuant to subsection (b) of this Section, the CAIR designated representative must provide in its request information for gross electrical output and useful thermal energy, if any, for the new CAIR NO\textsubscript{x} unit for that control period.

d) The Agency will allocate allowances from the NUSA to a new CAIR NO\textsubscript{x} unit using the following procedures:

1) For each new CAIR NO\textsubscript{x} unit, the unit's gross electrical output for the most recent control period will be used to calculate the unit's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the unit's share of the total control period heat input of these units for the control period. The new unit's converted gross electrical output will be calculated as follows:

A) If the unit is coal-fired:
\[ CGO \text{ (in MWh)} = GO \times 1.0; \]

B) If the unit is oil-fired:
\[ CGO \text{ (in MW\textsubscript{h})} = GO \times 0.6; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
\[ CGO \text{ (in MWh)} = GO \times 0.4. \]

2) If the unit is a combustion turbine or boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy, the Agency will add the converted gross electrical output calculated for electricity pursuant to subsection (d)(1) of this Section to the converted useful thermal energy to determine the total converted gross electrical output for the unit. The Agency will determine the converted useful thermal energy using the unit's useful thermal energy for the most recent control period. The converted useful thermal energy will be determined using the following equations:

A) If the unit is coal-fired:
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CUTE (in MWh) = UTE (in mmBtu) × 0.2930;

B) If the unit is oil-fired:
CUTE (in MWh) = UTE (in mmBtu) × 0.1758; or

C) If the unit is neither coal-fired nor oil-fired:
CUTE (in MWh) = UTE (in mmBtu) × 0.1172.

3) The gross electrical output and useful thermal energy in subsections (d)(1) and (d)(2) of this Section for each control period will be based on the best available data reported or available to the Agency for the CAIR NOₓ unit pursuant to the provisions of Section 225.450.

4) The Agency will determine a unit's unprorated allocation ($UA_y$) using the unit's converted gross electrical output plus the unit's converted useful thermal energy, if any, calculated in subsections (d)(1) and (d)(2) of this Section, converted to approximate NOₓ tons (the unit's unprorated allocation), as follows:

$$UA_y = \frac{TCGO_y \times (1.0 \text{ lbs/MWh})}{2000 \text{ lbs/ton}}$$

Where:

$UA_y = \text{unprorated allocation to a new CAIR NO}_x \text{ unit.}$

$TCGO_y = \text{total converted gross electrical output for a new CAIR NO}_x \text{ unit.}$

5) The Agency will allocate CAIR NOₓ allowances from the NUSA to new CAIR NOₓ units as follows:

A) If the NUSA for the control period for which CAIR NOₓ allowances are requested has a number of allowances greater than or equal to the total unprorated allocations for all new units requesting allowances, the Agency will allocate the number of allowances using the unprorated allocation determined for that unit pursuant to subsection (d)(4) of this Section.
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B) If the NUSA for the control period for which the allowances are requested has a number of CAIR NO\textsubscript{x} allowances less than the total unprorated allocation to all new CAIR NO\textsubscript{x} units requesting allocations, the Agency will allocate the available allowances for new CAIR NO\textsubscript{x} units on a pro-rata basis, using the unprorated allocation determined for that unit pursuant to subsection (d)(4) of this Section. If there are insufficient allowances to allocate whole allowances, the unallocated allowances will be retained by the Agency and will be available for allocation in a later control period.

C) If the gross electrical output or useful thermal energy reported to the Agency pursuant to subsection (d) of this Section is later determined to be greater than the unit's actual gross electrical output or useful thermal energy for the applicable control period, the Agency will reduce the unit's allocation from the NUSA for the current control period to account for the excess allowances allocated in the prior control period or periods.

e) The Agency will review each NUSA allowance allocation request pursuant to subsection (b) of this Section. The Agency will accept a NUSA allowance allocation request only if the request meets, or is adjusted by the Agency as necessary to meet, the requirements of this Section.

f) By June 1 of the applicable control period, the Agency will notify each CAIR designated representative that submitted a NUSA allowance request of the amount of CAIR NO\textsubscript{x} allowances from the NUSA, if any, allocated for the control period to the new unit covered by the request.

g) The Agency will allocate CAIR NO\textsubscript{x} allowances to new units from the NUSA no later than October 31 of the applicable control period.

h) After a new CAIR NO\textsubscript{x} unit has operated in one control period, it becomes an existing unit for the purposes of Section 225.440 only, and the Agency will allocate CAIR NO\textsubscript{x} allowances for that unit, for the control period commencing four years in the future, pursuant to Section 225.440. For example, if a unit commences commercial operation in 2009, in 2010, the Agency will allocate to that unit allowances pursuant to Section 225.440 for the 2014 control period. The new CAIR NO\textsubscript{x} unit will continue to receive CAIR NO\textsubscript{x} allowances from the
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NUSA according to this Section until the unit is eligible to use the CAIR NO$_x$ allowances allocated to the unit pursuant to Section 225.440.

i) If, after the completion of the procedures in subsection (c) of this Section for a control period, any unallocated CAIR NO$_x$ allowances remain in the NUSA for the control period, the Agency will, at a minimum, accrue those CAIR NO$_x$ allowances for future control period allocations to new CAIR NO$_x$ units. The Agency may from time to time elect to retire CAIR NO$_x$ allowances in the NUSA that are in excess of 15,881 for the purposes of continued progress toward attainment and maintenance of National Ambient Air Quality Standards pursuant to the CAA.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.450  Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy

a) By January 1, 2008, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NO$_x$ unit must operate a system for measuring gross electrical output that is consistent with the requirements of either 40 CFR 60 or 75; must measure gross electrical output in MWh using such a system; and must record the output of the measurement system. If a generator is served by two or more units, the information to determine each unit's heat input for that control period must also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.

b) For a CAIR NO$_x$ unit that is a cogeneration unit, by January 1, 2008, or by the date the CAIR NO$_x$ unit commences to produce useful thermal energy, whichever is later, the owner or operator of the unit must install, calibrate, maintain, and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit, and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. Owners and operators of a CAIR NO$_x$ unit that produces useful thermal energy but uses an energy transfer medium other than steam, e.g., hot water or glycol, must install, calibrate, maintain, and operate the necessary meters to measure and record the necessary data to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the CAIR NO$_x$ unit ceases to produce useful thermal energy, the owner or operator may
cease operation of the meters, provided that operation of these meters must be resumed if the CAIR NO$_x$ unit resumes production of useful thermal energy.

c) The owner or operator of a CAIR NO$_x$ unit must either report gross electrical output data to the Agency or comply with the applicable provisions for providing heat input data to USEPA as follows:

1) By June 1, 2007, the gross electrical output for control periods 2001, 2002, 2003, 2004 and 2005, if available, and the unit's useful thermal energy data, if applicable. If a generator is served by two or more units, the documentation needed to determine each unit's share of the heat input of such units for that control period must also be submitted. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.

2) By June 1, 2008, the gross electrical output for control periods 2006 and 2007, if available, and the unit's useful thermal energy data, if applicable. If a generator is served by two or more units, the documentation needed to determine each unit's share of the heat input of such units for that control period must also be submitted. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.

d) Beginning with 2008, the CAIR designated representative of the CAIR NO$_x$ unit must submit to the Agency quarterly, by no later than April 30, July 31, October 31, and January 31 of each year, information for the CAIR NO$_x$ unit's gross electrical output, on a monthly basis for the prior quarter, and, if applicable, the unit's useful thermal energy for each month.

e) The owner or operator of a CAIR NO$_x$ unit must maintain on-site the monitoring plan detailing the monitoring system, maintenance of the monitoring system, including quality assurance activities pursuant to the requirements of 40 CFR 60 and 75, including the applicable provisions for the measurement of gross electrical output for the CAIR NO$_x$ Trading Program and, if applicable, for new units. The monitoring plan must include, but is not limited to:

1) A description of the system to be used for the measurement of gross electrical output pursuant to Section 225.450(a), including a list of any data logging devices, solid-state kW meters, rotating kW meters,
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Electromechanical kW meters, current transformers, transducers, potential transformers, pressure taps, flow venturi, orifice plates, flow nozzles, vortex meters, turbine meters, pressure transmitters, differential pressure transmitters, temperature transmitters, thermocouples, resistance temperature detectors, and any equipment or methods used to accurately measure gross electrical output.

2) A certification statement by the CAIR designated representative that all components of the gross electrical output system have been tested to be accurate within three percent and that the gross electrical output system is accurate to within ten percent.

f) The owner or operator of a CAIR NO\textsubscript{x} unit must retain records for at least five years from the date the record is created or the data is collected under subsections (a) and (b) of this Section, and the reports are submitted to the Agency and USEPA in accordance with subsections (c) and (d) of this Section. The owner or operator of a CAIR NO\textsubscript{x} unit must retain the monitoring plan required in subsection (e) of this Section for at least five years from the date that it is replaced by a new or revised monitoring plan.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.455 Clean Air Set-Aside (CASA)

a) A project sponsor may apply for allowances from the CASA for sponsoring an energy efficiency and conservation, renewable energy, or clean technology project as set forth in Section 225.460 by submitting the application required by Section 225.470.

b) Notwithstanding subsection (a) of this Section, a project sponsor with a CAIR NO\textsubscript{x} source that is out of compliance with this Subpart for a given control period may not apply for allowances from the CASA for that control period. If a source receives CAIR NO\textsubscript{x} allowances from the CASA and then is subsequently found to have been out of compliance with this Subpart for the applicable control period or periods, the project sponsor must restore the CAIR NO\textsubscript{x} allowances that it received pursuant to its CASA request or an equivalent number of CAIR NO\textsubscript{x} allowances to the CASA within six months after receipt of an Agency notice that NO\textsubscript{x} allowances must be restored. These allowances will be assigned to the fund from which they were distributed.
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c) CAIR NO\textsubscript{x} allowances from the CASA will be allocated in accordance with the procedures in Section 225.475.

d) The project sponsor may submit an application that aggregates two or more projects under a CASA project category that would individually result in less than one allowance, but that equal at a minimum one whole allowance when aggregated.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.460 Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects

a) Energy efficiency and conservation project means any of the following projects implemented and located in Illinois:

1) Demand side management projects that reduce overall power demand by using less energy include:

   A) Smart building management software that more efficiently regulates power flows.

   B) The use of or replacement to high efficiency motors, pumps, compressors, or steam systems.

   C) Lighting retrofits.

2) Energy efficient new building construction projects include:

   A) ENERGY STAR-qualified new home projects.

   B) Measures to reduce or conserve energy consumption beyond the requirements of the Illinois Energy Conservation Code for Commercial Buildings [20 ILCS 687/6-3].

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3) Supply-side energy efficiency projects include projects implemented to improve the efficiency in electricity generation by coal-fired power plants and the efficiency of electrical transmission and distribution systems.

4) Highly efficient power generation projects, such as, but not limited to, combined cycle projects, combined heat and power, and microturbines. To be considered a highly efficient power generation project pursuant to this subsection (a)(4), a project must meet the following applicable thresholds and criteria:

A) For combined heat and power projects generating both electricity and useful thermal energy for space, water, or industrial process heat, a rated-energy efficiency of at least 60 percent; the project shall not be a CAIR NOx unit.

B) For combined cycle projects rated at greater than 0.50 MW, a rated-energy efficiency of at least 50 percent.

C) For microturbine projects rated at or below 0.50 MW and all other projects, a rated-energy efficiency of at least 40 percent.

b) Renewable energy project means any of the following projects implemented and located in Illinois:

1) Zero-emission electric generating projects, including wind, solar (thermal or photovoltaic), and hydropower projects. Eligible hydropower plants are restricted to new generators that are not replacements of existing generators, that commenced operation on or after January 1, 2006, and that do not involve the significant expansion of an existing dam or the construction of a new dam.

2) Renewable energy units are those units that generate electricity using more than 50 percent of the heat input, on an annual basis, from dedicated crops grown for energy production or the capture systems for methane gas from landfills, water treatment plants or sewage treatment plants, and organic waste biomass, and other similar sources of non-fossil fuel energy. Renewable energy projects do not include energy from incineration by burning or heating of waste wood, tires, garbage, general household waste.
institutional lunchroom waste, office waste, landscape waste, or construction or demolition debris.

c) Clean technology project for reducing emissions from producing electricity and useful thermal energy means any of the following projects implemented and located in Illinois:

1) Air pollution control equipment upgrades at existing coal-fired EGUs, as follows: installation of flue gas desulfurization (FGD) for control of SO$_2$ emissions; installation of a baghouse for control of particulate matter emissions; and installation of selective catalytic reduction (SCR), selective non-catalytic reduction (SNCR), or other add-on control devices for control of NO$_x$ emissions. Air pollution control upgrade projects do not include the addition of low NO$_x$ burners, overfired air techniques or gas reburning techniques for control of NO$_x$ emissions; projects involving flue gas conditioning techniques or upgrades, or replacement of electrostatic precipitators; or addition of an activated carbon injection or other sorbent injection system for control of mercury. For this purpose, a unit will be considered "existing" after it has been in commercial operation for at least eight years.

2) Clean coal technologies projects include:

   A) Integrated gasification combined cycle (IGCC) plants.

   B) Fluidized bed coal combustion.

d) In addition to those projects excluded in subsections (a) through (c) of this Section, the following projects are also not energy efficiency and conservation, renewable energy, or clean technology projects:

1) Nuclear power projects.

2) Projects required to meet emission standards or technology requirements under State or federal law or regulation, except that allowances may be allocated for:

   A) The installation of a baghouse.
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B) Projects undertaken pursuant to Section 225.233.

3) Projects used to meet the requirements of a court order or consent decree, except that allowances may be allocated for:

A) Emission rates or limits achieved that are lower than what is required to meet the emission rates or limits for \( \text{SO}_2 \) or \( \text{NO}_x \) or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006.

B) Projects used to meet the requirements of a court order or consent decree entered into on or after May 30, 2006, if the court order or consent decree does not specifically preclude such allocations.

4) A Supplemental Environmental Project (SEP).

e) Applications for projects implemented and located in Illinois that are not specifically listed in subsections (a) through (c) of this Section, and that are not specifically excluded by definition in subsections (a) through (c) of this Section or by specific exclusion in subsection (d) of this Section, may be submitted to the Agency. The application must designate which category or categories from those listed in subsections (a)(1) through (c)(2)(A) of this Section best fit the proposed project and the applicable formula pursuant to Section 225.465(b) to calculate the number of allowances that it is requesting. The Agency will determine whether the application is approvable based on a sufficient demonstration by the project sponsor that the project is a new type of energy efficiency, renewable energy, or clean technology project, similar in its effects as the projects specifically listed in subsections (a) through (c)(2)(A) of this Section.

f) Early adopter projects include projects that meet the criteria for any energy efficiency and conservation, renewable energy, or clean technology projects listed in subsections (a), (b), (c), and (e) of this Section and commence construction between July 1, 2006 and December 31, 2012.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.465 Clean Air Set-Aside (CASA) Allowances
a) The CAIR NOx allowances for the CASA for each control period will be assigned to the following categories of projects:

<table>
<thead>
<tr>
<th>Category</th>
<th>Phase I (2009-2014)</th>
<th>Phase II (2015 and thereafter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Energy Efficiency and Conservation/Renewable Energy</td>
<td>9149</td>
<td>7625</td>
</tr>
<tr>
<td>2) Air Pollution Control Equipment Upgrades</td>
<td>3811</td>
<td>3175</td>
</tr>
<tr>
<td>3) Clean Coal Technology</td>
<td>4573</td>
<td>3810</td>
</tr>
<tr>
<td>4) Early Adopters</td>
<td>1525</td>
<td>1271</td>
</tr>
</tbody>
</table>

b) The following formulas must be used to determine the number of CASA allowances that may be allocated to a project per control period:

1) For an energy efficiency and conservation project pursuant to Section 225.460(a)(1) through (a)(4)(A), the number of allowances must be calculated using the number of megawatt hours of electricity that was not consumed during a control period and the following formula:

\[ A = \frac{(MWhc) \times (1.5 \text{ lb/MWh})}{2000 \text{ lb}} \]

Where:

\[ MWhc = \text{The number of megawatt hours of electricity conserved or generated during a control period by a project.} \]

\[ A = \text{The number of allowances for a particular project.} \]

2) For a zero emission electric generating project pursuant to Section 225.460(b)(1), the number of allowances must be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:

\[ A = \frac{(MWhg) \times (2.0 \text{ lb/MWh})}{2000 \text{ lb}} \]

Where:
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\[ A = \text{The number of allowances for a particular project} \]
\[ \text{MWh}_g = \text{The number of megawatt hours of electricity generated during a control period by a project.} \]

3) For a renewable energy emission unit pursuant to Section 225.460(b)(2), the number of allowances must be calculated using the number of MWhs of electricity generated during a control period and the following formula:

\[ A = (\text{MWh}_g) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb} \]

Where:

\[ A = \text{The number of allowances for a particular project.} \]
\[ \text{MWh}_g = \text{The number of MW hours of electricity generated during a control period by a project.} \]

4) For an air pollution control equipment upgrade project pursuant to Section 225.460(c)(1), the number of allowances will be calculated as follows:

A) For \( \text{NO}_x \) or \( \text{SO}_2 \) control projects, by determining the difference in emitted \( \text{NO}_x \) or \( \text{SO}_2 \) per control period using the emission rate before and after replacement or improvement, and the following formula:

\[ A = (\text{MWh}_g) \times K \times (\text{ER}_B \text{ lb/MWh} - \text{ER}_A \text{ lb/MWh}) / 2000 \text{ lb} \]

Where:

\[ A = \text{The number of allowances for a particular project.} \]
\[ \text{MWh}_g = \text{The number of megawatt hours of electricity generated during a control period by a project.} \]
\[ K = \text{The pollutant factor: for \( \text{NO}_x \), } K = 0.1; \text{ and for } \text{SO}_2, \text{ } K = 0.05. \]
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**ERₐ** = Average NOₓ or SO₂ emission rate based on CEMS data from the most recent two control periods prior to the replacement or improvement of the control equipment in lb/MWh, unless subject to a court order or consent decree. For units subject to a court order or consent decree entered into before May 30, 2006, ERₐ is limited to emission rates that are lower than the emission rate required in the consent decree or court order. For a court order or consent decree entered into after May 30, 2006, ERₐ is limited to the lesser of the emission rate specified in the court order or consent decree or the actual average emission rate during the control period. If such limit is not expressed in lb/MWh, the limit must be converted into lb/MWh using a heat rate of 10 mmBtu/1 MW.

**ERₐ** = Annual NOₓ or SO₂ average emission rate for the applicable control period data based on CEMS data in lb/MWh.

B) For a baghouse project:

\[ A = \frac{(MWh_b)(Q \ lb/MWh)}{2000 \ lb} \]

Where:

- **A** = The number of allowances for a particular project.
- **MWh_b** = The number of MWh of electricity generated during a control period or the portion of a control period that the units were controlled by the baghouse.
- **Q** = If a baghouse was not installed pursuant to a consent decree or court order, 0.2.
- If a baghouse was installed pursuant to a consent decree or court order that assigns a Q factor, the factor established in the consent decree or court order but must not exceed a factor of 0.2.
- If a baghouse was installed pursuant to a
consent decree or court order that does not assign a Q factor, then Q shall equal:

\[ Q = 0.25 - (P \times ER_q) \]

Where:

\[ P \]

= If the most recent control period's average PM emission rate was based on PM CEMS data, 1.0; otherwise 1.1.

\[ ER_q \]

= The magnitude of the most recent control period's average PM emission rate in lb/MWh exiting the baghouse, subject to the following limits:

- If \( P = 1.0 \), then \( 1/10 = ER_q = 2/10 \)
- If \( P = 1.1 \), then \( 1/11 = ER_q = 2/11 \)

- If \( ER_q \) is less than the lower limit, the lower limit shall be used.
- If \( ER_q \) is greater than the upper limit, the upper limit shall be used.
- If \( ER_q \) is not expressed in lb/MWh, the number must be converted to lb/MWh using a heat ratio of 10 mmBtu/1 MW.

5) For highly efficient power generation and clean technology projects pursuant to Section 225.460(a)(4)(B), (a)(4)(C), and (c)(2), the number of allowances must be calculated using the number of megawatt hours of electricity the project generates during a control period and the following formula:

\[ A = (\text{MWh}) \times (1.0 \text{ lb/MWh} - \text{ER lb/MWh}) / 2000 \text{ lb} \]

Where:

\[ A \]

= The number of allowances for a particular project.
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\[ \text{MWh}_g = \text{The number of megawatt hours of electricity generated during a control period by a project.} \]

\[ \text{ER} = \text{Annual average NO}_x \text{ emission rate based on CEMS data in lb/MWh.} \]

6) For a CASA project that commences construction before December 31, 2012, in addition to the allowances allocated pursuant to subsections (b)(1) through (b)(5) of this Section, a project sponsor may also request additional allowances pursuant to the early adopter project category pursuant to Section 225.460(e) based on the following formula:

\[ A = 1.0 + 0.10 \times S A_i \]

Where:

\[ A = \text{The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section.} \]

\[ A_i = \text{The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.} \]

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.470  Clean Air Set-Aside (CASA) Applications

a) A project sponsor may request allowances if the project commenced construction on or after the dates listed in this subsection. The project sponsor may request and be allocated allowances from more than one CASA category for a project, if applicable.

1) Demand side management, energy efficient new construction, and supply side energy efficiency and conservation projects that commenced construction on or after January 1, 2003;

2) Fluidized bed coal combustion projects, highly efficient power generation operations projects, or renewable energy emission units that commenced construction on or after January 1, 2001; and

3) All other projects on or after July 1, 2006.
b) Beginning with the 2009 control period and each control period thereafter, a project sponsor may request allowances from the CASA. The application must be submitted to the Agency by May 1 of the control period for which the allowances are being requested.

c) The allocation will be based on the electricity conserved or generated in the control period preceding the calendar year in which the application is submitted. To apply for a CAIR NO\textsubscript{x} allocation from the CASA, project sponsors must provide the Agency with the following information:

1) Identification of the project sponsor, including name, address, type of organization, certification that the project sponsor has met the definition of "project sponsor" as set forth in Section 225.130, and names of the principals or corporate officials.

2) The number of the CAIR NO\textsubscript{x} general or compliance account for the project and the name of the associated CAIR account representative.

3) A description of the project or projects, location, the role of the project sponsor in the projects, and a general explanation of how the amount of energy conserved or generated was measured, verified, and calculated, and the number of allowances requested with the supporting calculations. The number of allowances requested will be calculated using the applicable formula from Section 225.470(b).

4) Detailed information to support the request for allowances, including the following types of documentation for the measurement and verification of the NO\textsubscript{x} emissions reductions, electricity generated, or electricity conserved using established measurement verification procedures, as applicable. The measurement and verification required will depend on the type of project proposed.

A) As applicable, documentation of the project's base and control period conditions and resultant base and control period energy data, using the procedures and methods included in M&V Guidelines: Measurement and Verification for Federal Energy Projects, incorporated by reference in Section 225.140, or other method approved by the Agency. Examples include:
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i) Energy consumption and demand profiles;

ii) Occupancy type;

iii) Density and periods;

iv) Space conditions or plant throughput for each operating period and season (for example, in a building this would include the light level and color, space temperature, humidity and ventilation);

v) Equipment inventory, nameplate data, location, and condition; and

vi) Equipment operating practices (schedules and set points, actual temperatures/pressures);

B) Emissions data, including, if applicable, CEMS data;

C) Information for rated-energy efficiency, including supporting documentation and calculations; and

D) Electricity, in MWh generated or conserved for the applicable control period.

5) Notwithstanding the requirements of subsection (c)(4) of this Section, applications for fewer than five allowances may propose other reliable and applicable methods of quantification acceptable to the Agency.

6) Any additional information requested by the Agency to determine the correctness of the requested number of allowances, including site information, project specifications, supporting calculations, operating procedures, and maintenance procedures.

7) The following certification by the responsible official for the project sponsor and the applicable CAIR account representative for the project:

"I am authorized to make this submission on behalf of the project sponsor and the holder of the CAIR NOx general account or compliance account
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for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this application and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information."

d) A project sponsor may request allowances from the CASA for each project for a total number of control periods not to exceed the number of control periods listed in this subsection. After a project has been allocated allowances from the CASA, subsequent requests for the project from the project sponsor must include the information required by subsections (c)(1), (c)(2), (c)(3) and (c)(7) of this Section, a description of any changes or further improvements made to the project, and information specified in subsections (c)(5) and (c)(6) as specifically requested by the Agency.

1) For energy efficiency and conservation projects (except for efficient operation and renewable energy projects), for a total of eight control periods.

2) For early adopter projects, for a total of ten control periods.

3) For air pollution control equipment upgrades, for a total of 15 control periods.

4) For renewable energy projects, clean coal technology, and highly efficient power generation projects, for each year that the project is in operation.

e) A project sponsor must keep copies of all CASA applications and the documentation used to support the application for at least five years.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.475 Agency Action on Clean Air Set-Aside (CASA) Applications

a) By September 1, 2009 and each September 1 thereafter, the Agency will determine the total number of allowances that are approvable for allocation to
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project sponsors based upon the applications submitted pursuant to Section 225.470.

1) The Agency will determine the number of CAIR NO\textsubscript{x} allowances that are approvable based on the formulas and the criteria for these projects. The Agency will notify a project sponsor within 90 days after receipt of an application if the project is not approvable, the number of allowances requested is not approvable, or additional information is needed by the Agency to complete its review of the application.

2) If the total number of CAIR NO\textsubscript{x} allowances requested for approved projects is less than or equal to the number of CAIR NO\textsubscript{x} allowances in the CASA project category, the number of allowances that are approved will be allocated to each CAIR NO\textsubscript{x} compliance or general account.

3) If more CAIR NO\textsubscript{x} allowances are requested than the number of CAIR NO\textsubscript{x} allowances in a given CASA project category, allowances will be allocated on a pro-rata basis based on the number of allowances available, subject to further adjustment as provided for by subsection (b) of this Section. CAIR NO\textsubscript{x} allowances will be allocated, transferred, or used as whole allowances. The number of whole allowances will be determined by rounding down for decimals less than 0.5 and rounding up for decimals of 0.5 or greater.

b) For control periods 2011 and thereafter:

1) If there are, after the completion of the procedures in subsection (a) of this Section for a control period, any CAIR NO\textsubscript{x} allowances not allocated to a CASA project for the control period, the remaining allowances will accrue in each CASA project category up to twice the number of allowances that are assigned to the project category for each control period as set forth in Section 225.465.

2) If any allowances remain after allocations pursuant to subsection (b)(1) of this Section, the Agency will allocate these allowances pro rata to projects that received fewer allowances than requested, based on the number of allowances not allocated but approved by the Agency for the project under CASA. No project may be allocated more allowances than approved by the Agency for the applicable control period.
3) If any allowances remain after the allocation of allowances pursuant to subsection (b)(2) of this Section, the Agency will then distribute pro rata the remaining allowances to project categories that have fewer than twice the number of allowances assigned to that project category. The pro rata distribution will be based on the difference between two times the project category and the number of allowances that remain in the project category.

4) If allowances still remain undistributed after the allocations and distributions in subsections (b)(1) through (b)(3) are completed, the Agency may elect to retire the CAIR NO\textsubscript{x} allowances that have not been distributed to any CASA category to continue progress toward attainment or maintenance of the National Ambient Air Quality Standards pursuant to the CAA.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.480 Compliance Supplement Pool

In addition to the CAIR NO\textsubscript{x} allowances allocated pursuant to Section 225.425, the USEPA has provided an additional 11,299 CAIR NO\textsubscript{x} allowances from the federal compliance supplement pool to Illinois for the control period in 2009. On January 1, 2009, the Agency will retire all 11,299 NO\textsubscript{x} allowances for public health and air quality improvements.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

SUBPART E: CAIR NO\textsubscript{x} OZONE SEASON TRADING PROGRAM

Section 225.500 Purpose

The purpose of this Subpart E is to control the seasonal emissions of nitrogen oxides (NO\textsubscript{x}) from EGUs by determining allocations and implementing the CAIR NO\textsubscript{x} Ozone Season Trading Program.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.505 Applicability

a) Except as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:
1) The following units are CAIR NO\textsubscript{x} Ozone Season units, and any source that includes one or more such units is a CAIR NO\textsubscript{x} source subject to the requirements of this Subpart E; any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2) If a stationary boiler or stationary combustion turbine that, pursuant to subsection (a)(1) of this Section, is not a CAIR NO\textsubscript{x} Ozone Season unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit will become a CAIR NO\textsubscript{x} Ozone Season unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.

b) The units that meet the requirements set forth in subsections (b)(1), (b)(3), and (b)(4) of this Section will not be CAIR NO\textsubscript{x} Ozone Season units and units that meet the requirements of subsections (b)(2) and (b)(5) of this Section are CAIR NO\textsubscript{x} Ozone Season units:

1) Any unit that is a CAIR NO\textsubscript{x} Ozone Season unit pursuant to subsection (a)(1) or (a)(2) of this Section and:

A) Qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit; and

B) Does not serve at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe supplying any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution for sale.

2) If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and meets the requirements of subsection (b)(1) of this Section for at least one calendar
year, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO\textsubscript{X} Ozone Season unit starting on the earlier of January 1 after the first calendar year during which the unit no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subsection (b)(1)(B) of this Section.

3) Any unit that is a CAIR NO\textsubscript{X} Ozone Season unit pursuant to subsection (a)(1) or (a)(2) of this Section commencing operation before January 1, 1985 and:

A) Qualifies as a solid waste incineration unit; and

B) With an average annual fuel consumption of non-fossil fuel for 1985-1987 exceeding 80 percent (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).

4) Any unit that is a CAIR NO\textsubscript{X} Ozone Season unit under subsection (a)(1) or (a)(2) of this Section commencing operation on or after January 1, 1985 and:

A) Qualifies as a solid waste incineration unit; and

B) With an average annual fuel consumption of non-fossil fuel the first three years of operation exceeding 80 percent (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three consecutive calendar years after 1990 exceeding 80 percent (on a Btu basis).

5) If a unit qualifies as a solid waste incineration unit and meets the requirements of subsection (b)(3) or (b)(4) of this Section for at least three consecutive years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO\textsubscript{X} Ozone Season unit starting on the earlier of January 1 after the first three consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of 20 percent or more.
Section 225.510 Compliance Requirements

a) The owner or operator of a CAIR NO\textsubscript{X} Ozone Season unit must comply with the requirements of the CAIR NO\textsubscript{X} Ozone Season Trading Program for Illinois as set forth in this Subpart E and 40 CFR 96, subpart AAAA (CAIR NO\textsubscript{X} Ozone Season Trading Program General Provisions) (excluding 40 CFR 96.304, 96.305(b)(2), and 96.306); 40 CFR 96, subpart BBBB (CAIR Designated Representative for CAIR NO\textsubscript{X} Ozone Season Sources); 40 CFR 96, subpart FFFF (CAIR NO\textsubscript{X} Ozone Season Allowance Tracking System); 40 CFR 96, subpart GGGG (CAIR NO\textsubscript{X} Ozone Season Allowance Transfers); and 40 CFR 96, subpart HHHH (Monitoring and Reporting); as incorporated by reference in Section 225.140.

b) Permit requirements:

1) The owner or operator of each source with one or more CAIR NO\textsubscript{X} Ozone Season units at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the CAIR NO\textsubscript{X} Ozone Season Trading Program ("CAIR permit") that complies with the requirements of Section 225.520 (Permit Requirements).

2) The owner or operator of each CAIR NO\textsubscript{X} Ozone Season source and each CAIR NO\textsubscript{X} Ozone Season unit at the source must operate the CAIR NO\textsubscript{X} Ozone Season unit in compliance with its CAIR permit.

c) Monitoring requirements:

1) The owner or operator of each CAIR NO\textsubscript{X} Ozone Season source and each CAIR NO\textsubscript{X} Ozone Season unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart HHHH; 40 CFR 75; and Section 225.550. The CAIR designated representative of each CAIR NO\textsubscript{X} Ozone Season source and each CAIR NO\textsubscript{X} Ozone Season unit at the source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHHH, applicable to a CAIR designated representative.

2) The compliance of each CAIR NO\textsubscript{X} Ozone Season source with the CAIR NO\textsubscript{X} Ozone Season emissions limitation pursuant to subsection (d) of this...
Section will be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart HHHH.

d) Emission requirements:

1) By the allowance transfer deadline, November 30, 2009, and by November 30 of each subsequent year, the owner or operator of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must hold allowances available for compliance deductions pursuant to 40 CFR 96.354(a) in the CAIR NOx Ozone Season source’s compliance account. The allowance transfer deadline means by midnight of November 30 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held may not be less than the tons of NOx emissions for the control period from all CAIR NOx Ozone Season units at the CAIR NOx Ozone Season source, as determined in accordance with 40 CFR 96, subpart HHHH.

2) Each ton of NOx emitted in excess of the number of CAIR NOx Ozone Season allowances held by the owner or operator for each CAIR NOx Ozone Season unit in its CAIR NOx Ozone Season compliance account for each day of the applicable control period will constitute a separate violation of this Subpart E, the Act, and the CAA.

3) Each CAIR NOx Ozone Season unit will be subject to the monitoring requirements of subsection (c)(1) of this Section starting on the later of May 1, 2009 or the deadline for meeting the unit’s monitoring certification requirements pursuant to 40 CFR 96.370(b)(1), (b)(2) or (b)(3) and for each control period thereafter.

4) CAIR NOx Ozone Season allowances must be held in, deducted from, or transferred into or among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts FFFF and GGGG.

5) In order to comply with the requirements of subsection (d)(1) of this Section, a CAIR NOx Ozone Season allowance may not be deducted for compliance according to subsection (d)(1) of this Section for a control period in a calendar year before the year for which the CAIR NOx Ozone Season allowance is allocated.
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6) A CAIR NO$_x$ Ozone Season allowance allocated by the Agency or USEPA pursuant to the CAIR NO$_x$ Ozone Season Trading Program is a limited authorization to emit one ton of NO$_x$ in accordance with the CAIR NO$_x$ Ozone Season Trading Program. No provision of the CAIR NO$_x$ Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.305, and no provision of law, will be construed to limit the authority of the United States or the State to terminate or limit this authorization.

7) A CAIR NO$_x$ Ozone Season allowance allocated by the Agency or USEPA pursuant to the CAIR NO$_x$ Ozone Season Trading Program does not constitute a property right.

8) Upon recordation by USEPA pursuant to 40 CFR 96, subpart FFFF or GGGG, every allocation, transfer, or deduction of an allowance to or from a CAIR NO$_x$ Ozone Season source compliance account is deemed to amend automatically, and become a part of, any CAIR NO$_x$ Ozone Season permit of the CAIR NO$_x$ Ozone Season source. This automatic amendment of the CAIR permit will be deemed an operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of the CAIR NO$_x$ Ozone Season source and each CAIR NO$_x$ Ozone Season unit at the source must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(E) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

A) The certificate of representation for the CAIR designated representative for the source and each CAIR NO$_x$ Ozone Season unit at the source, all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents must be retained on site at the source beyond such five-year period until the documents are superseded because of the submission of a new certificate of representation, pursuant to 40 CFR 96.313, changing the CAIR designated
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B) All emissions monitoring information, in accordance with 40 CFR 96, subpart HHHH.

C) Copies of all reports, compliance certifications, and other submissions and all records made or required pursuant to the CAIR NO\textsubscript{X} Ozone Season Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR NO\textsubscript{X} Ozone Season Trading Program or with the requirements of this Subpart E.

D) Copies of all documents used to complete a CAIR NO\textsubscript{X} Ozone Season permit application and any other submission or documents used to demonstrate compliance pursuant to the CAIR NO\textsubscript{X} Ozone Season Trading Program.

E) Copies of all records and logs for gross electrical output and useful thermal energy required by Section 225.550.

2) The CAIR designated representative of a CAIR NO\textsubscript{X} Ozone Season source and each CAIR NO\textsubscript{X} Ozone Season unit at the source must submit to the Agency and USEPA the reports and compliance certifications required pursuant to the CAIR NO\textsubscript{X} Ozone Season Trading Program, including those pursuant to 40 CFR 96, subpart HHHH and Section 225.550.

f) Liability:

1) No revision of a permit for a CAIR NO\textsubscript{X} Ozone Season unit may excuse any violation of the requirements of this Subpart E or the requirements of the CAIR NO\textsubscript{X} Ozone Season Trading Program.

2) Each CAIR NO\textsubscript{X} Ozone Season source and each CAIR NO\textsubscript{X} Ozone Season unit must meet the requirements of the CAIR NO\textsubscript{X} Ozone Season Trading Program.

3) Any provision of the CAIR NO\textsubscript{X} Ozone Season Trading Program that applies to a CAIR NO\textsubscript{X} Ozone Season source (including any provision applicable to the CAIR designated representative of a CAIR NO\textsubscript{X} Ozone
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Season source) will also apply to the owner and operator of the CAIR NOx Ozone Season source and to the owner and operator of each CAIR NOx Ozone Season unit at the source.

4) Any provision of the CAIR NOx Ozone Season Trading Program that applies to a CAIR NOx Ozone Season unit (including any provision applicable to the CAIR designated representative of a CAIR NOx Ozone Season unit) will also apply to the owner and operator of the CAIR NOx Ozone Season unit.

5) The CAIR designated representative of a CAIR NOx Ozone Season unit that has excess emissions in any control period must surrender the allowances as required for deduction pursuant to 40 CFR 96.354(d)(1).

6) The owner or operator of a CAIR NOx Ozone Season unit that has excess NOx emissions in any control period must pay any fine, penalty, or assessment or comply with any other remedy imposed pursuant to the Act and 40 CFR 96.354(d)(2).

g) Effect on other authorities: No provision of the CAIR NOx Ozone Season Trading Program, a CAIR permit application, a CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.305 will be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of a CAIR NOx Ozone Season source or a CAIR NOx Ozone Season unit from compliance with any other regulation promulgated pursuant to the CAA, the Act, any State regulation or permit, or a federally enforceable permit.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.515 Appeal Procedures

The appeal procedures for decisions of USEPA pursuant to the CAIR NOx Ozone Season Trading Program are set forth in 40 CFR 78, as incorporated by reference in Section 225.140.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.520 Permit Requirements
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a) Permit requirements:

1) The owner or operator of each source with a CAIR NO\textsubscript{x} Ozone Season unit is required to submit:

A) A complete permit application addressing all applicable CAIR NO\textsubscript{x} Ozone Season Trading Program requirements for a permit meeting the requirements of this Section, applicable to each CAIR NO\textsubscript{x} Ozone Season unit at the source. Each CAIR permit must contain elements required for a complete CAIR permit application pursuant to subsection (b)(2) of this Section.

B) Any supplemental information that the Agency determines necessary in order to review a CAIR permit application and issue any CAIR permit.

2) Each CAIR permit will be issued pursuant to Section 39 or 39.5 of the Act and will contain federally enforceable conditions addressing all applicable CAIR NO\textsubscript{x} Ozone Season Trading Program requirements and will be a complete and segregable portion of the source's entire permit pursuant to subsection (a)(1) of this Section.

3) No CAIR permit may be issued, and no CAIR NO\textsubscript{x} Ozone Season compliance account may be established for a CAIR NO\textsubscript{x} Ozone Season source and the CAIR NO\textsubscript{x} Ozone Season unit at the source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant to 40 CFR 96, subpart BBBB, for the CAIR NO\textsubscript{x} Ozone Season source and the CAIR NO\textsubscript{x} Ozone Season unit at the source.

4) For all CAIR NO\textsubscript{x} Ozone Season units that commenced operation before July 1, 2007, the owner or operator of the unit must submit a CAIR permit application meeting the requirements of this Section on or before July 1, 2007.

5) For all units that commence operation on or after July 1, 2007, the owner or operator of these units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 Ill. Adm. Code 201, and the applications must specify that they are applying for CAIR permits and must address the
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CAIR permit application requirements of this Section.

b) Permit applications:

1) Duty to apply: The owner or operator of any source with one or more CAIR NO\textsubscript{x} Ozone Season units must submit to the Agency a CAIR permit application for the source covering each CAIR NO\textsubscript{x} Ozone Season unit pursuant to subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4) or (a)(5) of this Section. The owner or operator of any source with one or more CAIR NO\textsubscript{x} Ozone Season units must reapply for a CAIR permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and, as applicable, Sections 39 and 39.5 of the Act.

2) Information requirements for CAIR permit applications: A complete CAIR permit application must include the following elements concerning the source for which the application is submitted:

A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration must also be included, if applicable;

B) Identification of each CAIR NO\textsubscript{x} Ozone Season unit at the source;

C) The compliance requirements applicable to each CAIR NO\textsubscript{x} Ozone Season unit as set forth in Section 225.510.

3) An application for a CAIR permit will be treated as a modification of the CAIR NO\textsubscript{x} Ozone Season source’s existing federally enforceable permit, if such a permit has been issued for that source, and will be subject to the same procedural requirements. When the Agency issues a CAIR permit pursuant to the requirements of this Section, it will be incorporated into and become part of that source’s existing federally enforceable permit.

c) Permit content: Each CAIR permit is deemed to incorporate automatically the definitions and terms specified in Section 225.120 and, upon recordation of USEPA under 40 CFR 96, subparts FFFF and GGGG, as incorporated by reference in Section 225.140, every allocation, transfer, or deduction of a CAIR
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NO\textsubscript{x} Ozone Season allowance to or from the compliance account of the CAIR NO\textsubscript{x} Ozone Season source covered by the permit.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.525 Ozone Season Trading Budget

The CAIR NO\textsubscript{x} Ozone Season Trading budget available for allowance allocations for each control period will be determined as follows:

a) The total base CAIR NO\textsubscript{x} Ozone Season Trading budget is 30,701 tons per control period for the years 2009 through 2014, subject to a reduction for two set-asides, the NUSA and the CASA. Five percent of the budget will be allocated to the NUSA and 25 percent will be allocated to the CASA, resulting in a CAIR NO\textsubscript{x} Ozone Season Trading budget available for allocation of 21,491 tons per control period pursuant to Section 225.540. The requirements of the NUSA are set forth in Section 225.545, and the requirements of the CASA are set forth in Sections 225.555 through 225.570.

b) The total base CAIR NO\textsubscript{x} Ozone Season Trading budget is 28,981 tons per control period for the year 2015 and thereafter, subject to a reduction for two set-asides, the NUSA and the CASA. Five percent of the budget will be allocated to the NUSA and 25 percent will be allocated to the CASA, resulting in a CAIR NO\textsubscript{x} Ozone Season Trading budget available for allocation of 20,287 tons per control period pursuant to Section 225.540.

c) If USEPA adjusts the total base CAIR NO\textsubscript{x} Ozone Season Trading budget for any reason, the Agency will adjust the base CAIR NO\textsubscript{x} Ozone Season Trading budget and the CAIR NO\textsubscript{x} Ozone Season Trading budget available for allocation, accordingly.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.530 Timing for Ozone Season Allocations

a) No later than July 31, 2007, the Agency will submit to USEPA the CAIR NO\textsubscript{x} Ozone Season allowance allocations, in accordance with Sections 225.535 and 225.540, for the 2009, 2010, and 2011 control periods.
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b) By October 31, 2008 and October 31 of each year thereafter, the Agency will submit to USEPA the CAIR NO\textsubscript{x} Ozone Season allowance allocations in accordance with Sections 225.535 and 225.540, for the control period four years after the year of the applicable deadline for submission pursuant to this Section. For example, on July 31, 2008, the Agency will submit to USEPA the allocation for the 2012 control period.

c) The Agency will allocate allowances from the NUSA to CAIR NO\textsubscript{x} Ozone Season units that commence commercial operation on or after May 1, 2006. The Agency will report these allocations to USEPA by July 31 of the applicable control period. For example, on July 31, 2009, the Agency will submit to USEPA the allocations from the NUSA for the 2009 control period.

d) The Agency will allocate allowances from the CASA to energy efficiency, renewable energy, and clean technology projects pursuant to the criteria in Sections 225.555 through 225.570. The Agency will report these allocations to USEPA by October 1 of each year. For example, on October 1, 2009, the Agency will submit to USEPA the allocations from the CASA for the 2009 control period, based on reductions made in the 2008 control period.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.535 Methodology for Calculating Ozone Season Allocations

The Agency will calculate converted gross electrical output, in MWh, for each CAIR NO\textsubscript{x} Ozone Season unit that has operated during at least one control period prior to the calendar year in which the Agency reports the allocations to USEPA as follows:

a) For control periods 2009, 2010, and 2011, the owner or operator of the unit must submit in writing to the Agency by June 1, 2007, a statement that either gross electrical output data or heat input data is to be used to calculate converted gross electrical output. The data shall be used to calculate converted gross electrical output pursuant to either subsection (a)(1) or (a)(2) of this Section:

1) Gross electrical output: If the unit has four or five control periods of data, then the gross electrical output (GO) will be the average of the unit’s three highest gross electrical outputs from the 2001, 2002, 2003, 2004, or 2005 control periods. If the unit has three or fewer control periods of gross electrical outputs, the gross electrical output will be the average of those
control periods. If the unit does not have gross electrical output for the 2004 and 2005 control periods, the gross electrical output will be the gross electrical output from the 2005 control period. If a generator is served by two or more units, then the gross electrical output of the generator will be attributed to each unit in proportion to the unit’s share of the total control period heat input of these units for the control period. The unit's converted gross electrical output will be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 1.0; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 0.6; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 0.4. \]

2) **Heat input (HI):** If the unit has four or five control periods of data, the average of the unit’s three highest control period heat inputs from 2001, 2002, 2003, 2004, or 2005 will be used. If the unit has heat input from the 2003, 2004, or 2005 control periods, the heat input shall be the average of those control periods. If the unit does not have heat input from the 2004 and 2005 control periods, the heat input from the 2005 control period will be used. The unit's converted gross electrical output will be calculated as follows:

A) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0967; \]

B) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0580; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
   \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0387. \]

b) For control periods 2012 and 2013, the owner or operator of the unit must submit in writing to the Agency, by June 1, 2008, a statement that either gross electrical output data or heat input data will be used to calculate the unit's converted gross
electrical output. The unit's converted gross electrical output shall be calculated pursuant to either subsection (b)(1) or (b)(2) of this Section:

1) Gross electrical output: The average of the unit's two most recent years of control period gross electrical output, if available; otherwise it will be the unit's most recent control period's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator shall be attributed to each unit in proportion to the unit's share of the total control period heat input of such units for the control period. The unit's converted gross electrical output shall be calculated as follows:

   A) If the unit is coal-fired:
      \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 1.0; \]

   B) If the unit is oil-fired:
      \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 0.6; \]

   C) If the unit is neither coal-fired nor oil-fired:
      \[ \text{CGO (in MWh)} = \text{GO} \times \text{MWh} \times 0.4. \]

2) Heat input: The average of the unit's two most recent years of control period heat input; otherwise the unit's most recent control period's heat input, e.g., for the 2012 control period, the average of the unit's heat input from the 2006 and 2007 control periods. If the unit does not have heat input from the 2006 and 2007 control periods, the heat input from the 2007 control period shall be used. The unit's converted gross electrical output shall be calculated as follows:

   A) If the unit is coal-fired:
      \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0967; \]

   B) If the unit is oil-fired:
      \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0580; \text{ or} \]

   C) If the unit is neither coal-fired nor oil-fired:
      \[ \text{CGO (in MWh)} = \text{HI (in mmBtu)} \times 0.0387. \]

c) For control period 2014 and thereafter, the unit's gross electrical output will be the average of the unit's two most recent control period's gross electrical output, if
available; otherwise it will be the unit's most recent control period's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the unit's share of the total control period heat input of these units for the control period. The unit's converted gross electrical output will be calculated as follows:

1) If the unit is coal-fired:
   \[ \text{CGO (in MWh)} = \text{GO} \times 1.0; \]

2) If the unit is oil-fired:
   \[ \text{CGO (in MWh)} = \text{GO} \times 0.6; \]
   or
   \[ \text{CGO (in MWh)} = \text{GO} \times 0.4. \]

d) For a unit that is a combustion turbine or boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy, the Agency will add the converted gross electrical output calculated for electricity pursuant to subsection (a), (b), or (c) of this Section to the converted useful thermal energy (CUTE) to determine the total converted gross electrical output for the unit (TCGO). The Agency will determine the converted useful thermal energy by using the average of the unit's control period useful thermal energy for the prior two control periods, if available; otherwise the unit's control period useful thermal output for the prior year will be used. The converted useful thermal energy will be determined using the following equations:

1) If the unit is coal-fired:
   \[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.2930; \]

2) If the unit is oil-fired:
   \[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.1758; \]
   or
   \[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.1172. \]

e) The CAIR NO\textsubscript{2} Ozone Season unit's converted gross electrical output and converted useful thermal energy in subsections (a)(1), (b)(1), (c), and (d) of this Section for each control period will be based on the best available data reported or
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available to the Agency for the CAIR NO\textsubscript{x} Ozone Season unit pursuant to the provisions of Section 225.550.

f) The CAIR NO\textsubscript{x} Ozone Season unit's heat input in subsections (a)(2) and (b)(2) of this Section for each control period will be determined in accordance with 40 CFR 75, as incorporated by reference in Section 225.140.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.540 Ozone Season Allocations

a) For the 2009 control period, and each control period thereafter, the Agency will allocate, to all CAIR NO\textsubscript{x} Ozone Season units in Illinois for which the Agency has calculated the total converted gross electrical output pursuant to Section 225.535, a total amount of CAIR NO\textsubscript{x} Ozone Season allowances equal to tons of NO\textsubscript{x} emissions in the CAIR NO\textsubscript{x} Ozone Season Trading budget available for allocation as determined in Section 225.525 and allocated pursuant to this Section.

b) The Agency will allocate CAIR NO\textsubscript{x} Ozone Season allowances to each CAIR NO\textsubscript{x} Ozone Season unit on a pro-rata basis using the unit's total converted gross electrical output calculated pursuant to Section 225.535. If there are insufficient allowances to allocate whole allowances pro rata, these unallocated allowances will be retained by the Agency and will be available for allocation in later control periods.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.545 New Unit Set-Aside (NUSA)

For the 2009 control period and each control period thereafter, the Agency will allocate CAIR NO\textsubscript{x} Ozone Season allowances from the NUSA to CAIR NO\textsubscript{x} Ozone Season units that commenced commercial operation on or after May 1, 2006, and do not yet have an allocation for the particular control period pursuant to Section 225.540, in accordance with the following procedures:

a) Beginning with the 2009 control period and each control period thereafter, the Agency will establish a separate NUSA for each control period. Each NUSA will be allocated CAIR NO\textsubscript{x} Ozone Season allowances equal to five percent of the
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amount of tons of NO\textsubscript{x} emissions in the base CAIR NO\textsubscript{x} Ozone Season Trading budget in Section 225.525.

b) The CAIR designated representative of a new CAIR NO\textsubscript{x} Ozone Season unit may submit to the Agency a request, in a format specified by the Agency, to be allocated CAIR NO\textsubscript{x} Ozone Season allowances from the NUSA, starting with the first control period after the control period in which the new unit commences commercial operation and until the first control period for which the unit may use CAIR NO\textsubscript{x} Ozone Season allowances allocated to the unit pursuant to Section 225.540. The NUSA allowance allocation request may only be submitted after a new unit has operated during one control period, and no later than March 1 of the control period for which allowances from the NUSA are being requested.

c) In a NUSA allowance allocation request pursuant to subsection (b) of this Section, the CAIR designated representative must provide in its request information for gross electrical output and useful thermal energy, if any, for the new CAIR NO\textsubscript{x} Ozone Season unit for that control period.

d) The Agency will allocate allowances from the NUSA to a new CAIR NO\textsubscript{x} Ozone Season unit using the following procedures:

1) For each new CAIR NO\textsubscript{x} Ozone Season unit, the unit's gross electrical output for the most recent control period will be used to calculate the unit's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the unit's share of the total control period heat input of these units for the control period. The new unit's converted gross electrical output will be calculated as follows:

   A) If the unit is coal-fired:
      CGO (in MWh) = GO × 1.0;

   B) If the unit is oil-fired:
      CGO (in MWh) = GO × 0.6; or

   C) If the unit is neither coal-fired nor oil-fired:
      CGO (in MWh) = GO × 0.4.
2) If the unit is a combustion turbine or boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy, the Agency will add the converted gross electrical output calculated for electricity pursuant to subsection (d)(1) of this Section to the converted useful thermal energy to determine the total converted gross electrical output for the unit. The Agency will determine the converted useful thermal energy using the unit's useful thermal energy for the most recent control period. The converted useful thermal energy will be determined using the following equations:

A) If the unit is coal-fired:
\[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.2930; \]

B) If the unit is oil-fired:
\[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.1758; \text{ or} \]

C) If the unit is neither coal-fired nor oil-fired:
\[ \text{CUTE (in MWh)} = \text{UTE (in mmBtu)} \times 0.1172. \]

3) The gross electrical output and useful thermal energy in subsections (d)(1) and (d)(2) of this Section for each control period will be based on the best available data reported or available to the Agency for the CAIR NO\textsubscript{2} Ozone Season unit pursuant to the provisions of Section 225.550.

4) The Agency will determine a unit's unprorated allocation (\(U_{Ay}\)) using the unit's converted gross electrical output plus the unit's converted useful thermal energy, if any, calculated in subsections (d)(1) and (d)(2) of this Section, converted to approximate NO\textsubscript{2} tons (the unit's unprorated allocation), as follows:

\[
U_{Ay} = \frac{\text{TCGO}_y \times (1.01 \text{ lbs/MWh})}{2000 \text{ lbs/ton}}
\]

Where:

\[
U_{Ay} = \text{unprorated allocation to a new CAIR NO}_2 \text{Ozone Season unit.}
\]

\[
\text{TCGO}_y = \text{total converted gross electrical output for a new CAIR NO}_2 \]
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Ozone Season unit.

5) The Agency will allocate CAIR NO$_x$ Ozone Season allowances from the NUSA to new CAIR NO$_x$ Ozone Season units as follows:

A) If the NUSA for the control period for which CAIR NO$_x$ Ozone Season allowances are requested has a number of allowances greater than or equal to the total unprorated allocations for all new units requesting allowances, the Agency will allocate the number of allowances using the unprorated allocation determined for that unit pursuant to subsection (d)(4) of this Section.

B) If the NUSA for the control period for which the allowances are requested has a number of CAIR NO$_x$ Ozone Season allowances less than the total unprorated allocation to all new CAIR NO$_x$ Ozone Season units requesting allocations, the Agency will allocate the available allowances for new CAIR NO$_x$ Ozone Season units on a pro-rata basis, using the unprorated allocation determined for that unit pursuant to subsection (d)(4) of this Section. If there are insufficient allowances to allocate whole allowances, the unallocated allowances will be retained by the Agency and will be available for allocation in a later control period.

C) If the gross electrical output or useful thermal energy reported to the Agency pursuant to subsection (d) of this Section is later determined to be greater than the unit's actual gross electrical output or useful thermal energy for the applicable control period, the Agency will reduce the unit's allocation from the NUSA for the current control period to account for the excess allowances allocated in the prior control period or periods.

e) The Agency will review each NUSA allowance allocation request pursuant to subsection (b) of this Section. The Agency will accept a NUSA allowance allocation request only if the request meets, or is adjusted by the Agency as necessary to meet, the requirements of this Section.

f) By June 1 of the applicable control period, the Agency will notify each CAIR designated representative that submitted a NUSA allowance request of the amount
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of CAIR NO\textsubscript{X} Ozone Season allowances from the NUSA, if any, allocated for the control period to the new unit covered by the request.

g) The Agency will allocate CAIR NO\textsubscript{X} Ozone Season allowances to new units from the NUSA no later than July 31 of the applicable control period.

h) After a new CAIR NO\textsubscript{X} Ozone Season unit has operated in one control period, it becomes an existing unit for the purposes of Section 225.540 only, and the Agency will allocate CAIR NO\textsubscript{X} Ozone Season allowances for that unit, for the control period commencing four years in the future, pursuant to Section 225.540. The new CAIR NO\textsubscript{X} Ozone Season unit will continue to receive CAIR NO\textsubscript{X} Ozone Season allowances from the NUSA according to this Section until the unit is eligible to use the CAIR NO\textsubscript{X} Ozone Season allowances allocated to the unit pursuant to Section 225.540.

i) If, after the completion of the procedures in subsection (c) of this Section for a control period, any unallocated CAIR NO\textsubscript{X} Ozone Season allowances remain in the NUSA for the control period, the Agency will, at a minimum, accrue those CAIR NO\textsubscript{X} Ozone Season allowances for future control period allocations to new CAIR NO\textsubscript{X} Ozone Season units. The Agency may from time to time elect to retire CAIR NO\textsubscript{X} Ozone Season allowances in the NUSA that are in excess of 7,245 for the purposes of continued progress toward attainment and maintenance of National Ambient Air Quality Standards pursuant to the CAA.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.550 Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy

a) By January 1, 2008, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NO\textsubscript{X} Ozone Season unit must operate a system for measuring gross electrical output that is consistent with the requirements of either 40 CFR 60 or 75; must measure gross electrical output in MWh using such a system; and must record the output of the measurement system. If a generator is served by two or more units, the information to determine each unit's heat input for that control period must also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.
b) For a CAIR NO\textsubscript{x} Ozone Season unit that is a cogeneration unit, by January 1, 2007, or by the date the CAIR NO\textsubscript{x} Ozone Season unit commences to produce useful thermal energy, whichever is later, the owner or operator of the unit with cogeneration capabilities must install, calibrate, maintain, and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit, and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. Owners and operators of a CAIR NO\textsubscript{x} Ozone Season unit that produces useful thermal energy but uses an energy transfer medium other than steam, e.g., hot water or glycol, must install, calibrate, maintain, and operate the necessary meters to measure and record the necessary data to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the CAIR NO\textsubscript{x} Ozone Season unit ceases to produce useful thermal energy, the owner or operator may cease operation of the meters, provided that operation of such meters must be resumed if the CAIR NO\textsubscript{x} Ozone Season unit resumes production of useful thermal energy.

c) The owner or operator of a CAIR NO\textsubscript{x} Ozone Season unit must either report gross electrical output data to the Agency or comply with the applicable provisions for providing heat input data to USEPA as follows:

1) By June 1, 2007, the gross electrical output for control periods 2001, 2002, 2003, 2004 and 2005, if available, and the unit's useful thermal energy data, if applicable. If a generator is served by two or more units, the documentation needed to determine each unit's share of the heat input of such units for that control period must also be submitted. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.

2) By June 1, 2008, the gross electrical output for control periods 2006 and 2007, if available, and the unit's useful thermal energy data, if applicable. If a generator is served by two or more units, the documentation needed to determine each unit's share of the heat input of such units for that control period must also be submitted. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as incorporated by reference in Section 225.140.

d) Beginning with 2008, the CAIR designated representative of the CAIR NO\textsubscript{x} Ozone Season unit must submit to the Agency quarterly, by no later than April 30,
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July 31, October 31, and January 31 of each year, information for the CAIR NO\textsubscript{x} Ozone Season unit's gross electrical output, on a monthly basis for the prior quarter, and, if applicable, the unit’s useful thermal energy for each month.

e) The owner or operator of a CAIR NO\textsubscript{x} Ozone Season unit must maintain on-site the monitoring plan detailing the monitoring system, maintenance of the monitoring system, including quality assurance activities pursuant to the requirements of 40 CFR 60 and 75, including the applicable provisions for the measurement of gross electrical output for the CAIR NO\textsubscript{x} Ozone Season Trading Program and, if applicable, for new units. The monitoring plan must include, but is not limited to:

1) A description of the system to be used for the measurement of gross electrical output pursuant to Section 225.450(a), including a list of any data logging devices, solid-state kW meters, rotating kW meters, electromechanical kW meters, current transformers, transducers, potential transformers, pressure taps, flow venturi, orifice plates, flow nozzles, vortex meters, turbine meters, pressure transmitters, differential pressure transmitters, temperature transmitters, thermocouples, resistance temperature detectors, and any equipment or methods used to accurately measure gross electrical output.

2) A certification statement by the CAIR designated representative that all components of the gross electrical output system have been tested to be accurate within three percent and that the gross electrical output system is accurate to within ten percent.

f) The owner or operator of a CAIR NO\textsubscript{x} Ozone Season unit must retain records for at least five years from the date the record is created or the data is collected under subsections (a) and (b) of this Section, and the reports are submitted to the Agency and USEPA in accordance with subsections (c) and (d) of this Section. The owner or operator of a CAIR NO\textsubscript{x} Ozone Season unit must retain the monitoring plan required in subsection (e) of this Section for at least five years from the date that it is replaced by a new or revised monitoring plan.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.555  Clean Air Set-Aside (CASA)
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a) A project sponsor may apply for allowances from the CASA for sponsoring an energy efficiency and conservation, renewable energy, or clean technology project as set forth in Section 225.560 by submitting the application required by Section 225.570.

b) Notwithstanding subsection (a) of this Section, a project sponsor with a CAIR NO\textsubscript{x} Ozone Season source that is out of compliance with this Subpart for a given control period may not apply for allowances from the CASA for that control period. If a source receives CAIR NO\textsubscript{x} Ozone Season allowances from the CASA and then is subsequently found to have been out of compliance with this Subpart for the applicable control period or periods, the project sponsor must restore the CAIR NO\textsubscript{x} Ozone Season allowances that it received pursuant to its CASA request or an equivalent number of CAIR NO\textsubscript{x} Ozone Season allowances to the CASA within six months after receipt of an Agency notice that NO\textsubscript{x} Ozone Season allowances must be restored. These allowances will be assigned to the fund from which they were distributed.

c) CAIR NO\textsubscript{x} Ozone Season allowances from the CASA will be allocated in accordance with the procedures in Section 225.575.

d) The project sponsor may submit an application that aggregates two or more projects under a CASA project category that would individually result in less than one allowance, but that equal at a minimum one whole allowance when aggregated.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.560 Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects

a) Energy efficiency and conservation projects means any of the following projects implemented and located in Illinois:

1) Demand side management projects that reduce the overall power demand by using less energy include:

A) Smart building management software that more efficiently regulates power flows.
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B) The use of or replacement to high efficiency motors, pumps, compressors, or steam systems.

C) Lighting retrofits.

2) Energy efficient new building construction projects include:

A) ENERGY STAR-qualified new home projects.

B) Measures to reduce or conserve energy consumption beyond the requirements of the Illinois Energy Conservation Code for Commercial Buildings [20 ILCS 687/6-3].


3) Supply-side energy efficiency projects include projects implemented to improve the efficiency in electricity generation by coal-fired power plants and the efficiency of electrical transmission and distribution systems.

4) Highly efficient power generation projects, such as, but not limited to, combined cycle projects, combined heat and power, and microturbines. To be considered a highly efficient power generation project pursuant to this subsection (a)(4), a project must meet the following applicable thresholds and criteria:

A) For combined heat and power projects generating both electricity and useful thermal energy for space, water, or industrial process heat, a rated-energy efficiency of at least 60 percent; the project shall not be a CAIR NO\(_2\) Ozone Season unit.

B) For combined cycle projects rated at greater than 0.50 MW, a rated-energy efficiency of at least 50 percent.

C) For microturbine projects rated at or below 0.50 MW and all other projects a rated-energy efficiency of at least 40 percent.
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b) Renewable energy projects means any of the following projects implemented and located in Illinois:

1) Zero-emission electric generating projects, including wind, solar (thermal or photovoltaic), and hydropower projects. Eligible hydropower plants are restricted to new generators that are not replacements of existing generators, that commenced operation on or after January 1, 2006, and that do not involve the significant expansion of an existing dam or the construction of a new dam.

2) Renewable energy units are those units that generate electricity using more than 50 percent of the heat input, on an annual basis, from dedicated crops grown for energy production or the capture systems for methane gas from landfills, water treatment plants or sewage treatment plants, and organic waste biomass, and other similar sources of non-fossil fuel energy. Renewable energy projects do not include energy from incineration by burning or heating of waste wood, tires, garbage, general household waste, institutional lunchroom waste, office waste, landscape waste, or construction or demolition debris.

c) Clean technology projects for reducing emissions from producing electricity and useful thermal energy means any of the following projects implemented and located in Illinois:

1) Air pollution control equipment upgrades for control of NO\textsubscript{x} emissions at existing coal-fired EGUs, as follows: installation of a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system, or other emission control technologies. Air pollution control upgrades do not include the addition of low NO\textsubscript{x} burners, overfired air techniques, gas reburning techniques, flue gas conditioning techniques for the control of NO\textsubscript{x} emissions, projects involving upgrades or replacement of electrostatic precipitators, or addition of an activated carbon injection, or other sorbent injection for control of mercury. For this purpose, a unit will be considered "existing" after it has been in commercial operation for at least eight years.

2) Clean coal technologies projects include:

A) Integrated gasification combined cycle (IGCC) plants.
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B) Fluidized bed coal combustion.

d) In addition to those projects excluded in subsections (a) through (c) of this Section, the following projects are also not energy efficiency and conservation, renewable energy, or clean technology projects:

1) Nuclear power projects.

2) Projects required to meet emission standards or technology requirements under State or federal law or regulation, except that allowances may be allocated for projects undertaken pursuant to Section 225.233.

3) Projects used to meet the requirements of a court order or consent decree, except that allowances may be allocated for:

A) Emission rates or limits achieved that are lower than what is required to meet the emission rates or limits for SO\textsubscript{2} or NO\textsubscript{x}, or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006.

B) Projects used to meet the requirements of a court order or consent decree entered into on or after May 30, 2006, if the court order or consent decree does not specifically preclude such allocations.

4) A Supplemental Environmental Project (SEP).

e) Applications for projects implemented and located in Illinois that are not specifically listed in subsections (a) through (c) of this Section, and that are not specifically excluded by definition in subsections (a) through (c) of this Section or by specific exclusion in subsection (d) of this Section, may be submitted to the Agency. The application must designate which category or categories from those listed in subsections (a)(1) through (c)(2)(B) of this Section best fit the proposed project and the applicable formula pursuant to Section 225.565(b) to calculate the number of allowances that it is requesting. The Agency will determine whether the application is approvable based on a sufficient demonstration by the project sponsor that the project is a new type of energy efficiency, renewable energy, or clean technology project, similar in its effects as the projects specifically listed in subsections (a) through (c) of this Section.
f) Early adopter projects include projects that meet the criteria for any energy efficiency and conservation, renewable energy, or clean technology projects listed in subsections (a), (b), (c), and (e) of this Section and commence construction between July 1, 2006 and December 31, 2012.

(Source: Added at 31 Ill. Reg. _______, effective ____________)

Section 225.565 Clean Air Set-Aside (CASA) Allowances

a) The CAIR NO\textsubscript{x} Ozone Season allowances for the CASA for each control period will be assigned to the following categories of projects:

<table>
<thead>
<tr>
<th>Category</th>
<th>Phase I (2009-2014)</th>
<th>Phase II (2015 and thereafter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Energy Efficiency and Conservation/Renewable Energy</td>
<td>3684</td>
<td>3479</td>
</tr>
<tr>
<td>2) Air Pollution Control Equipment Upgrades</td>
<td>1535</td>
<td>1448</td>
</tr>
<tr>
<td>3) Clean Coal Technology Projects</td>
<td>1842</td>
<td>1738</td>
</tr>
<tr>
<td>4) Early Adopters</td>
<td>614</td>
<td>580</td>
</tr>
</tbody>
</table>

b) The following formulas must be used to determine the number of CASA allowances that may be allocated to a project per control period:

1) For an energy efficiency and conservation project pursuant to Section 225.560(a)(1) through (a)(4)(A), the number of allowances must be calculated using the number of megawatt hours of electricity that was not consumed during a control period and the following formula:

\[
A = \frac{(\text{MWh}_c \times 1.5 \text{ lb/MWh})}{2000 \text{ lb}}
\]

Where:

\[
A = \text{The number of allowances for a particular project.}
\]

\[
\text{MWh}_c = \text{The number of megawatt hours of electricity conserved or generated during a control period by a project.}
\]
2) For a zero emission electric generating project pursuant to Section 225.560(b)(1), the number of allowances must be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:

\[ A = \frac{(\text{MWh}_g) \times (2.0 \text{ lb/MWh})}{2000 \text{ lb}} \]

Where:

\[ A \quad = \quad \text{The number of allowances for a particular project} \]
\[ \text{MWh}_g \quad = \quad \text{The number of megawatt hours of electricity generated during a control period by a project.} \]

3) For a renewable energy emission unit pursuant to Section 225.560(b)(2), the number of allowances must be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:

\[ A = \frac{(\text{MWh}_g) \times (0.5 \text{ lb/MWh})}{2000 \text{ lb}} \]

Where:

\[ A \quad = \quad \text{The number of allowances for a particular project} \]
\[ \text{MWh}_g \quad = \quad \text{The number of MWhs of electricity generated during a control period by a project.} \]

4) For an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1), the number of allowances must be calculated using the emission rate before and after replacement or improvement, and the following formula:

\[ A = \frac{(\text{MWh}_g) \times 0.10 \times (\text{ER}_B \text{ lb/MWh} - \text{ER}_A \text{ lb/MWh})}{2000 \text{ lb}} \]

Where:

\[ A \quad = \quad \text{The number of allowances for a particular project} \]
\[ \text{MWh}_g \quad = \quad \text{The number of MWhs of electricity generated during a control period by a project.} \]
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**ER_B** = Average NOx emission rate based on CEMS data from the most recent two control periods prior to the replacement or improvement of the control equipment in lb/MWh, unless subject to a consent decree or court order. For units subject to a consent decree or court order entered into before May 30, 2006, ER_B is limited to emission rates or limits that are lower than the emission rate or limit required in the consent decree or court order. On or after May 30, 2006, ER_B is limited to emission rates or limits specified in the consent decree or court order. If such limit is not expressed in lb/MWh, the limit shall be converted into lb/MWh using a heat rate of 10 mmBtu/1 MW.

**ER_A** = Average NOx emission rate for the applicable control period data based on CEMS data in lb/MWh.

5) For highly efficient power generation and clean technology projects pursuant to Section 225.560(a)(4)(B), (a)(4)(C) and (c)(2), the number of allowances must be calculated using the number of megawatt hours of electricity the project generates during a control period and the following formula:

\[
A = (MWh_g) \times (1.0 \text{ lb/MWh} - \text{ER lb/MWh}) / 2000 \text{ lb}
\]

Where:

- **A** = The number of allowances for a particular project.
- **MWh_g** = The number of megawatt hours of electricity generated during a control period by a project.
- **ER** = Average NOx emission rate for the control period based on CEMS data in lb/MWh.

6) For a CASA project that commences construction before December 31, 2012, in addition to the allowances allocated pursuant to subsections (b)(1) through (b)(5) of this Section, a project sponsor may also request additional allowances under the early adopter project category pursuant to Section 225.460(e) based on the following formula:

\[
A = 1.0 + 0.10 \times S_A_i
\]
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Where:

\[ A = \text{The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section.} \]

\[ A_i = \text{The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.} \]

(Source: Added at 31 Ill. Reg. _____, effective _____________)

Section 225.570 Clean Air Set-Aside (CASA) Applications

a) A project sponsor may request allowances if the project commenced construction on or after the dates listed in this subsection. The project sponsor may request and be allocated allowances from more than one CASA category for a project, if applicable.

1) Demand side management, energy efficient new construction, and supply side energy efficiency and conservation projects that commenced construction on or after January 1, 2003;

2) Fluidized bed coal combustion projects, highly efficient power generation operations projects, or renewable energy emission units that commenced construction on or after January 1, 2001; and

3) All other projects on or after July 1, 2006.

b) Beginning with the 2009 control period and each control period thereafter, a project sponsor may request allowances from the CASA. The application must be submitted to the Agency by May 1 of the control period for which the allowances are being requested.

c) The allocation will be based on the electricity conserved or generated in the control period preceding the calendar year in which the application is submitted. To apply for a CAIR NOx Ozone Season allocation from the CASA, project sponsors must provide the Agency with the following information:

1) Identification of the project sponsor, including name, address, type of organization, certification that the project sponsor has met the definition of
"project sponsor" as set forth in Section 225.130, and names of the principals or corporate officials.

2) The number of the CAIR NO\textsubscript{x} Ozone Season general or compliance account for the project and the name of the associated CAIR account representative.

3) A description of the project or projects, location, the role of the project sponsor in the projects, and a general explanation of how the amount of energy conserved or generated was measured, verified, and calculated, and the number of allowances requested with the supporting calculations. The number of allowances requested will be calculated using the applicable formula from Section 225.570(b).

4) Detailed information to support the request for allowances, including the following types of documentation for the measurement and verification of the NO\textsubscript{x} emissions reductions, electricity generated, or electricity conserved using established measurement verification procedures, as applicable. The measurement and verification required will depend on the type of project proposed.

A) As applicable, documentation of the project's base and control period conditions and resultant base and control period energy data, using the procedures and methods included in M&V Guidelines: Measurement and Verification for Federal Energy Projects, incorporated by reference in Section 225.140, or other method approved by the Agency. Examples include:

i) Energy consumption and demand profiles;

ii) Occupancy type;

iii) Density and periods;

iv) Space conditions or plant throughput for each operating period and season (for example, in a building this would include the light level and color, space temperature, humidity and ventilation);
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v) Equipment inventory, nameplate data, location, and condition; and

vi) Equipment operating practices (schedules and set points, actual temperatures/pressures);

B) Emissions data, including, if applicable, CEMS data;

C) Information for rated-energy efficiency, including supporting documentation and calculations; and

D) Electricity, in MWh, generated or conserved for the applicable control period.

5) Notwithstanding the requirements of subsection (c)(4) of this Section, applications for fewer than five allowances may propose other reliable and applicable methods of quantification acceptable to the Agency.

6) Any additional information requested by the Agency to determine the correctness of the requested number of allowances, including site information, project specifications, supporting calculations, operating procedures, and maintenance procedures.

7) The following certification by the responsible official for the project sponsor and the applicable CAIR account representative for the project:

"I am authorized to make this submission on behalf of the project sponsor and the holder of the CAIR NOx Ozone Season general account or compliance account for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with the statements and information submitted in this application and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information."
A project sponsor may request allowances from the CASA for each project for a total number of control periods not to exceed the number of control periods listed in this subsection. After a project has been allocated allowances from the CASA, subsequent requests for the project from the project sponsor must include the information required by subsections (c)(1), (c)(2), (c)(3) and (c)(7) of this Section, a description of any changes or further improvements made to the project, and information specified in subsections (c)(5) and (c)(6) as specifically requested by the Agency.

1) For energy efficiency and conservation projects (except for efficient operation and renewable energy projects), for a total of eight control periods.
2) For early adopter projects, for a total of ten control periods.
3) For air pollution control equipment upgrades, for a total of 15 control periods.
4) For renewable energy projects, clean coal technology, and highly efficient power generation projects, for each year that the project is in operation.

A project sponsor must keep copies of all CASA applications and the documentation used to support the application for at least five years.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.575 Agency Action on Clean Air Set-Aside (CASA) Applications

a) By September 1, 2009 and each September 1 thereafter, the Agency will determine the total number of allowances that are approvable for allocation to project sponsors based upon the applications submitted pursuant to Section 225.570.

1) The Agency will determine the number of CAIR NOx Ozone Season allowances that are approvable based on the formulas and the criteria for such projects. The Agency will notify a project sponsor within 90 days after receipt of an application if the project is not approvable, the number of allowances requested is not approvable, or additional information is needed by the Agency to complete its review of the application.
2) If the total number of CAIR NO$_x$ Ozone Season allowances requested for approved projects is less than or equal to the number of CAIR NO$_x$ Ozone Season allowances in the CASA project category, the number of allowances that are approved shall be allocated to each CAIR NO$_x$ Ozone Season compliance or general account.

3) If more CAIR NO$_x$ Ozone Season allowances are requested than the number of CAIR NO$_x$ Ozone Season allowances in a given CASA project category, allowances will be allocated on a pro-rata basis based on the number of allowances available, subject to further adjustment as provided for by subsection (b) of this Section. CAIR NO$_x$ Ozone Season allowances will be allocated, transferred, or used as whole allowances. The number of whole allowances will be determined by rounding down for decimals less than 0.5 and rounding up for decimals of 0.5 or greater.

b) For control periods 2011 and thereafter:

1) If there are, after the completion of the procedures in subsection (a) of this Section for a control period, any CAIR NO$_x$ Ozone Season allowances not allocated to a CASA project for the control period, the remaining allowances will accrue in each CASA project category up to twice the number of allowances that are assigned to the project category for each control period as set forth in Section 225.565.

2) If any allowances remain after allocations pursuant to subsection (b)(1) of this Section, the Agency will allocate these allowances pro-rata to projects that received fewer allowances than requested, based on the number of allowances not allocated but approved by the Agency for the project under CASA. No project may be allocated more allowances than approved by the Agency for the applicable control period.

3) If any allowances remain after the allocation of allowances pursuant to subsection (b)(2) of this Section, the Agency will then distribute pro rata the remaining allowances to project categories that have fewer than twice the number of allowances assigned to the project category. The pro-rata distribution will be based on the difference between two times the project category and the number of allowances that remain in the project category.
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4) If allowances still remain undistributed after the allocations and distributions in subsections (b)(1) through (b)(3) are completed, the Agency may elect to retire any CAIR NO\textsubscript{x} Ozone Season allowances that have not been distributed to any CASA category, to continue progress toward attainment or maintenance of the National Ambient Air Quality Standards pursuant to the CAA.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

SUBPART F: COMBINED POLLUTANT STANDARDS

Section 225.600 Purpose

The purpose of this Subpart F is to allow an alternate means of compliance with the emissions standards for mercury in Section 225.230(a) for specified EGUs through permanent shut-down, installation of ACI, and the application of pollution control technology for NO\textsubscript{x}, PM, and SO\textsubscript{2} emissions that also reduce mercury emissions as a co-benefit and to establish permanent emissions standards for those specified EGUs. Unless otherwise provided for in this Subpart F, owners and operators of those specified EGUs are not excused from compliance with other applicable requirements of Subparts B, C, D, and E.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.605 Applicability

a) As an alternative to compliance with the emissions standards of Section 225.230(a), the owner or operator of specified EGUs in this Subpart F located at Fisk, Crawford, Joliet, Powerton, Waukegan, and Will County power plants may elect for all of those EGUs as a group to demonstrate compliance pursuant to this Subpart F, which establishes control requirements and emissions standards for NO\textsubscript{x}, PM, SO\textsubscript{2}, and mercury. For this purpose, ownership of a specified EGU is determined based on direct ownership, by holding a majority interest in a company that owns the EGU or EGUs, or by the common ownership of the company that owns the EGU, whether through a parent-subsidiary relationship, as a sister corporation, or as an affiliated corporation with the same parent corporation, provided that the owner or operator has the right or authority to submit a CAAPP application on behalf of the EGU.
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b) A specified EGU is a coal-fired EGU listed in Appendix A, irrespective of any subsequent changes in ownership of the EGU or power plant, the operator, unit designation, or name of unit.

c) The owner or operator of each of the specified EGUs electing to demonstrate compliance with Section 225.230(a) pursuant to this Subpart must submit an application for a CAAPP permit modification to the Agency, as provided for in Section 225.220, that includes the information specified in Section 225.610 that clearly states the owner's or operator's election to demonstrate compliance with Section 225.230(a) pursuant to this Subpart F.

d) If an owner or operator of one or more specified EGUs elects to demonstrate compliance with Section 225.230(a) pursuant to this Subpart F, then all specified EGUs owned or operated in Illinois by the owner or operator as of December 31, 2006, as defined in subsection (a) of this Section, are thereafter subject to the standards and control requirements of this Subpart F. Such EGUs are referred to as a Combined Pollutant Standard (CPS) group.

e) If an EGU is subject to the requirements of this Section, then the requirements apply to all owners and operators of the EGU, and to the CAIR designated representative for the EGU.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.610 Notice of Intent

The owner or operator of one or more specified EGUs that intends to comply with Section 225.230(a) by means of this Subpart F must notify the Agency of its intention on or before December 31, 2007. The following information must accompany the notification:

a) The identification of each EGU that will be complying with Section 225.230(a) pursuant to this Subpart F, with evidence that the owner or operator has identified all specified EGUs that it owned or operated in Illinois as of December 31, 2006, and which commenced commercial operation on or before December 31, 2004;

b) If an EGU identified in subsection (a) of this Section is also owned or operated by a person different than the owner or operator submitting the notice of intent, a demonstration that the submitter has the right to commit the EGU or authorization from the responsible official for the EGU submitting the application; and
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c) A summary of the current control devices installed and operating on each EGU and identification of the additional control devices that will likely be needed for each EGU to comply with emission control requirements of this Subpart F.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.615 Control Technology Requirements and Emissions Standards for Mercury

a) Control Technology Requirements for Mercury.

1) For each EGU in a CPS group other than an EGU that is addressed by subsection (b) of this Section, the owner or operator of the EGU must install, if not already installed, and properly operate and maintain, by the dates set forth in subsection (a)(2) of this Section, ACI equipment complying with subsections (g), (h), (i), (j), and (k) of this Section, as applicable.

2) By the following dates, for the EGUs listed in subsections (a)(2)(A) and (B), which include hot and cold side ESPs, the owner or operator must install, if not already installed, and begin operating ACI equipment or the Agency must be given written notice that the EGU will be shut down on or before the following dates:

   A) Fisk 19, Crawford 7, Crawford 8, Waukegan 7, and Waukegan 8 on or before July 1, 2008; and

   B) Powerton 5, Powerton 6, Will County 3, Will County 4, Joliet 6, Joliet 7, and Joliet 8 on or before July 1, 2009.

b) Notwithstanding subsection (a) of this Section, the following EGUs are not required to install ACI equipment because they will be permanently shut down, as addressed by Section 225.630, by the date specified:

1) EGUs that are required to permanently shut down:

   A) On or before December 31, 2007, Waukegan 6; and
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B) On or before December 31, 2010, Will County 1 and Will County 2.

2) Any other specified EGU that is permanently shut down by December 31, 2010.

c) Beginning on January 1, 2015, and continuing thereafter, and measured on a rolling 12-month basis (the initial period is January 1, 2015 through December 31, 2015, and, then, for every 12-month period thereafter), each specified EGU, except Will County 3, shall achieve one of the following emissions standards:

1) An emissions standard of 0.0080 lbs mercury/GWh gross electrical output;
   or

2) A minimum 90 percent reduction of input mercury.

d) Beginning on January 1, 2016, and continuing thereafter, Will County 3 shall achieve the mercury emissions standards of subsection (c) of this Section measured on a rolling 12-month basis (the initial period is January 1, 2016 through December 31, 2016, and, then, for every 12-month period thereafter).

e) At any time prior to the dates required for compliance in subsections (c) and (d) of this Section, the owner or operator of a specified EGU, upon notice to the Agency, may elect to comply with the emissions standards of subsection (c) of this Section measured on a rolling 12-month basis for one or more EGUs. Once an EGU is subject to the mercury emissions standards of subsection (c) of this Section, it shall not be subject to the requirements of subsections (g), (h), (i), (j) and (k) of this Section.

f) Compliance with the mercury emissions standards or reduction requirement of this Section must be calculated in accordance with Section 225.230(a) or (b).

g) For each EGU for which injection of halogenated activated carbon is required by subsection (a)(1) of this Section, the owner or operator of the EGU must inject halogenated activated carbon in an optimum manner, which, except as provided in subsection (h) of this Section, is defined as all of the following:

1) The use of an injection system for effective absorption of mercury, considering the configuration of the EGU and its ductwork;
2) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, or the injection of any other halogenated activated carbon or sorbent that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions; and

3) The injection of sorbent at the following minimum rates, as applicable:

A) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 2.5 lbs per million actual cubic feet;

B) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 5.0 lbs per million actual cubic feet;

C) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the rates specified in subsections (g)(3)(A) and (B), based on the blend of coal being fired; or

D) A rate or rates set lower by the Agency, in writing, than the rate specified in any of subsection (g)(3)(A), (B), or (C) of this Section on a unit-specific basis, provided that the owner or operator of the EGU has demonstrated that such rate or rates are needed so that carbon injection will not increase particulate matter emissions or opacity so as to threaten noncompliance with applicable requirements for particulate matter or opacity.

4) For purposes of subsection (g)(3) of this Section, the flue gas flow rate must be determined for the point sorbent injection; provided that this flow rate may be assumed to be identical to the stack flow rate if the gas
temperatures at the point of injection and the stack are normally within 100º F, or the flue gas flow rate may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.

h) The owner or operator of an EGU that seeks to operate an EGU with an activated carbon injection rate or rates that are set on a unit-specific basis pursuant to subsection (g)(3)(D) of this Section must submit an application to the Agency proposing such rate or rates, and must meet the requirements of subsections (h)(1) and (h)(2) of this Section, subject to the limitations of subsections (h)(3) and (h)(4) of this Section:

1) The application must be submitted as an application for a new or revised federally enforceable operation permit for the EGU, and it must include a summary of relevant mercury emissions data for the EGU, the unit-specific injection rate or rates that are proposed, and detailed information to support the proposed injection rate or rates; and

2) This application must be submitted no later than the date that activated carbon must first be injected. For example, the owner or operator of an EGU that must inject activated carbon pursuant to subsection (a)(1) of this Section must apply for unit-specific injection rate or rates by July 1, 2008. Thereafter, the owner or operator may supplement its application; and

3) Any decision of the Agency denying a permit or granting a permit with conditions that set a lower injection rate or rates may be appealed to the Board pursuant to Section 39 of the Act; and

4) The owner or operator of an EGU may operate at the injection rate or rates proposed in its application until a final decision is made on the application, including a final decision on any appeal to the Board.

i) During any evaluation of the effectiveness of a listed sorbent, alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU need not comply with the requirements of subsection (g) of this Section for any system needed to carry out the evaluation, as further provided as follows:

1) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program submitted to the Agency at least 30 days prior to commencement of the evaluation; and
2) The duration and scope of the evaluation may not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control techniques, as initially addressed by the owner or operator in a support document submitted with the evaluation program; and

3) The owner or operator of the EGU must submit a report to the Agency no later than 30 days after the conclusion of the evaluation that describes the evaluation conducted and which provides the results of the evaluation; and

4) If the evaluation of alternative control techniques shows less effective control of mercury emissions from the EGU than was achieved with the principal control techniques, the owner or operator of the EGU must resume use of the principal control techniques. If the evaluation of the alternative control technique shows comparable effectiveness to the principal control technique, the owner or operator of the EGU may either continue to use the alternative control technique in a manner that is at least as effective as the principal control technique or it may resume use of the principal control technique. If the evaluation of the alternative control technique shows more effective control of mercury emissions than the control technique, the owner or operator of the EGU must continue to use the alternative control technique in a manner that is more effective than the principal control technique, so long as it continues to be subject to this Section.

i) In addition to complying with the applicable recordkeeping and monitoring requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with Section 225.230(a) by means of this Subpart F must also comply with the following additional requirements:

1) For the first 36 months that injection of sorbent is required, it must maintain records of the usage of sorbent, the exhaust gas flow rate from the EGU, and the sorbent feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on a weekly average;

2) After the first 36 months that injection of sorbent is required, it must monitor activated sorbent feed rate to the EGU, flue gas temperature at the point of sorbent injection, and exhaust gas flow rate from the EGU.
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automatically recording this data and the sorbent carbon feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on an hourly average; and

3) If a blend of bituminous and subbituminous coal is fired in the EGU, it must keep records of the amount of each type of coal burned and the required injection rate for injection of activated carbon on a weekly basis.

k) In addition to complying with the applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with Section 225.230(a) by means of this Subpart F must also submit quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (j) of this Section.

(Source: Added at 31 Ill. Reg. _____, effective _____________)

Section 225.620 Emissions Standards for NO\textsubscript{x} and SO\textsubscript{2}

a) Emissions Standards for NO\textsubscript{x} and Reporting Requirements.

1) Beginning with calendar year 2012 and continuing in each calendar year thereafter, the CPS group, which includes all specified EGUs that have not been permanently shut down by December 31 before the applicable calendar year, must comply with a CPS group average annual NO\textsubscript{x} emissions rate of no more than 0.11 lbs/mmBtu.

2) Beginning with ozone season control period 2012 and continuing in each ozone season control period (May 1 through September 30) thereafter, the CPS group, which includes all specified EGUs that have not been permanently shut down by December 31 before the applicable ozone season, must comply with a CPS group average ozone season NO\textsubscript{x} emissions rate of no more than 0.11 lbs/mmBtu.

3) The owner or operator of the specified EGUs in the CPS group must file, not later than one year after startup of any selective SNCR on such EGU, a report with the Agency describing the NO\textsubscript{x} emissions reductions that the SNCR has been able to achieve.
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b) Emissions Standards for SO\textsubscript{2}. Beginning in calendar year 2013 and continuing in each calendar year thereafter, the CPS group must comply with the applicable CPS group average annual SO\textsubscript{2} emissions rate listed as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>lbs/mmBtu</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>0.44</td>
</tr>
<tr>
<td>2014</td>
<td>0.41</td>
</tr>
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<td>2015</td>
<td>0.28</td>
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<td>2016</td>
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<td>2017</td>
<td>0.15</td>
</tr>
<tr>
<td>2018</td>
<td>0.13</td>
</tr>
<tr>
<td>2019</td>
<td>0.11</td>
</tr>
</tbody>
</table>

c) Compliance with the NO\textsubscript{x} and SO\textsubscript{2} emissions standards must be demonstrated in accordance with Sections 225.310, 225.410, and 225.510. The owner or operator of the specified EGUs must complete the demonstration of compliance pursuant to Section 225.635(c) before March 1 of the following year for annual standards and before November 30 of the particular year for ozone season control periods (May 1 through September 30) standards, by which date a compliance report must be submitted to the Agency.

d) The CPS group average annual SO\textsubscript{2} emission rate, annual NO\textsubscript{x} emission rate and ozone season NO\textsubscript{x} emission rates shall be determined as follows:

\[
ER_{\text{avg}} = \frac{\sum_{i=1}^{n} (\text{SO}_2i \text{ or NO}_x i \text{ tons})}{\sum_{i=1}^{n} (\text{HI}_i)}
\]

Where:

- \(ER_{\text{avg}}\) = average annual or ozone season emission rate in lbs/mmBtu of all EGUs in the CPS group.
- \(\text{HI}_i\) = heat input for the annual or ozone control period of each EGU, in mmBtu.
- \(\text{SO}_2i\) = actual annual SO\textsubscript{2} tons of each EGU in the CPS group.
- \(\text{NO}_x i\) = actual annual or ozone season NO\textsubscript{x} tons of each EGU in the CPS group.
- \(n\) = number of EGUs that are in the CPS group.
NOTICE OF PROPOSED AMENDMENTS

i = each EGU in the CPS group.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.625 Control Technology Requirements for NO\textsubscript{x}, SO\textsubscript{2}, and PM Emissions

a) Control Technology Requirements for NO\textsubscript{x} and SO\textsubscript{2}.

1) On or before December 31, 2013, the owner or operator must either permanently shut down or install and have operational FGD equipment on Waukegan 7;

2) On or before December 31, 2014, the owner or operator must either permanently shut down or install and have operational FGD equipment on Waukegan 8;

3) On or before December 31, 2015, the owner or operator must either permanently shut down or install and have operational FGD equipment on Fisk 19;

4) If Crawford 7 will be operated after December 31, 2018, and not permanently shut down by this date, the owner or operator must:

   A) On or before December 31, 2015, install and have operational SNCR or equipment capable of delivering essentially equivalent NO\textsubscript{x} reductions on Crawford 7; and

   B) On or before December 31, 2018, install and have operational FGD equipment on Crawford 7;

5) If Crawford 8 will be operated after December 31, 2017 and not permanently shut down by this date, the owner or operator must:

   A) On or before December 31, 2015, install and have operational SNCR or equipment capable of delivering essentially equivalent NO\textsubscript{x} emissions reductions on Crawford 8; and

   B) On or before December 31, 2017, install and have operational FGD equipment on Crawford 8.
b) Other Control Technology Requirements for SO\textsubscript{2}. Owners or operators of specified EGUs must either permanently shut down or install FGD equipment on each specified EGU (except Joliet 5), on or before December 31, 2018, unless an earlier date is specified in subsection (a) of this Section.

c) Control Technology Requirements for PM. The owner or operator of the two specified EGUs listed in this subsection that are equipped with a hot-side ESP must replace the hot-side ESP with a cold-side ESP, install an appropriately designed fabric filter, or permanently shut down the EGU by the dates specified. Hot-side ESP means an ESP on a coal-fired boiler that is installed before the boiler's air-preheater where the operating temperature is typically at least 550º F, as distinguished from a cold-side ESP that is installed after the air pre-heater where the operating temperature is typically no more than 350º F.

1) Waukegan 7 on or before December 31, 2013; and

2) Will County 3 on or before December 31, 2015.

d) Beginning on December 31, 2008, and annually thereafter up to and including December 31, 2015, the owner or operator of the Fisk power plant must submit in writing to the Agency a report on any technology or equipment designed to affect air quality that has been considered or explored for the Fisk power plant in the preceding 12 months. This report will not obligate the owner or operator to install any equipment described in the report.

e) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), until an EGU has complied with the applicable requirements of subsections (a), (b), and (c), the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment that it proposes to construct for control of emissions of mercury, NO\textsubscript{x}, PM, or SO\textsubscript{2}.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.630 Permanent Shut-Downs

a) The owner or operator of the following EGUs must permanently shut down the EGU by the dates specified:
NOTICE OF PROPOSED AMENDMENTS

1) Waukegan 6 on or before December 31, 2007; and

2) Will County 1 and Will County 2 on or before December 31, 2010.

b) No later than 8 months before the date that a specified EGU will be permanently shut down, the owner or operator must submit a report to the Agency that includes a description of the actions that have already been taken to allow the shutdown of the EGU and a description of the future actions that must be accomplished to complete the shutdown of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shutdown of the unit.

c) No later than six months before a specified EGU will be permanently shut down, the owner or operator shall apply for revisions to the operating permits for the EGU to include provisions that terminate the authorization to operate the unit on that date.

d) If, after applying for or obtaining a construction permit to install required control equipment, the owner or operator decides to permanently shut down a specified EGU rather than install the required control technology, the owner or operator must immediately notify the Agency in writing and thereafter submit the information required by subsections (b) and (c) of this Section.

e) Failure to permanently shut down a specified EGU by the required date shall be considered separate violations of the applicable emissions standards and control technology requirements of this Subpart F for NO\textsubscript{x}, PM, SO\textsubscript{2}, and mercury.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 225.635 Requirements for CAIR SO\textsubscript{2}, CAIR NO\textsubscript{x}, and CAIR NO\textsubscript{x} Ozone Season Allowances

a) The following requirements apply to the owner, the operator and the designated representative with respect to CAIR SO\textsubscript{2}, CAIR NO\textsubscript{x}, and CAIR NO\textsubscript{x} Ozone Season allowances:

1) The owner, operator, and CAIR designated representative of specified EGUs in a CPS group is permitted to sell, trade, or transfer SO\textsubscript{2} and NO\textsubscript{x} emissions allowances of any vintage owned, allocated to, or earned by the specified EGUs (the “CPS allowances”) to its affiliated Homer City.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Pennsylvania generating station for as long as the Homer City Station needs the CPS allowances for compliance.

2) When and if the Homer City Station no longer requires all of the CPS allowances, the owner, operator, or CAIR designated representative of specified EGUs in a CPS group may sell any and all remaining CPS allowances, without restriction, to any person or entity located anywhere, except that the owner or operator may not directly sell, trade, or transfer CPS allowances to a CAIR NOₓ or CAIR SO₂ unit located in Ohio, Indiana, Illinois, Wisconsin, Michigan, Kentucky, Missouri, Iowa, Minnesota, or Texas.

3) In no event shall this subsection (a) require or be interpreted to require any restriction whatsoever on the sale, trade, or exchange of the CPS allowances by persons or entities who have acquired the CPS allowances from the owner, operator, or CAIR designated representative of specified EGUs in a CPS group.

b) The owner, operator, and CAIR designated representative of EGUs in a specified CPS group is prohibited from purchasing or using CAIR SO₂, CAIR NOₓ, and CAIR NOₓ Ozone Season allowances for the purposes of meeting the SO₂ and NOₓ emissions standards set forth in Section 225.620.

c) Before March 1, 2010, and continuing each year thereafter, the CAIR designated representative of the EGUs in a CPS group must submit a report to the Agency that demonstrates compliance with the requirements of this Section for the previous calendar year and ozone season control period (May 1 through September 30), and includes identification of any CAIR allowances that have been used for compliance with the CAIR Trading Programs as set forth in Subparts C, D, and E, and any CAIR allowances that were sold, gifted, used, exchanged, or traded. A final report must be submitted to the Agency by August 31 of each year, providing either verification that the actions described in the initial report have taken place, or, if such actions have not taken place, an explanation of the changes that have occurred and the reasons for such changes.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 225.640 Clean Air Act Requirements
The SO₂ emissions rates set forth in this Subpart F shall be deemed to be best available retrofit technology ("BART") under the Visibility Protection provisions of the CAA (42 USC 7491), reasonably available control technology ("RACT") and reasonably available control measures ("RACM") for achieving fine particulate matter ("PM₂.₅") requirements under NAAQS in effect on the effective date of this Subpart F, as required by the CAA (42 USC 7502). The Agency may use the SO₂ and NOₓ emissions reductions required under this Subpart F in developing attainment demonstrations and demonstrating reasonable further progress for PM₂.₅ and 8 hour ozone standards, as required under the CAA. Furthermore, in developing rules, regulations, or State Implementation Plans designed to comply with PM₂.₅ and 8 hour ozone NAAQS, the Agency, taking into account all emission reduction efforts and other appropriate factors, will use best efforts to seek SO₂ and NOₓ emissions rates from other EGUs that are equal to or less than the rates applicable to the CPS group and will seek SO₂ and NOₓ reductions from other sources before seeking additional emissions reductions from any EGU in the CPS group.

(Source: Added at 31 Ill. Reg. ______, effective ____________)
### NOTICE OF PROPOSED AMENDMENTS

**225.APPENDIX A  Specified EGUs for Purposes of Subpart F (Midwest Generation's Coal-Fired Boilers as of July 1, 2006)**

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<thead>
<tr>
<th>Plant</th>
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<th>Permit Designation</th>
<th>Subpart F Designation</th>
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<td>4</td>
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<td>Will County 4</td>
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</table>

(Source: Added at 31 Ill. Reg. ______, effective ____________)
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

1) **Heading of the Part**: Mentoring Program for New Principals

2) **Code Citation**: 23 Ill. Adm. Code 35

3) **Section Numbers**: Proposed Action:
   - 35.10 New Section
   - 35.20 New Section
   - 35.30 New Section
   - 35.40 New Section
   - 35.50 New Section
   - 35.60 New Section
   - 35.70 New Section

4) **Statutory Authority**: 105 ILCS 5/2-3.53a

5) **A Complete Description of the Subjects and Issues Involved**: This rulemaking will implement the third of the four new certification-related initiatives that were established by P.A. 94-1039 in response to the efforts of the State Action for Education Leadership Project (SAELP). New Section 2-3.53a of the School Code calls for first-year principals to be paired with experienced principals in a year-long mentoring relationship. Principals with at least three years' experience are eligible to serve as mentors if they complete training offered by entities approved by ISBE and if they have "demonstrated success as instructional leaders". The law further provides for several specific areas of educational practice on which the mentoring effort is to focus and for matching new principals with mentors based on the similarity between their grade levels or types of schools, the new principal's learning needs, and geographical proximity.

In the time that has elapsed since enactment of this law, the agency issued an RFSP and subsequently executed a contract for the preparatory work that was necessary in order to identify the desired competencies and dispositions of mentors and, based on that information, to design the training they will be required to undergo. The contractor selected also developed requirements for the structure of the mentoring program. In addition to conducting the training for all the mentors, the providers that are approved under these rules will be responsible for matching up the mentors with the new principals who are required to participate in the program, for support and assistance during the mentoring relationship, and for serving as conduits for information regarding the completion of requirements. Each mentor will work through one of the providers to ensure the quality of the program.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Since the statute makes the program and new principals' requirement for participation in it contingent upon appropriation, a decision will need to be made annually regarding whether the program will operate. The rules state the cost-related assumptions on which that decision will be based. (Note that, under the law, first-year principals will not be required to participate if they have served as assistant principals for five or more years in the districts where they are hired as principals.) Additional provisions cover the criteria by which experienced principals will be determined to have demonstrated success as instructional leaders; the criteria for approval of the providers; the basic requirements of the program; and the flow of information culminating in payment to the mentors who have served.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

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

   Sally Vogl
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street (S-493)
   Springfield, Illinois 62777

   217/782-5270

   Comments may also be submitted via e-mail, addressed to:
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

The text of the Proposed Rules is identical to the text of the Emergency Rules that appear on page 7160.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Special Education Facilities Under Section 14-7.02 of the School Code

2) **Code Citation:** 23 Ill. Adm. Code 401

3) **Section Numbers:** Proposed Action:
   - 401.10 Amendment
   - 401.20 Amendment
   - 401.130 Amendment
   - 401.140 Amendment
   - 401.145 New Section
   - 401.230 Amendment
   - 401.250 Amendment
   - 401.260 Amendment

4) **Statutory Authority:** 105 ILCS 5/14-7.02 and 14-8.01

5) **A Complete Description of the Subjects and Issues Involved:** Discussions have been under way for some time in hopes of making it possible for the facilities that are approved under Part 401 to have a more direct role in the administration of the State assessment to the students who are served there. The security of test materials and the reliability of test results are important concerns in this context, making it necessary for the facilities to receive and follow technical guidance as applicable to the specific examinations their students take if they are going to serve in this role. One of the chief goals of this rulemaking is to establish both the basic requirements and the understanding that more detailed specifics will also apply, depending upon which examinations and testing contractors are involved. New Section 401.145 is being added for this purpose, and the rulemaking is being initiated at this time so as to be in place this fall when activities begin in preparation for the 2008 test administration.

Most of the proposed changes in the other portions of Part 401 are generally intended to place added emphasis on the quality of programs in terms of services to students that reflect their Individualized Education Programs and the outcomes achieved by the students. In addition, certain practices in some out-of-state facilities have come to our attention that we strongly believe should not be used as strategies for modifying behavior, and a statement to this effect has been added to Section 401.140 (Provision of Educational Program).
STATE BOARD OF EDUCATION

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Section 401.140 is also being amended to carry forward the current requirements related to class size that apply under this Part. The existing cross reference to Part 226 is being eliminated in favor of an explicit statement on this subject. Since this rule will no longer rely on the relevant portion of Part 226, further changes in Part 226 will have no bearing on class size in the facilities under Part 401.

Finally, Section 401.260 (Staff Records) is being updated to reflect recent legislative developments yielding greater access for these facilities to the results of background investigations.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

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

   Sally Vogl
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street (S-493)
   Springfield, Illinois  62777
   217/782-5270

Comments may also be submitted via e-mail, addressed to:

   rules@isbe.net
13) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Some of the entities that operate facilities that are subject to this Part may be small businesses or not-for-profit corporations.

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

   C) **Types of professional skills necessary for compliance:** None

14) **Regulatory Agenda on which this rulemaking was summarized:** January 2007

The full text of the Proposed Amendments begins on the next page.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
SPECIAL EDUCATION FACILITIES UNDER
SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section
401.5 Definitions
401.10 Application for Eligibility
401.20 Notification Requirements
401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section
401.110 Use by School Districts
401.120 Placement Procedures
401.130 Operating Schedule
401.140 Provision of Instructional Program
401.145 Administration of State Assessment
401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section
401.210 General Requirements
401.220 Health and Safety Requirements
401.230 Student Progress Reports and Reviews
401.240 Staffing Requirements
401.250 Staff Training
401.260 Staff Records
401.270 Student Records
401.280 Fiscal Provisions
AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].


SUBPART A: APPROVAL OF PROGRAMS

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the program approval process described in this Section. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code.

a) An application for initial approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent Board of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent Board. Each application shall include:

1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended, the data that will be collected on the outcomes achieved by those students, and the maximum number of students the program is intended to accommodate.

2) A written plan for the administration and organization of the programs, including but not limited to:

A) The stated purpose and scope of the facility and its programs;

B) A plan for the allocation of space solely for program purposes; and
STATE BOARD OF EDUCATION

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C) An organizational chart that reflects the provider's governance, administrative, and educational structures.

3) The provider's proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 60 hours of operation.

4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, as applicable:

   A) for an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code [105 ILCS 5/3-14.21]; or

   B) for an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or if there is no state fire code the applicable local fire code, clearly identifying the issuing authority.

5) Assurances, signed by the facility's chief administrator, conveying such information as the State Superintendent Board of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).

6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the responsible agency of Illinois government, if applicable.

7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.
STATE BOARD OF EDUCATION

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8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program.

9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.

10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider's formalized approach to the use of these interventions, subject to the limitation stated in Section 401.140(a) of this Part.

b) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part, and recommending approval or disapproval of the programs.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if:

   A) the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;

   B) the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and

   C) the application provides evidence that the requirements of Section 410.140 of this Part will be met.

2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency shall be visited by a representative of the
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Illinois State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.

c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.

1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 of this Part.

2) A program shall serve only the specific student populations described in the approved application.

d) The nonapproval of an initial application shall include a notice of the specific deficiencies that caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any such subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent Board of Education.

1) The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) of this Part.
STATE BOARD OF EDUCATION

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2) Renewed approval granted for the 2006-2007 school year or later shall generally be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30 of this Part. However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.

A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.

B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved "pending further review" at any time during the immediately preceding period of approval. Applications for approval of such programs shall be treated as for initial approval.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 401.20 Notification Requirements

a) A provider that operates a facility subject to the requirements of this Part and intends to cease operations, to move to a new location, or to discontinue any of the facility's approved programs shall ensure that the State Superintendent of Education and each school district with which it has entered into contracts for services receive no less than 60 calendar days' written notice of such an intention. A provider shall also notify the State Superintendent of Education in writing, so that such notification is reasonably calculated to be received at the State Board's office at 100 North First Street, Springfield, Illinois 62777, within 60 calendar days, after:

1) Any change in a special education program described in its approved application;
2) Any change in its educational administration and organization, as
described in its approved application; and

3) Any change in the number, type or duties of the professional positions
identified as part of the application for approval or in the licensure status
or credentials of any individual employed in such a position, provided that
the change does not affect the program's or facility's compliance with the
requirements of this Part.

b) A provider shall notify the State Superintendent Board of Education in writing, so
that such notification is reasonably calculated to be received at the State Board's
office at 100 North First Street, Springfield, Illinois 62777, within five calendar
days after:

1) Any change in the facility's compliance with applicable fire prevention
regulations or other federal, state, and local laws, ordinances, or
regulations, as described in its approved application pursuant to Section
401.10(a)(5) of this Part, or in the physical facilities used;

2) Any change in the facility's approval or licensure to provide a residential
program as described in its approved application, if applicable;

3) Any change in the facility's approval or licensure to operate in a state other
than Illinois as described in its approved application, if applicable;

4) Any change in the number, type or duties of the professional or
paraprofessional positions identified as part of the application for approval
of an educational program or the education component of a combination
program, or in the licensure status/credentials of any individual employed
in such a position, if the change will affect the program's compliance with
the requirements of this Part.

A) If any professional position subject to the notification requirements
of this subsection (b)(4) remains vacant, the provider must provide
written notification to the State Superintendent Board and to the
placing school districts after 30 calendar days and again after 60
calendar days of its attempts to permanently fill such positions and
of other efforts, including the use of substitutes, undertaken in
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order to provide necessary instruction and related services to the students enrolled.

B) If the State Superintendent Board determines that the provider has not reported staffing changes in a program as required, the State Superintendent Board shall change the approval status of the program accordingly, pursuant to the provisions of Section 401.30 of this Part.

c) Should a provider elect to terminate a student's placement in a facility under this Part, the provider shall give written notice to this effect to the placing school district at least 30 calendar days prior to the date of termination, unless the health and safety of any student are endangered. The notice shall include the reasons for the termination.

d) Notification to the State Superintendent regarding any breaches of test security or other testing irregularities in connection with the State assessment shall conform to the requirements of Section 401.145 of this Part.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.130 Operating Schedule

Each facility's operating schedule shall ensure that 176 school days and, if a summer program is operated, 60 to 120 hours of instruction, are provided for each program.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 401.140 Provision of Educational Program

a) Each provider shall ensure that each student receives special education and related services in accordance with his or her IEP, provided that the use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control shall not be permitted.

b) Each educational program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226.720 and 226.730. All students placed in facilities that
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are subject to this Part are considered to require a student-staff ratio that is no greater than the ratio specified in 23 Ill. Adm. Code 226.730(a)(2), regardless of age or primary disability, subject also to the provisions of Section 226.730(a)(7).

e) Each class offered in a program subject to this Part shall have a maximum enrollment of five students, except that enrollment may be increased by a maximum of two students in response to unique circumstances that occur during the school year so long as the educational needs of all students in the class can be adequately and appropriately met. Alternatively, the enrollment in a class may be increased by a maximum of five students when a full-time paraprofessional is provided.

d) Deviations from the allowable class size or from the age range requirements of Section 226.720 may be requested in writing. A rationale for the request and plan for evaluation of the deviations shall be submitted with the request. Initial denial of a request for deviation may be appealed to the State Superintendent of Education.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 401.145 Administration of State Assessment

A facility approved under this Part and located in Illinois may serve as a testing site for the State assessments required pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] in accordance with the provisions of this Section. For purposes of this Section, a "testing site" is a facility at which responsible staff is permitted to order and receive test materials directly from the testing contractor according to the contractor's arrangement with the State Board of Education. A provider seeking designation of a facility as a testing site under this Section shall follow the specific communication procedures established by the State Superintendent of Education for making the request, supplying the necessary information, and receiving the designation, as applicable to the examinations to be administered. The provider and responsible staff shall abide by all technical specifications established by the State Superintendent of Education and test contractors to implement the requirements set forth at 23 Ill. Adm. Code 1.30 (State Assessment).

a) Required Conditions
   If a provider operating an Illinois facility under this Part wishes to have the facility serve as a testing site for one or more State assessments, certain required conditions must exist at the facility that will ensure the security and
confidentiality of test materials and the validity of the resulting scores. The specifics of these requirements will vary according to which of the State assessments will be involved (the Illinois Standards Achievement Tests (ISAT), the Prairie State Achievement Examination (PSAE), the Illinois Alternate Assessment (IAA), or the accommodated State assessment for students of limited English proficiency).

1) Locked facilities and storage for secure test materials must exist, and access to these must be limited to authorized individuals.

2) There must be an adequate amount of space for the number of examinees, and each must have an appropriate space in which to work. The facility must provide an environment that will meet technical requirements for particular types of test administration, including accommodations for students with disabilities or limited English proficiency.

3) The facility must afford lighting, temperature, and quiet such that the test environment will be free from interruptions and distractions.

b) Required Personnel Assignments and Qualifications

1) Each individual appointed to a role under this subsection (b) shall be an employee of the provider or facility. No volunteers or parents may serve in these positions.

A) ISAT, IAA, and Accommodated Assessment
The provider or chief administrator shall designate a testing coordinator for each assessment to be administered at a facility. An individual may serve as coordinator for more than one of the assessments. The responsibilities of the testing coordinator shall include:

i) ordering, distributing, collecting, and returning test materials;

ii) training test administrators and proctors regarding their responsibilities;
iii) arranging for the accommodations called for in individual students’ IEPs;

iv) ensuring that neither test security nor the purpose of testing is compromised by any accommodations afforded to students; and

v) overall monitoring of testing activities to ensure that required procedures are followed.

B) PSAE

The provider or chief administrator shall appoint a test supervisor, a back-up test supervisor, and a test accommodations coordinator. Each of these three individuals, when initially appointed, shall be required to participate in specific training made available by the State Superintendent of Education.

i) The responsibilities of the test supervisor (or back-up test supervisor, if the test supervisor becomes unavailable) shall include those delineated in subsections (b)(1)(A)(i), (ii), and (v) of this Section with respect to "standard time testing" only.

ii) The responsibilities of the test accommodations coordinator shall be all those delineated in subsection (b)(1)(A) of this Section with respect to testing that is administered with accommodations.

2) The ISAT, IAA, and accommodated assessment may be administered only by:

A) administrators holding certification appropriate to their positions (e.g., assistant principals, principals, chief administrators);

B) teachers holding certification appropriate to their positions (including holders of substitute and provisional certificates) and employed by the provider as teachers at the facility;
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C) school psychologists, school social workers, and school counselors holding certification appropriate to their positions and employed by the provider at the facility in their respective professional capacities; and

D) paraprofessionals, provided that constant, line-of-sight supervision by a certificated teacher employed by the provider as a teacher at the facility shall be required (including supervision for individuals employed as paraprofessionals who are also certified teachers).

c) Required Procedures
Following procedures announced annually by the State Superintendent of Education and using the materials provided, the responsible individual at each testing site shall communicate with the testing contractors for the examinations to be administered at that site. The State Superintendent shall furnish to staff at each testing site the same technical guidance as is provided to the public schools regarding details of the test administration, and responsible staff at each testing site shall ensure that these technical specifications are followed, including, but not limited to:

1) the dates established as the testing window;

2) the handling of test documents and other secure materials;

3) permissible and impermissible objects in the testing environment;

4) permissible and impermissible behavior on the part of test-takers;

5) required, permissible, and impermissible actions on the part of staff at the testing site.

d) The school district that has placed a student with a disability into a program approved under this Part remains responsible for determining, in accordance with the student's IEP, where the student will take the appropriate State assessment, regardless of whether the facility where the student is placed will be serving as a testing site for those assessments.

e) No State assessment shall be administered to any student who is not required to participate in the State assessment pursuant to Section 2-3.64 of the School Code.
f) Any breach of test security or other testing irregularity shall be reported to the State Superintendent of Education or designee in accordance with instructions applicable to particular types of problems, using one of the methods identified by the State Superintendent. Responsible staff at the affected facility shall then follow the instructions provided by the State Superintendent or the relevant test contractor regarding the next steps to be taken in investigating the source of the problem, its implications, and its potential resolution.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.230 Student Progress Reports and Reviews

a) Responsible staff at each facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.

1) Each student's attendance shall be reported in writing or electronically to the public school district of residence by the 15th of each month for the preceding month.

2) A student's public school district of residence shall be notified immediately in writing or electronically after five consecutive days of unexcused absence, unless the district requires a more frequent reporting schedule.

3) Attendance records shall be retained as long as the student is placed at the facility.

b) Each student's progress shall be reviewed with his or her parent or guardian and school district of residence as set forth in the child's IEP and in accordance with 34 CFR 300.320

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 401.250 Staff Training
Each provider subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

a) Each provider shall prepare and keep on file an annual plan for inservice training in areas where improvement is desirable. The provider shall identify these areas based upon an analysis of each program's implementation in relation to the approved application and based upon data illustrating the achievement of the students served in relation to the goals and objectives stated in their IEPs and on the State assessments in which they participate. Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job descriptions, as necessary to educate the student population served and with specific reference to areas of need identified in the annual plan.

b) As appropriate to the student population served, each provider shall provide specific training to all personnel, including but not limited to:

1) the policy and procedures regarding the maintenance of student privacy and dignity;
2) disposal of hazardous waste materials;
3) procedures for preventing the transmission of blood-borne pathogens;
4) the use of isolated time out or physical restraint, if any, subject to the requirements of 23 Ill. Adm. Code 1.280 and 1.285;
5) behavioral intervention strategies or behavior management procedures; and
6) the administration of medication.

c) Each provider shall provide training to all assistants and aides before they assume their duties.

d) Each provider shall maintain accurate, written and dated records of all training provided, as described in Section 401.260 of this Part.

(Source: Amended at 31 Ill. Reg. ______, effective ___________)
Section 401.260  Staff Records

a) A separate, current record shall be maintained for each staff member employed either full-time or part-time who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code. All staff files shall be available on site for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:

1) Individual job descriptions that reflect the duties to be performed and the qualifications required and that are updated as this information changes;

2) Reports of initial physical examinations, records indicating freedom from tuberculosis, and reports of such subsequent medical examinations as may be required by the facility;

3) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, approvals, licenses, or registrations, as applicable to the individual staff member and position;

4) Copies of: the criminal background investigation reports completed for all personnel pursuant to Section 10-21.9 of the School Code [105 ILCS 5/10-21.9];

   A) the results of fingerprint-based criminal history records checks performed pursuant to the Uniform Conviction Information Act [20 ILCS 2635] or, for a facility located in another state, pursuant to that state's uniform conviction information act, and pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-240); and

   B) the results of checks of the Statewide Sex Offender Database maintained in accordance with Section 115 of the Sex Offender Community Notification Law [730 ILCS 152/115] or, for a facility located in another state, checks of that state's sex offender database.
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5) Records of the transmission of all criminal background investigation reports to each public school district currently contracting with the provider.

b) Responsible staff at each facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:

1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;

2) The agenda of each formal staff training session conducted at the facility, showing the dates and amount of time used;

3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility’s premises;

4) Records of ongoing training offered as a part of the assignment of professional support personnel; and

5) The signatures of the staff members who attended each session or event referred to in subsections (b)(1) through (4) of this Section.

c) The training file referred to in subsection (b) of this Section may also contain such similar records as may be required by other state or federal agencies.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
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1) **Heading of the Part:** Animal Welfare Act

2) **Code Citation:** 8 Ill. Adm. Code 25

3) **Section Numbers:**

   - 25.10     Amend
   - 25.20     Amend
   - 25.30     Amend
   - 25.40     Repeal
   - 25.45     Repeal
   - 25.47     New Section
   - 25.50     Amend
   - 25.60     Amend
   - 25.90     Amend
   - 25.130    Amend

4) **Statutory Authority:** Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]

5) **Effective Date of Amendments:** May 1, 2007

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

7) **Does this rulemaking contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** September 15, 2006; 30 Ill. Reg. 14664

10) **Has JCAR issued a Statement of Objection to these amendments?** Yes

   A) **Statement of Objection and Filing Prohibition:** 2/23/07; 31 Ill. Reg. 3207

   B) **Agency Response:** 4/6/07; 31 Ill. Reg. 5658

   C) **Date Agency Response Submitted for Approval to JCAR:** 3/21/07

11) **Differences between proposal and final version:**
In Section 25.10, the definition of "Exotic or non-domesticated animals" is no longer stricken.

In Section 25.10, the definitions of "Dog Daycare Facility" and "Dog Daycare Operator" are stricken.

In Section 25.47(a)(2), a sentence is added as follows: "One health certificate may encompass all, or any part of, a single animal shipment, as long as the certificate meets the requirements of this Section with regard to the animals."

In Section 25.47(a)(3), "prior to" replaces "upon".

In Section 25.47(a)(4), subparagraph "D)" is added as follows: "animals entering Illinois from states in which a declaration of disaster has been made, provided the animal is examined by a licensed veterinarian within 24 hours after arrival."

In Section 25.47(b)(1), "calling or writing" is replaced with "contacting" and after "Department", "by telephone, in writing, or on line at the Department’s web site. A permit number will be issued immediately upon submission of a request." is added.

In Section 25.47(b), a new subparagraph "5)" is added as follows: "An entry permit number shall not be required for the import of fish."

In Section 25.47(b), a new subparagraph "6)" is added as follows: "Entry permit numbers for animals entering Illinois from a state in which a declaration of emergency has been made shall be obtained within 24 hours after arrival."

In Section 25.90(a), the sentence "Each licensee must report to the Department the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals sold for the previous calendar year at the time of license renewal." is no longer stricken.

In Section 25.90(c)(1), a new subparagraph "J)" is added as follows: "Records shall also include any other significant identification, if known, for each animal, including any official tag number, tattoo or microchip."

Section 25.160 is deleted.
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In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

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

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

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

15) Summary and Purpose of Amendments? The Department is updating references to the Code of Federal Regulations. In Section 25.10, "Act", "Equine Shelter" and "Work Progress Form" is defined. In Section 25.20, clarification is made that certain sections do not apply to equine shelters. A new subsection is added in Section 25.30 regarding the guidelines for equine shelters. Sections 25.40 and 25.45 are repealed, and a new Section 25.47 is added for animals imported into Illinois. In Section 25.60, two new subsections (e) and (f) are added deeming an animal unfit for sale or release. Section 25.90 excludes fish from records of sale by licensees at the time of license renewal and adds subparagraph 25.90(c)(1)(J) regarding records of any other significant identification for each animal if known. In Section 25.130(c), added language states "provided the licensee is equipped to accept that type of animal and has available space for the animal" in reference to disposing an animal.

In response to a JCAR Objection and Filing Prohibition, a proposed program for separate dog daycare licensure is not included in the adopted text. Therefore, the filing prohibition was withdrawn by JCAR prior to adoption of this rulemaking.

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

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

217/785-5713
Facsimile: 217/785-4505

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 25
ANIMAL WELFARE ACT

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AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

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Section 25.10 Definitions

"Act" means the Animal Welfare Act [225 ILCS 605].

"Animal" as used in this Part Act means any mammal, bird, fish, or reptile offered for sale, trade, or adoption or for which a service is provided by any person licensed under this Act.

"Companion Animal" means an animal that is commonly considered to be, or is considered by the owner to be, a pet. Companion animal includes, but is not limited to, canines, felines and equines. [570 ILCS 70/2.01a]

"Equine Shelter" is an animal shelter as defined in Section 2 of the Act that is only for equines.

"Exotic or non-domesticated animals" means mammals (including non-human primates), reptiles and birds that are not native to North America and are not normally maintained livestock (llamas, ratites, cervids and similar animals are considered livestock under this definition) or native mammals that are not domesticated and normally maintained as pets (i.e., prairie dogs). Not included in this definition are hamsters, guinea pigs and gerbils or any member of the species felis catus that have been domesticated or canis familiaris.

"Work Progress Form" is a form issued by the Department to licensees or applicants notifying them of deficiencies and the improvements required to be made by them within a specified period of time to comply with the Act.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.20 Buildings and Premises

a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:

1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers
shall be maintained in a sanitary condition. This subsection (a)(1) does not apply to equine shelters.

2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law (8 Ill. Adm. Code 9085) or the Companion Animal Cremation Act [815 ILCS 318381]. Compliance with this State Law shall not exempt a licensee from compliance with local ordinances.

3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.

4) Provide water from a source having sufficient pressure to properly sanitize and clean the facility and equipment, kennels, runs, equipment, and utensils. This subsection (a)(4) does not apply to equine shelters.

5) Provide hand washing facilities.

b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for isolation of diseased animals and their waste to avoid exposure to healthy and salable animals.

c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing, except equine shelters. Dirt and unfinished wood floors are unacceptable, except for equine shelters. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.

d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing. This subsection (d) does not apply to equine shelters.

1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.

2) All empty cages shall be kept clean at all times.

3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; 2006-2005) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.

e) Runs shall be constructed of material of sufficient strength and design to confine the animals. This subsection (e) does not apply to equine shelters.

1) They shall be kept in good repair and condition.

2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.

3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.

4) Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.

f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.

g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female animal in estrus shall be placed in a pen with male animals, except for breeding purposes.

h) Upon an inspection of a licensee or applicant by the Department, the Department may provide a Work Progress Form to the licensee or applicant if deficiencies are detected during the inspection. The licensee or applicant must make the improvements to correct the deficiencies listed in the form within the time period specified in the form.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)
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a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act [510 ILCS 70].

b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; 20062005). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.

c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.

d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthful condition. Any dead fish shall be removed from aquariums.

e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

f) Equine shelters shall follow the American Association of Equine Practitioners (AAEP) Care Guidelines for Equine Rescue and Retirement Facilities (2004). The AAEP care guidelines are available from the Department and published on the Department's web site.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.40 Dogs and Other Companion Animals Brought into Illinois (Repealed)

a) Dogs of any age brought into Illinois shall be accompanied by an official health certificate issued within 30 days prior to entry, showing the age, sex, breed, and description of each animal; that the animals in shipment are free from visible evidence of communicable diseases; that they originated in an area not under quarantine because of rabies; and that all animals over 16 weeks of age have been vaccinated against rabies as set forth in Section 30.90 of the rules for the Illinois Animal Control Act (8 Ill. Adm. Code 30). A copy of the health certificate bearing the approval of the Animal Health Official of the state of origin shall be filed with the Department.
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b) "This rule shall not apply to dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching, nor to performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois."*

AGENCY NOTE* Quoted from Section 30.10 of the rules for the Animal Control Act (8 Ill. Adm. Code 30).

c) All other companion animals, except fish, entering Illinois for sale or resale shall be accompanied by a certificate of veterinary inspection issued within 30 days prior to entry showing the age, sex and number of animals in the shipment. The certificate of veterinary inspection must also indicate that the animals are free from visible evidence of communicable diseases.

(Source: Repealed at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.45 Importation of Exotic or Non-Domestic Animals; Permit (Repealed)

a) All exotic or non-domestic animals, including prairie dogs, entering Illinois must be accompanied by a permit from the Department and an official certificate of veterinary inspection.

b) The official certificate of veterinary inspection must:

1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture or by a licensed veterinarian of the country of origin;

2) Be approved by the Animal Health official of the state or country of origin;

3) Show that the animals are free from visible evidence of contagious, infectious or communicable diseases; and

4) Show the state or country of origin.

e) Permits:

1) Permits will be issued by telephoning or writing the Department.
2) Applicants for permits shall furnish the following information to the Department:

A) Name and complete mailing address of Illinois destination;
B) Name and address of consignor;
C) Number and species of animals in shipment; and
D) United States Department of Agriculture license numbers.

3) Grounds for refusal to issue a permit are:

A) Violation of the Act or any Section of this Part; and
B) Presence of a disease that might endanger the Illinois livestock or companion animal industry or pose a threat to public health.

(Source: Repealed at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.47 Animals Imported Into Illinois

Licensees shall not cause animals to be imported into Illinois from another state or country, unless the animals are accompanied by a health certificate and an entry permit number that satisfy the following requirements:

a) Health Certificate Requirements

1) The health certificate shall state the age, sex, breed, number and description of each animal.

2) The health certificate shall state that the animal is free from visible evidence of contagious, infectious or communicable diseases, that it originated in an area not under quarantine because of rabies, and that all animals required to be vaccinated against rabies have been vaccinated as set forth in 8 Ill. Adm. Code 30.90 (Illinois Animal Control Act). One health certificate may encompass all, or any part of, a single animal.
shipment, as long as the certificate meets the requirements of this Section with regard to animals.

3) A copy of the health certificate shall be filed with the Department upon entry of the animal into Illinois.

4) A health certificate shall not be required for:

   A) fish;

   B) dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching;

   C) performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois; and

   D) animals entering Illinois from states in which a declaration of disaster has been made, provided the animal is examined by a licensed veterinarian within 24 hours after arrival.

5) All health certificates shall be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture (USDA) or by a licensed veterinarian of the country of origin.

6) The form of the health certificate shall be approved by the animal health official of the state or country of origin and shall reflect the state or country of origin.

7) The health certificate must have an issuance date within 30 days prior to entry of the animal into Illinois.

b) Entry Permit Number Requirements

1) A person may request an entry permit number by contacting the Department by telephone, in writing, or on line at the Department’s web site. A permit number will be issued immediately upon submission of a request.
DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

2) Before the Department shall issue an entry permit number, the person requesting the permit number shall provide to the Department the following information:

A) Name, address and telephone number of the owner of the animal;
B) Name, address and telephone number of the person transporting the animal into Illinois;
C) Name, address and telephone number of the person making request for the entry permit number;
D) Name, address and telephone number of the place of origin and destination;
E) Number and species of animals entering Illinois;
F) Date of entry into Illinois; and
G) USDA license numbers, if applicable.

3) The entry permit number must have an issuance date within 30 days prior to entry of the animal into Illinois.

4) Grounds for refusal to issue an entry permit number are:

A) Violation of the Act or rules; and
B) Presence of a disease that might endanger the Illinois livestock or companion animal industry or pose a threat to public health.

5) An entry permit number shall not be required for the import of fish.

6) Entry permit numbers for animals entering Illinois from a state in which a declaration of emergency has been made shall be obtained within 24 hours after arrival.
Licensees shall retain copies of the health certificates as part of their business records that are subject to inspection by the Department under the Act and Section 25.90. Such records are required to be kept by licensees for 2 years from the date of receipt of the imported animal.

(Source: Added at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.50 Shipment of Mammals and Birds

a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:

1) Have a solid floor which may have a false bottom above it.

2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; 20062005) as to provide maximum safety for the particular animal or animals being transported.

3) Have openings on 2 sides and the top to assure adequate ventilation.

b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; 20062005). When the temperature is over 85° F., increased space shall be provided within reason.

c) The crates shall be cleaned before use for each trip.

d) Food and water containers shall be cleaned and sanitized before each trip.

e) If bedding is used it shall be clean, dry, and relatively dust-free.

f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.

g) The person or persons responsible for the welfare of the animal or animals while in transit shall:

1) Offer the animals food at least once each 24 hours, except that newly
weaned young shall be offered suitable food at 4-hour intervals.

2) Offer all animals water at 8-hour intervals at least, except that water shall be offered at 2-hour intervals when the temperature reaches 90° F.

3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.

4) Inspect each animal at 4-hour intervals, or oftener.

h) No female obviously near parturition shall be transported.

i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.60 Health of Animals at Time of Release

The following shall deem an animal unfit for sale or release:

a) Obvious signs of infectious disease; or diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.

b) Obvious signs of nutritional deficiency; or deficiencies which may include rickets, emaciation, etc.

c) Obvious signs of severe parasitism – extreme enough to be influencing general health of animal; or

d) Obvious fractures or congenital abnormalities affecting general health of animal; or

e) Obvious sign of disease extreme enough to be influencing the general health of the animal; or
DEPARTMENT OF AGRICULTURE

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f) Failure to comply with 42 CFR 71.51(c) (2006), rabies vaccination requirements for dogs.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.90 Records

a) Records of sale of all animals, excluding fish, a dog, cat, non-human primate, or exotic or non-domesticated animal, including prairie dogs, shall be maintained by the licensee for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description and sex of animal sold, and the name and address of purchaser. Records of sales of small mammals (i.e., hamsters, mice, gerbils or rats that were born in the United States), birds and fish are not required. These records must be available for inspection during normal business hours by Department employees or persons designated by the Department. Each licensee must report to the Department the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals sold for the previous calendar year at the time of license renewal. Shelters and animal control facilities must report to the Department the total number of dogs, cats and other animals received, adopted, euthanized or reclaimed by the owner for the previous calendar year at the time of license renewal.

b) If record of prophylactic medication is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount, and date of prophylactic medication shall be kept by the licensee and shall become a part of the retail sales record.

c) The licensee or his representative shall furnish the purchaser of a dog, cat or non-human primate a written statement at the time of sale.

1) The statement shall show:

A) Date of sale and date of birth, if known.

B) Name, address, and telephone number of licensee.

C) Name, address, and telephone number of purchaser.
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D) Breed and description of dog, cat or non-human primate, including age, sex and weight of the animal.

E) Prophylactic immunizations and dates administered.

F) Internal parasite medications and dates administered.

G) A record of sterilization or lack of sterilization.

H) Guarantee, if offered; if none, so state.

I) If the dog or cat is being sold as being capable of registration, the name and registration numbers of the sire and dam and registry information.

J) Records shall also include any other significant identification, if known, for each animal, including any official tag number, tattoo or microchip.

2) This information may be recorded on Department Form PS-5 (Animal Welfare Release Statement), or on a similar form prepared by the licensee and approved in advance by the Department.

d) The licensee shall have any dog used as a sire tested annually for canine brucellosis. The test must be performed by a licensed veterinarian and the licensee must keep a copy of the test results for two years.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)

Section 25.130 Animal Control Facilities and Animal Shelters

Persons licensed to operate animal control facilities and animal shelters shall comply with the Illinois Humane Euthanasia in Animal Shelters Act [510 ILCS 72], the Humane Care for Animals Act [510 ILCS 70], and the following rules, in addition to the other rules already prescribed.

a) Licensee shall make a record of each animal received, including the date it was received, the source, and the eventual disposition.
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b) Euthanasia shall be done in compliance with the Humane Euthanasia in Animal Shelters Act [510 ILCS 72]. If the species is not covered by the Act, the most recent American Veterinary Medical Association Panel on Euthanasia guidelines shall be used. Under no circumstances can unacceptable agents or methods of euthanasia be used.

c) Licensee shall accept any animal for which the person wishing to dispose of the animal is willing to sign an affidavit of ownership giving his name, address, telephone number, reasons for wishing to dispose of the animal, and description of the animal, including distinguishing marks and pertinent medical information, if any, provided the licensee is equipped to accept that type of animal and has available space for the animal.

d) Any animal presented to an animal control facility or shelter in an injured, diseased, or ill condition shall be examined by and, if feasible, treated by a licensed veterinarian as soon as possible. If the veterinarian deems that, for humane reasons, the animal should be euthanized, his recommendations for euthanasia shall be followed.

e) Licensee operating an animal control facility for a municipality or other political subdivision shall, in a conspicuous place at the establishment, post the hours the facility will be open with an attendant on duty to release estrayed pets back to their owner. Any expense incurred during the period of impoundment shall be paid by the owner prior to release of the impounded animal.

(Source: Amended at 31 Ill. Reg. 6904, effective May 1, 2007)
DEPARTMENT OF EMPLOYMENT SECURITY

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1) Heading of the Part: Determination Of Unemployment Contributions

2) Code Citation: 56 Ill. Adm. Code 2770

3) Section Numbers: Adopted Action:
   2770.110 Amendment
   2770.111 Amendment

4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701

5) Effective Date of Amendments: April 25, 2007

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

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: January 5, 2007; 31 Ill. Reg. 1

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

11) Differences between proposal and final version: The word "as" in the second line of Section 2770.111(e) is deleted per agreement with JCAR.

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

15) Summary and Purpose of Amendments: The proposed amendments to Part 2770 announce the 2007 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is
DEPARTMENT OF EMPLOYMENT SECURITY

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not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 2001 as it is no longer needed.

16) Information and Questions regarding these adopted amendments may be addressed to:

    Gregory J. Ramel, Deputy Legal Counsel
    Illinois Department of Employment Security
    33 South State Street – Room 937
    Chicago, Illinois 60603

    312/793-2333

The full text of the Adopted Amendments begin on the next page:
DEPARTMENT OF EMPLOYMENT SECURITY

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section 2770.100 Pre 2003 Industrial Classification
2770.101 Post 2002 Industrial Classification
2770.105 Pre 2003 Contribution Rate For Non Experience-Rated Employers
2770.106 Post 2002 Contribution Rate For Non Experience-Rated Employers
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

Section 2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170 Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER

Section 2770.400 Definitions (Repealed)
2770.405 Application Of Base Period Wages (Repealed)
2770.410 Restriction On Benefit Wage Transfers (Repealed)
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420 Petition For Hearing (Repealed)

SUBPART D: BENEFIT WAGE CANCELLATIONS
DEPARTMENT OF EMPLOYMENT SECURITY
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Section
2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].


SUBPART A: INDUSTRIAL CLASSIFICATIONS
DEPARTMENT OF EMPLOYMENT SECURITY
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Section 2770.110  Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

<table>
<thead>
<tr>
<th>Digits</th>
<th>Economic Division</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-09</td>
<td>A. Agriculture, Forestry, Fishing</td>
<td>2.8%</td>
</tr>
<tr>
<td>10-14</td>
<td>B. Mining</td>
<td>3.2%</td>
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<tr>
<td>15-17</td>
<td>C. Construction</td>
<td>3.0%</td>
</tr>
<tr>
<td>20-39</td>
<td>D. Manufacturing</td>
<td>1.6%</td>
</tr>
<tr>
<td>40-49</td>
<td>E. Transportation, Communication, Electric, Gas, Sanitary Services</td>
<td>1.6%</td>
</tr>
<tr>
<td>50-51</td>
<td>F. Wholesale Trade</td>
<td>1.2%</td>
</tr>
<tr>
<td>52-59</td>
<td>G. Retail Trade</td>
<td>0.9%</td>
</tr>
<tr>
<td>60-67</td>
<td>H. Finance, Insurance, Real Estate</td>
<td>1.0%</td>
</tr>
<tr>
<td>70-89</td>
<td>I. Services</td>
<td>1.0%</td>
</tr>
<tr>
<td>91-97</td>
<td>J. Public Administration</td>
<td>0.9%</td>
</tr>
</tbody>
</table>

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

<table>
<thead>
<tr>
<th>Digits</th>
<th>Economic Division</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-09</td>
<td>A. Agriculture, Forestry, Fishing</td>
<td>2.7%</td>
</tr>
<tr>
<td>10-14</td>
<td>B. Mining</td>
<td>3.1%</td>
</tr>
<tr>
<td>15-17</td>
<td>C. Construction</td>
<td>2.8%</td>
</tr>
<tr>
<td>20-39</td>
<td>D. Manufacturing</td>
<td>1.5%</td>
</tr>
<tr>
<td>40-49</td>
<td>E. Transportation, Communication, Electric, Gas, Sanitary Services</td>
<td>1.5%</td>
</tr>
<tr>
<td>50-51</td>
<td>F. Wholesale Trade</td>
<td>1.1%</td>
</tr>
<tr>
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<td>H. Finance, Insurance, Real Estate</td>
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<td>91-97</td>
<td>J. Public Administration</td>
<td>0.8%</td>
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</tbody>
</table>
DEPARTMENT OF EMPLOYMENT SECURITY

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(Source: Amended at 31 Ill. Reg. 6921, effective April 25, 2007)

Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

a) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

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<tr>
<th>Digits</th>
<th>Economic Sector</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>11</td>
<td>Agriculture, Forestry, Fishing and Hunting</td>
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<tr>
<td>21</td>
<td>Mining</td>
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<tr>
<td>22</td>
<td>Utilities</td>
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</tr>
<tr>
<td>23</td>
<td>Construction</td>
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</tr>
<tr>
<td>31-33</td>
<td>Manufacturing</td>
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<td>42</td>
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<tr>
<td>44-45</td>
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<td>Transportation and Warehousing</td>
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<td>54</td>
<td>Professional, Scientific and Technical Services</td>
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<td>55</td>
<td>Management of Companies and Enterprises</td>
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<td>56</td>
<td>Administrative and Support and Waste Management</td>
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<tr>
<td>61</td>
<td>Educational Services</td>
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<tr>
<td>62</td>
<td>Health Care and Social Assistance</td>
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<td>71</td>
<td>Arts, Entertainment and Recreation</td>
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<td>72</td>
<td>Accommodation and Food Services</td>
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<td>81</td>
<td>Other Services (except Public Administration)</td>
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<td>92</td>
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</tr>
<tr>
<td>99</td>
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<td>1.1%</td>
</tr>
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</table>

b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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<td>Utilities</td>
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<td>Construction</td>
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<td>Information</td>
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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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<thead>
<tr>
<th>Economic Sector</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>48-49 Transportation and Warehousing</td>
<td>2.8%</td>
</tr>
<tr>
<td>51 Information</td>
<td>2.4%</td>
</tr>
<tr>
<td>52 Finance and Insurance</td>
<td>1.5%</td>
</tr>
<tr>
<td>53 Real Estate and Rental and Leasing</td>
<td>1.6%</td>
</tr>
<tr>
<td>54 Professional, Scientific and Technical Services</td>
<td>1.8%</td>
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<tr>
<td>55 Management of Companies and Enterprises</td>
<td>2.2%</td>
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<tr>
<td>56 Administrative and Support and Waste Management</td>
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<tr>
<td>61 Educational Services</td>
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<tr>
<td>62 Health Care and Social Assistance</td>
<td>1.2%</td>
</tr>
<tr>
<td>71 Arts, Entertainment and Recreation</td>
<td>2.1%</td>
</tr>
<tr>
<td>72 Accommodation and Food Services</td>
<td>1.3%</td>
</tr>
<tr>
<td>81 Other Services (except Public Administration)</td>
<td>1.4%</td>
</tr>
<tr>
<td>92 Public Administration</td>
<td>1.2%</td>
</tr>
<tr>
<td>99 Unclassified</td>
<td>1.7%</td>
</tr>
</tbody>
</table>

d) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2006, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<table>
<thead>
<tr>
<th>Digits</th>
<th>Economic Sector</th>
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<tbody>
<tr>
<td>11</td>
<td>Agriculture, Forestry, Fishing and Hunting</td>
<td>2.5%</td>
</tr>
<tr>
<td>21</td>
<td>Mining</td>
<td>3.8%</td>
</tr>
<tr>
<td>22</td>
<td>Utilities</td>
<td>2.3%</td>
</tr>
<tr>
<td>23</td>
<td>Construction</td>
<td>4.4%</td>
</tr>
<tr>
<td>31-33</td>
<td>Manufacturing</td>
<td>3.8%</td>
</tr>
<tr>
<td>42</td>
<td>Wholesale Trade</td>
<td>2.8%</td>
</tr>
<tr>
<td>44-45</td>
<td>Retail Trade</td>
<td>2.0%</td>
</tr>
<tr>
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<tr>
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<td>2.5%</td>
</tr>
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</table>
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

72  Accommodation and Food Services  1.7%
81  Other Services (except Public Administration)  1.7%
92  Public Administration  1.5%
99  Unclassified  2.1%

e) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate set forth in Section 1506.3 of the Act, for calendar year 2007, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

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</tbody>
</table>

(Source: Amended at 31 Ill. Reg. 6921, effective April 25, 2007)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Medical Payment

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

3) **Section Numbers**: Adopted Action:
   - 140.994   New Section
   - 140.995   New Section
   - 140.996   New Section
   - 140.997   New Section

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

5) **Effective Date of Amendments**: April 29, 2007

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

7) **Do these amendments contain incorporations by reference?** No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: December 15, 2006; Ill. Reg. 18860

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences Between Proposal and Final Version**: In Section 140.994(b), added "Full Time Equivalent" before "APN" and added "The limit on the number of patients enrolled with a clinic that is allowed to enroll as a PCP shall be based on the number of Full Time Equivalent physicians within the site."

    In subsection (c), "section" was changed to "Section" and "practice" was changed to "practice". In Section 140.995(a), added a closed parenthesis to "b)" and deleted "this" and added ")(e) of this Section" after "subsection". In subsection (b), added "PCP within a" before the words "Managed Care Organization (MCO)"

    In subsection (e)(1), deleted "December 2006" and added "no sooner than February 2007"

    In subsection (e)(2), deleted "January 2007" and added "no sooner than March 2007"

    In subsection (e)(3), changed "state" to "State" and deleted "March 2007" and added "no sooner than April 2007"

    In subsection (g), deleted "Clients" and added "Individuals". In subsection (i), deleted all "Medicaid" words and replaced with "Medical Assistance"

    In subsection (j), deleted "physician" and added "provider"

In the beginning of Section 140.996(b), changed text to read as follows:
NOTICE OF ADOPTED AMENDMENTS

"Individuals enrolled with a PCP do not need a referral in order to access services determined to be direct access by the Department. These services include.”. In Section 140.997, deleted "unless the individual was referred to that provider by the individual's PCP" and added "unless the individual's PCP referred the individual to that provider and a referral has been registered with the Department”.

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

13) Will these amendments replace emergency amendments currently in effect? Yes

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
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</thead>
<tbody>
<tr>
<td>140.12</td>
<td>Amendment</td>
<td>31 Ill. Reg. 349; January 12, 2007</td>
</tr>
</tbody>
</table>

15) Summary and Purpose of Amendments: These new sections establish which provider types can be a primary care provider (PCP) in the Primary Care Case Management (PCCM) Program, what obligations a PCP would have, and which recipients are eligible to participate in the PCCM program. In addition, the amendments set forth the monthly management fees that the Department would pay to PCPs.

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

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3rd Floor  
Springfield IL  62763-0002  
217/557-7157

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1  Incorporation By Reference
140.2  Medical Assistance Programs
140.3  Covered Services Under Medical Assistance Programs
140.4  Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5  Covered Medical Services Under General Assistance
140.6  Medical Services Not Covered
140.7  Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8  Medical Assistance For Qualified Severely Impaired Individuals
140.9  Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination,
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Suspension or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
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140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
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140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
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140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
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140.466 Rural Health Clinics (Repealed)
140.467 Independent Clinics
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140.470 Eligible Home Health Providers
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140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.485 Healthy Kids Program
140.486 Illinois Healthy Women
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
140.495 Psychological Services
140.496 Payment for Psychological Services
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SUBPART E: GROUP CARE

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140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered By Department Payment
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140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
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140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
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140.582 Cost Adjustments
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140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
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140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
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140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  

NOTICE OF ADOPTED AMENDMENTS  

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140.860 County Owned or Operated Nursing Facilities (Repealed)  
140.865 Sponsor Qualifications (Repealed)  
140.870 Sponsor Responsibilities (Repealed)  
140.875 Department Responsibilities (Repealed)  
140.880 Provider Qualifications (Repealed)  
140.885 Provider Responsibilities (Repealed)  
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140.895 Contract Monitoring (Repealed)  
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140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)  
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140.903 Definitions (Recodified)  
140.904 Times and Staff Levels (Repealed)  
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140.906 Reconsiderations (Recodified)  
140.907 Midnight Census Report (Recodified)  
140.908 Times and Staff Levels (Recodified)  
140.909 Statewide Rates (Recodified)  
140.910 Referrals (Recodified)  
140.911 Basic Rehabilitation Aide Training Program (Recodified)  
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

<table>
<thead>
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<th>Section</th>
<th>Description</th>
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NOTICE OF ADOPTED AMENDMENTS


SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section 140.994  Panel Size and Affiliated Providers

a) PCPs may designate to the Department those providers who provide primary care coverage for the PCP’s patients when the PCP is unavailable. Providers so designated will not need a referral in order to be reimbursed by the Department for services provided to that PCP’s patients.

b) The Department shall limit the number of patients enrolled with a PCP to 1,800. A PCP practicing with an Advanced Practice Nurse (APN), Physician’s Assistant (PA) or Resident may have his or her panel size increased by 900 patients for each Full Time Equivalent APN, PA or Resident in his or her practice. The limit on the number of patients enrolled with a clinic that is allowed to enroll as a PCP shall be based on the number of Full Time Equivalent physicians within the site.

c) A PCP may limit his or her panel to a specified number of patients less than the maximum number set forth in this Section, may limit that panel to only his or her existing patients or existing patients and their family members, and may limit patients by age or other factors relevant to the scope of his or her practice.

d) In areas where there is an insufficient number of PCPs to adequately serve the population eligible to enroll in the PCCM program without exceeding the panel limits established in subsection (b), the Department may allow APNs to enroll as PCPs.
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NOTICE OF ADOPTED AMENDMENTS

e) A PCP may decline to have patients auto-assigned to him or her who have not chosen that PCP.

(Source: Added at 31 Ill. Reg. 6930, effective April 29, 2007)

Section 140.995 Mandatory Enrollment

a) Effective on the dates set forth in subsection (e) of this Section, individuals enrolled in programs administered by the Department under Article V of the Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, or the Veterans' Health Insurance Program Act and not excluded in Section 140.992(b) who are not enrolled in a Managed Care Organization must enroll with a PCP.

b) HFS shall send a notice to each individual for whom enrollment in the PCCM program is mandatory, notifying the individual of the need to enroll with a Primary Care Provider and explaining the options for doing so, and, where available, the options for enrolling with a PCP within a Managed Care Organization (MCO). If the individual has not chosen a PCP within 30 days after the date of the first notice, the Department shall send a second notice to the individual instructing him or her to choose a PCP and informing the individual that the Department will assign him or her to a PCP in the PCCM program if he or she does not choose one.

c) Individuals who have not chosen a PCP within 60 days after the date of their first notice shall be assigned by HFS to a PCP in the PCCM program in their service area. The algorithm used in the default enrollment process shall be in compliance with 42 CFR 438.50. The individuals will be mailed a notice to inform them of their assigned PCP. Assignment to a PCP shall be effective no sooner than 60 days after the date that the first notice is mailed by the Department.

d) An individual and the PCP with whom that individual is enrolled will receive notice of the enrollment. Enrollment information will be available the day following the enrollment through internet-based and electronic eligibility verification systems.

e) Mandatory enrollment shall be phased in effective with the dates set forth in this subsection.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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1) The Department will send notices to individuals living in Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will counties beginning no sooner than February 2007.


3) The Department will send notices to individuals living in the remainder of the State beginning no sooner than April 2007.

f) Individuals may change PCPs within the PCCM program once per calendar month. Changes shall be effective no later than the fourth day after the request for change is registered with the Department or its agent. In counties where managed care organizations operate, an individual enrolled in the PCCM program may disenroll from the PCCM program and enroll in a managed care organization, and an individual enrolled in a managed care organization may disenroll from the managed care organization and enroll in the PCCM program. Such enrollments shall be effective no later than the first day of the second month following the month in which the enrollee files the request.

g) Individuals living in a service area where there is no PCP available with capacity for an enrollment are excluded from mandatory enrollment requirements.

h) PCPs may request that an individual assigned to them be disenrolled from them in accordance with 42 CFR 438.56.

i) If an individual enrolled in the PCCM program loses Medical Assistance eligibility and his or her Medical Assistance eligibility is reinstated within 60 days, that individual will be assigned to the PCP to whom assigned when Medical Assistance eligibility terminated.

j) If a PCP in the PCCM Program is terminated or otherwise becomes unavailable, an individual in the PCCM Program who is enrolled with that PCP may access any Medicaid enrolled provider until that member is enrolled in a new PCP.

(Source: Added at 31 Ill. Reg. 6930, effective April 29, 2007)
Section 140.996  Access to Health Care Services

a) With the exception of those direct access services identified in subsection (b), individuals enrolled with a PCP may only access health care services from that PCP, or a provider designated to the Department as affiliated with that PCP, or a provider to whom that PCP has referred those individuals.

b) Individuals enrolled with a PCP do not need a referral in order to access the services determined to be direct access by the Department. These services include:

1) Services provided to newborns up to 91 days after birth
2) Family Planning and Obstetrical and Gynecological (OB/Gyn) Services
3) Inpatient and Outpatient Hospital Services
4) Shots/Immunizations
5) Emergency Services
6) Emergency and Non-Emergency Transportation
7) Pharmaceuticals
8) Dental Services
9) Vision Services
10) Therapies
11) Mental Health and Substance Abuse Services
12) Outpatient Ancillary Services (radiology, pathology, lab, anesthesia)
13) Services to Treat Sexually Transmitted Diseases and Tuberculosis
14) Early Intervention Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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15) Lead Screening and Epidemiological Services

16) Services provided in the following settings:

   A) School-Based/Linked Clinics for Children under Age 21
   B) School-Based Clinics through Local Education Authorities for Children under Age 21
   C) Local Health Departments
   D) Mobile Vans, with Department approval
   E) FQHC Homeless Sites and Migrant Health Centers.

(Source: Added at 31 Ill. Reg. 6930, effective April 29, 2007)

Section 140.997 Payment for Services

Effective on or after July 1, 2007, for individuals enrolled with a PCP, providers other than the individual's PCP or providers affiliated with that PCP shall not be reimbursed for services that are not direct access services, unless the individual's PCP referred the individual to that provider and a referral has been registered with the Department.

(Source: Added at 31 Ill. Reg. 6930, effective April 29, 2007)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Adopted Action:
   153.125 Amendment

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

5) Effective Date of Amendment: April 26, 2007

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

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 1, 2006; 30 Ill. Reg. 18349

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

11) Differences Between Proposal and Final Version: None

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rulemaking provides that facilities that are federally-defined Institutions for Mental Disease (IMD) shall receive a socio-development component rate equal to 6.6% of the nursing component rate that was in effect on 1/1/06. That new socio-development rate component shall then become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, it shall not be reduced.

16) Information and questions regarding this adopted amendment shall be directed to:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Adopted Amendment begins on the next page.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
153.150 Quality Assurance Review (Repealed)


SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007.

Section 153.125  Long Term Care Facility Rate Adjustments

a)  Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996 shall be increased by 6.8 percent for services provided on or after January 1, 1997.

b)  Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, $1.10 shall also be added to the nursing component of the rate.

c)  Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;

2) an additional increase of $3.00 per resident day for ICF/MR rates; and

3) an increase of $10.02 per person, per month for developmental training rates.

d)  Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by $4.00 per resident day for services provided on or after October 1, 1999.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.

2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.

3) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.

i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.

k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.

l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.

m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.

n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004 shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.

o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.

q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.

r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3 percent.

s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), effective on January 1, 2006 shall be increased by 3 percent.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Notwithstanding the provisions set forth in Section 153.100, for facilities that are federally defined as Institutions for Mental Disease (see Section 145.30), a socio-development component rate equal to 6.6% of the nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. This rate shall become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, the rate shall not be reduced.

(Source: Amended at 31 Ill. Reg. 6954, effective April 26, 2007)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3) Section Number: Adopted Action:
   10.410 Amendment

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]

5) Effective Date of Amendment: April 30, 2007

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

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 3, 2006; 30 Ill. Reg. 17175

10) Has JCAR Issued a Statement of Objection to this Rulemaking? No

11) Differences between proposal and final version: No changes were made in the text of the proposed amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable

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

14) Are there any amendments pending on this Part? Yes
   Section Number: Proposed Action: Illinois Register Citation:
   10.268 Amendment December 8, 2006; 30 Ill. Reg. 18818

15) Summary and Purpose of Rulemaking: This rulemaking affects Human Capital Development. This rulemaking is the result of an administrative decision to apply for a Food Stamp Participation Grant to develop and implement a web-based application for
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENT

cash, medical and food stamps, and an automated phone interview system for redeterminations. This rulemaking provides that DHS web applications submitted and received electronically over the Internet will not require a signature to begin the application process for cash and medical assistance. However, a signature will be used for food stamp applications submitted and received electronically.

Companion amendments are also being adopted in 89 IAC 112 and 89 IAC 121.

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

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

217/785-9772

The full text of the Adopted Amendment begins on the next page.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

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SUBPART C: APPLICATION PROCESS

Section 10.410 Application for Assistance
a) An application is a signed request for assistance on a Department of Human Services (Department) form or a DHS web application submitted electronically that which has been completed to the best of the client's knowledge and ability.

b) The application must contain a name, address, and signature (or signatures). A web application submitted and received electronically over the Internet does not require a signature to begin the application process for cash and medical

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


SUBPART C: APPLICATION PROCESS

Section 10.410 Application for Assistance

a) An application is a signed request for assistance on a Department of Human Services (Department) form or a DHS web application submitted electronically that which has been completed to the best of the client's knowledge and ability.

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DEPARTMENT OF HUMAN SERVICES

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assistance, but is required to authorize cash and medical benefits. An electronic signature is used for food stamp applications submitted and received electronically. If the application does not contain a name, address, and signature (or signatures), the local office shall return the application to the sender to obtain the missing information.

1) If a person is homeless, he or she may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.

2) If a person is homeless and does not have a permanent address, he or she may use the address of the local office that is closest to where he or she is living.

c) The application must be signed by the applicant with the following exceptions:

1) When a conservator has been appointed for the applicant, the conservator must sign the application.

2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly on behalf of the applicant.

3) When application is made on behalf of a child, the child's caretaker must sign the application.

4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)

d) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.

e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
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f) The date of application shall be the date a completed application is received by the local office serving the area of the State in which the applicant lives, with the following exceptions:

1) For applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally-qualified health center, the date the application is signed by the applicant shall be the date of application.

2) When an application is faxed to a local office or a web application is submitted and received over the Internet after 5:00 P.M. on a workday, or on a weekend or holiday, the application date is the next workday following the date the application is received in the local office.

(Source: Amended at 31 Ill. Reg. 6962, effective April 30, 2007)
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1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: 112.320
   Adopted Action: Amendment


5) Effective Date of Amendment: April 30, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 3, 2006; 30 Ill. Reg. 17181

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

11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable

13) Will this amendment replace any emergency amendments currently in effect? No

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

   Section Number: 112.156
   Proposed Action: New Section
   Illinois Register Citation: January 5, 2007; 31 Ill. Reg. 3

15) Summary and Purpose of rulemaking: This rulemaking affects Human Capital Development. This rulemaking is the result of an administrative decision to apply for a Food Stamp Participation Grant to develop and implement a web-based application for
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cash, medical and food stamps, and an automated phone interview system for redeterminations. This rulemaking removes the requirement the client must be present at least once in a 12-month period from the Redetermination of Eligibility provisions.

Companion amendments are also being adopted in 89 IAC 10 and 89 IAC 121.

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

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

    217/785-9772

The full text of the Adopted Amendment begins on the next page:
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NOTICE OF ADOPTED AMENDMENT

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

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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

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SUBPART I: OTHER PROVISIONS

Section 112.320  Redetermination of Eligibility

a) It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A redetermination of eligibility shall be conducted consistent with the Responsibility and Services Plan on an as needed basis but at least once in a 12-month period. Once in a 12-month period there shall be a redetermination of eligibility and revision of the Responsibility and Services Plan with the client who must be present. Failure to cooperate in the redetermination of eligibility process, without good cause, will result in ineligibility. Examples of good cause include, but are not limited to:

1) death in the family;
2) illness or incapacity of the client or his or her child or children;
3) family crisis;
4) unexpected emergency;
5) breakdown in transportation;
6) inclement weather;
7) if the client is employed, a conflict in the client's work schedule; or
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8) a conflicting court and/or administrative hearing appearance.

b) When information of a change in a client's circumstances is received by the local office and the review and redetermination process results in a decision that a client is eligible for an increased amount of financial assistance, the Department shall mail the increased amount of assistance payment no later than 45 calendar days from the date that the local office initially received the information.

c) When a delay in the verification of the change in circumstances is caused by the client, the 45 calendar day period may be extended by one day for each day of delay by the client.

d) When the client fails to provide the required verification or verifications or fails to cooperate in the review and redetermination process, the 45 calendar day limitation is not applicable.

(Source: Amended at 31 Ill. Reg. 6968, effective April 30, 2007)
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1) **Heading of the Part:** Aid to the Aged, Blind or Disabled

2) **Code Citation:** 89 Ill. Adm. Code 113

3) **Section Number:** 
   - 113.264 **Adopted Action:** Amendment

4) **Statutory Authority:** Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]

5) **Effective Date of Amendment:** April 30, 2007

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

7) **Does this amendment contain any incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** December 1, 2006; 30 Ill. Reg. 18431

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

11) **Difference between proposal and final version:** Non-substantive changes were made in the text of the proposed amendment.

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

13) **Will this amendment replace any emergency amendments currently in effect?** No

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

**Section Numbers:** 
**Proposed Action:** 
**Illinois Register Citation:**

- 113.160 Amendment February 16, 2007; 31 Ill. Reg. 2713
- 113.253 Amendment February 16, 2007; 31 Ill. Reg. 2713
- 113.260 Amendment February 16, 2007; 31 Ill. Reg. 2713
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15) **Summary and Purpose of Amendment**: This rulemaking affects Human Capital Development. Pursuant to provisions of P.A. 94-918, this rulemaking extends AABD cash eligibility until July 1, 2009 to persons who have been found ineligible for SSI due to the expiration of the seven years of federal eligibility for refugees, asylees, and certain other immigrants who are not yet citizens of the U.S.

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

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

217/785-9772

The full text of the Adopted Amendment begins on the next page:
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NOTICE OF ADOPTED AMENDMENT

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

PART 113
AID TO THE AGED, BLIND OR DISABLED

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113.415  Non-Financial Factors of Eligibility (Repealed)
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113.425  Payment Levels for Chicago Interim Assistance Cases (Repealed)
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113.445  Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450  Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500  Attorney's Fees for SSI Appellants (Renumbered)

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

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SUBPART D: PAYMENT AMOUNTS

Section 113.264 Refugees Ineligible for SSI

a) Until July 1, 2006, an allowance not to exceed $500 is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens refugees and asylees pursuant to 8 USC 1612(a)(2)(A).

b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:

1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);
DEPARTMENT OF HUMAN SERVICES

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2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);

3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);

4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461); and

5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253).

c) No other allowances will be authorized.

(Source: Amended at 31 Ill. Reg. 6981, effective April 30, 2007)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Food Stamps

2) **Code Citation:** 89 Ill. Adm. Code 121

3) **Section Numbers:**
   
   121.1 Amendment
   121.10 Amendment
   121.125 Amendment

4) **Statutory Authority:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]

5) **Effective Date of Amendments:** April 30, 2007

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

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** November 3, 2006; 30 Ill. Reg. 17194

10) **Has JCAR Issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** No changes were made in the text of the proposed amendments.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Not Applicable

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

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

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NOTICE OF ADOPTED AMENDMENTS

15) **Summary and Purpose of Amendments:** This rulemaking affects Human Capital Development. This rulemaking is the result of an administrative decision to apply for a Food Stamp Participation Grant to develop and implement a web-based application for cash, medical and food stamps, and an automated phone interview system for redeterminations. This rulemaking establishes that for persons completing a redetermination using the phone interview system, the automated phone interview will substitute for the face-to-face interview.

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

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

   217/785-9772

The full text of the Adopted Amendments begins on the next page.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

PART 121
FOOD STAMPS

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121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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NOTICE OF ADOPTED AMENDMENTS


SUBPART A: APPLICATION PROCEDURES

Section 121.1 Application for Assistance

a) An application for food stamps is a written request containing the client's name, address and signature. An electronic signature is created when a web application is submitted and received via the Internet or a redetermination is completed using the phone interview system.

b) An application is required for initial certification and subsequent certification. For subsequent certifications see Section 121.120.

c) General Assistance (GA) households in the City of Chicago shall make application to the local GA unit.

d) An application for food stamp program participation may be made by the head of the household, spouse, another household member or an adult non-household member designated by the household as an authorized representative. When a food stamp household also files an application for a Public Assistance cash grant under TANF (Temporary Assistance for Needy Families), the AFDC (Aid to Families With Dependent Children), AABD (Aid to the Aged, Blind or Disabled),
Refugee or GA Programs, the grantee for the Public Assistance case shall be the head of the food stamp household.

e) If other household members are not available to make application due to employment, health problems, transportation problems, care of a household member, etc., a responsible adult outside the household may be designated as an authorized representative if the following conditions exist:

1) The head of household, spouse or other responsible family members cannot be interviewed;

2) The authorized representative has been designated in writing by the head of the household or the spouse, and is sufficiently aware of relevant household circumstances.

f) The head of the household shall be held liable for any overissuance which results from erroneous information given on an application by the authorized representative except in instances of participants in drug addiction or alcoholic treatment centers. The center is responsible for misrepresentation or fraud which it knowingly commits in the certification of center residents.

g) For residents of public or private non-profit drug addiction or alcoholic treatment centers, or residents of small group living arrangements, the facility will assign an authorized representative to apply in behalf of each resident. This provision is applicable only when the facility has been authorized by the United States Department of Agriculture to accept food stamps in accordance with 7 CFR 278.1 and 278.2(g) (2005, with no later additions or amendments).

h) When the eligible members of a household are all unemancipated minors and the only adult is an ineligible alien, the ineligible alien may make application as head of the household in behalf of the eligible minors in the household. (Ineligible aliens applying as head of household will be responsible for any misrepresentation or fraud committed in the certification of the household and will sign the application as head of household, not as authorized representative.)

i) Homeless meal providers cannot act as an authorized representative for homeless food stamp applicants or recipients.

(Source: Amended at 31 Ill. Reg. 6991, effective April 30, 2007)
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Section 121.10 Interviews

a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office with a qualified eligibility worker prior to initial certification and all redeterminations. For earned income households, an interview is required at every other redetermination (see Section 121.125). For persons completing a redetermination using the phone interview system, the automated phone interview substitutes for the face-to-face interview.

b) Interview Process

1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e)(1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for food stamps because they are unable or unwilling to provide alien status verification.

2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.

3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.

4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

c) Waiver of Office Interviews

1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are qualifying members as defined in Section 121.61.
2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:

A) illness;
B) care of household member;
C) hardships due to residency in a rural area;
D) prolonged severe weather;
E) work or training hours which prevent the household from participating in an in-office interview.

3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.

4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.

5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.
DEPARTMENT OF HUMAN SERVICES

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d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 31 Ill. Reg. 6991, effective April 30, 2007)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.125 Redetermination of Earned Income Households

a) Food stamp households with a member who has earned income (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If a household chooses to complete its redetermination using the automated phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.

b) The following households are not earned income households:

1) migrant households in the migrant job stream;

2) persons who receive income from sheltered workshops; and

3) households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income.

c) Earned income households have their benefits calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the income received during the fiscal months before the last month of the approval period.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household’s gross income limit (130% of the Federal Poverty Level).

e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.

f) For other redetermination rules, see Section 121.120.

(Source: Amended at 31 Ill. Reg. 6991, effective April 30, 2007)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services

2) Code Citation: 89 Ill. Adm. Code 590

3) Section Numbers: Adopted Action:
590.10 Amendment
590.20 Amendment
590.45 Amendment
590.70 Amendment
590.80 Amendment
590.110 Amendment
590.120 Amendment
590.130 Amendment
590.140 Amendment
590.150 Amendment
590.170 Amendment
590.190 Amendment
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590.420 Amendment
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NOTICE OF ADOPTED AMENDMENTS

590.610 Amendment
590.620 Amendment
590.630 Amendment
590.660 Amendment
590.680 Amendment
590.740 Amendment
590.750 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

5) Effective Date of Amendments: April 30, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.


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

11) Differences between proposal and final version:

In Section 590.250, changed "individual" to "customer" throughout the Section.

In Section 590.270(a)(1), reinstated "customer" and deleted "individual".

In Section 590.270(a)(2), deleted "590.270" after "subsection".

In Section 590.315(b)(1), deleted "as indicated by:" and added "A) Evidence of education or training is indicated by:".

In Section 590.315(b), changed "A" and "B" to "i" and "ii" and added "Exceptions to subsection (b)(1)(A)(i) and (ii) may be granted by the" in 590.315(b)(1)(B).
DEPARTMENT OF HUMAN SERVICES

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In Section 590.315(b)(5), changed "customers" to "customer's".

In Section 590.480(d), reinstated "Public Act 90-200" and deleted "23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters)".

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

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

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

15) Summary and purpose of rulemaking: This rulemaking pertains to the Division of Rehabilitation Services, Vocational Rehabilitation Services. This rulemaking clarifies language related to rules for Degree Training, Non-Degree Training, Graduate School Training, and Choice of Training Facility/Institution. The changes also address DRS financial contribution and customer financial participation when customers do not meet the required grade point average (GPA), when they fail a course, and when the customer changes or drops a course. The Self-Employment Section indicates customers will be required to provide evidence of available cash or resources to cover 50% of eligible costs and indicates DRS will not contribute more than $10,000 toward a Self-Employment Program without an exception from the appropriate Bureau Chief. Language pertaining to Tools, Equipment, Supplies, Initial Stock and Transfer of Title has been streamlined to provide more specific direction to counselors. Language pertaining to Transportation and Temporary Lodging has been revised to provide more specific direction and has been changed to indicate DRS will not pay for transportation costs to and from school for customers who are in residence at a college or training program. Many sections are amended in this rulemaking to update "Office of Rehabilitation (ORS)" to "Division of Rehabilitation (DRS)".

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

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

NOTICE OF ADOPTED AMENDMENTS

217/785-9772

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

The full text of the Adopted Amendments begins on the next page.
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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: GENERAL ISSUES

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SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

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AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

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SUBPART A: GENERAL ISSUES

Section 590.10 General Applicability

The rules contained in this Part are applicable to all customers of the Department of Human Services-Division of Rehabilitation Services (DHS-DRS) Vocational Rehabilitation (VR) Program.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.20 Availability of Services

Services described in this Part shall only be provided to customers who have been determined eligible to receive VR services (89 Ill. Adm. Code 553) for whom an Individualized Plan for Employment (IPE) has been developed calling for the provision of such services to reach the customer's employment outcome.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.45 DHS-ORS Bidding Procedure

a) Counselors may purchase items necessary to support a customer's IPE that cost less than $1000 without obtaining bids.

b) Counselors may purchase, with proper approval, items costing more than $1000 after pursuing three bids. If the item is available from fewer than 3 sources, the maximum number of bids shall be sought. All bidding activities should be documented by the counselor. A bid is an attempt to receive a purchase price. The process used shall give all providers an adequate opportunity to respond and shall include a due date.

c) The lowest bid received shall be selected in each case unless there are documented reasons to reject the lowest bid. Should the customer choose another bidder and there are no documented reasons for not selecting the lowest bid, the customer shall pay the difference between the bids in addition to other customer financial participation if any.
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(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section 590.70 Treatment of Acute Conditions

At any time when an acute illness or condition arises during the time the customer is receiving services under an IPE, DHS-DRSORS will pay for the treatment if no comparable benefits are available and the following conditions are present:

a) the duration of the acute condition is short enough that it will not interfere with the provision of services;

b) the treatment is deemed necessary and recommended by the appropriate medical professional;

c) the treatment is mutually agreed to by the customer and the counselor;

d) the treatment is necessary to avoid an interruption of service listed in the customer's IPE; and

e) the customer's IPE is amended to allow for the provision of these services.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.80 Medication and Treatment

a) DHS-DRSORS may pay for medication/treatment (e.g., doctor's office visits, medication) necessary to cure or stabilize a condition in accordance with the customer's IPE.

b) DHS-DRSORS shall not pay for ongoing medication/treatment (treatment for a condition for which there is no foreseeable date of termination of the medication/treatment) except as a support service to the primary service on the IPE (e.g., a customer requires insulin to control his/her diabetes in order to attend training) and then only until completion of that primary service.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)
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Section 590.110  Speech and Language Services

Pursuant to the provisions of 89 Ill. Adm. code 590.20, DHS-DRSORS will provide speech and language pathology services (i.e., speech, language and/or dysphagia evaluations; speech, language and/or dysphagia therapy; and speech reading services) in accordance with the customer's long term rehabilitation goals as stated on his/her IPEIWRP. (89 Ill. Adm. Code 572).

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.120  Low Vision Devices

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-DRSORS will provide low vision devices including electronic devices (e.g., closed circuit television magnification systems).

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.130  Mental Restoration Services

a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-DRSORS will, with the exception of electro-shock treatments, provide in-patient mental restoration services from a private hospital only when the need for such services is documented in the customer's case file by reports from the customer's psychiatrist or psychologist and comparable benefits (89 Ill. Adm. Code 567.30(d)) are not timely or available.

b) In such cases, comparable benefits shall be arranged at the soonest possible time after initiation of services and DHS-DRSORS funding shall be withdrawn.

c) DHS-DRSORS shall not pay for on-going mental-restoration services (when there is no foreseeable ending date for the services) unless these services are in support of a primary service listed on the customer's IPE and then only until completion of the primary service.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.140  Heart Surgeries

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-DRSORS will provide heart surgery for a customer when documentation from the customer's physician is contained in the
customer's case file and indicates that the customer's prognosis for returning to gainful employment is good.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.150 Kidney Transplant and Related Services

Pursuant to the provisions of 89 Ill. Adm. 590.20, DHS-DRSORS shall provide kidney transplant, dialysis and artificial kidney services to a customer diagnosed as having end stage renal failure when information contained in the customer's case file indicates the customer's prognosis for returning to gainful employment is good.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.170 Prosthetic and Orthotic Devices

a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, prosthetic and orthotic devices may be provided to a customer when a physician has issued a prescription for the device:

1) the customer has undergone an evaluation at an amputee clinic; or

2) has been evaluated by a physiatrist, orthopedist, or other qualified physician and the need for evaluation by an amputee clinic has been waived by the Rehabilitation Services Supervisor and the DHS-DRSORS State Program Specialist for Medical Services.

b) The evaluation by an amputee clinic referenced in (b), above, shall include an assessment of the customer's readiness for fitting of the device, evaluation of the fit, evaluation of the fabrication of the completed device and evaluation of the customer's individual training needs for the use of the device.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.190 Prohibited Services

Under no circumstances shall DHS-DRSORS provide to a customer:

a) intestinal by-pass or stapling surgeries for the treatment of extreme obesity;
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b) abortions, or any associated services;

c) transsexual services, or any associated services;

d) organ transplants, or any related services, with the exception of Kidney Transplants and Related Services (89 Ill. Adm. Code 590.150);

e) any drug, therapeutic device, procedure, or surgery which cannot be legally prescribed by a licensed medical professional or which is outside accepted medical practice; and any drug that has not been approved by the Food and Drug Administration (FDA) of the United States Department of Health and Human Services; any therapeutic device that has been banned under 21 USC 360f; or any procedure or surgery that cannot be prescribed or performed by a licensed medical professional; and

f) surgical or other services solely for cosmetic purposes. A surgery or service is not "solely for cosmetic purposes" when it would correct or substantially modify a physical condition which constitutes an impediment to employment. Section 553.150 sets out the functional capacities that, if seriously limited, could constitute an impediment to employment.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.210 Qualification of Training Facilities/Institutions

a) Any training facility/institution/program not operated by DHS-DRSORS used to provide services to a VR customer must be approved by, or registered with, the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1, 25, 254, 401 and 451, the Board of Higher Education pursuant to 23 Ill. Adm. Code 1000, 1010, 1030 and 1050, the Illinois Community College Board pursuant to 23 Ill. Adm. Code 1501 or registered with the Illinois Department of Financial and Professional Regulation pursuant to 6899 Ill. Adm. Code: Chapter I, Subchapter b.

b) Any training facility located outside of the State of Illinois shall be registered with the appropriate entity for such regulation in that state, and approved for use by the
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VR agency in that state.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.220 Purpose and Types of Training

Vocational, technical or academic training may be available to a customer of the VR program, as appropriate. The training shall be determined by the customer's Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and shall be included in the customer's IPE (89 Ill. Adm. Code 572).

a) Degree Training
DHS-DRS requires supporting evidence to indicate a customer has the ability and the capability to succeed in college level training before DHS-DRS will commit to any financial contribution for post-secondary education.

1) For individuals with no prior post-secondary training, supporting evidence shall include the following:

   A) ACT, SAT or Prairie State score;
   B) high school curriculum;
   C) class rank;
   D) high school cumulative grade point average;
   E) other diagnostic tests as appropriate; and
   F) other supporting documentation, as appropriate.

2) For individuals with prior post-secondary training, in addition to the evidence required by subsection (a)(1), the following information will be evaluated to determine if there is a need for further post-secondary training that would lead to employment:

   A) number of credit hours previously earned;
   B) degree and certifications currently held;
b) 
Non-Degree Training
DHS-DRS requires supporting evidence to indicate a customer has the ability and the capability to succeed in vocational or technical training before DHS-DRS will commit to any financial contribution. Supporting evidence shall include:

1) high school curriculum/grades; and
2) previous work experience.

b) Training provided to a customer pursuant to the provisions of subsection (a) above may be of a vocational/technical or educational nature as based on the customer's needs and determined as necessary to ensure attainment of the customer's chosen employment outcome.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.230 Financial Guidelines for Training Services

a) Training services shall be provided to a customer in accordance with the provisions set forth at 89 Ill. Adm. Code 562 – Customer Financial Participation.

b) DHS-DRS VR Program will assist with the purchase of books, supplies and materials, required of all students, necessary for a customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 – Customer Financial
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c) DHS-DRS ORS VR Program will assist with the purchase of transportation services necessary for the customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits, and 89 Ill. Adm. Code 590.600 - Transportation and Temporary Lodging when housing is not available for the customer at the training site.

d) DHS-DRS ORS will assist with the purchase of the medical/health related insurance coverage, if offered and required by the training institution. This shall be done in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 – Comparable Benefits.

e) DHS-DRS ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 – Comparable Benefits. If education or language tutorial services are to be provided to a customer who is deaf to assist in the completion of the training program, the tutor must:

1) be certified by the Illinois State Board of Education;

2) hold at least a bachelor's degree in deaf education from an accredited college or university; or

3) be approved by the Manager Chief Administrator of Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the Manager Administrator or designee.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.240 Graduate School Training
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Choice of graduate school training facility/institution shall be consistent with the guidelines established in 89 Ill. Adm. Code 590.250. Customers attending graduate school must financially contribute toward their training costs. A customer's financial contribution towards training costs is 10% of tuition and fees, in addition to any financial participation that is determined during the customer's financial analysis (89 Ill. Adm. Code 562).

a) DHS-DRS shall assist with a financial contribution toward graduate school only when the graduate degree is required to achieve the customer's employment outcome. The necessity of the graduate degree is to be determined by the counselor and the customer based on knowledge of the occupational choice and labor market information.

b) The customer shall provide proof of acceptance into the graduate school program that is required for the customer's employment outcome.

c) In accordance with 89 Ill. Adm. Code 567.20(b), the customer must provide proof of award or denial of financial assistance and the amount of any award. This includes any comparable benefits related to training that reduce the cost of tuition and fees. This information must be provided prior to implementation of the IPE or subsequent amendments.

d) Exceptions to the financial contribution for graduate school training may be granted by the appropriate Bureau Chief if there are extenuating circumstances relating to the customer's disability or personal and/or financial situation.

a) DHS-ORS shall assist in the sponsorship of graduate school only when the customer's employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. This is to be determined by the counselor and the customer based on knowledge of the occupational choice of the customer and the labor market and as evidenced by the customer's IPE (89 Ill. Adm. Code 572).

b) The customer shall show proof of application for and acceptance or denial of graduate school financial assistance, including but not limited to, tuition waivers, stipends, scholarships, internships, work-study programs; the amount of any award; acceptance at the institution and to the appropriate graduate program; before the implementation of the customer's IPE or subsequent amendment.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)
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Section 590.250 Choice of Training Facility/Institution

The customer has the right to make an informed choice of the training facility that he/she will attend in completion of his/her IPE. Facilities within the State of Illinois and State operated institutions of higher education shall be given preference over out-of-state and private institutions.

a) Degree Training

1) If the customer provides proof of acceptance at an Illinois public four-year university, DHS-DRS will provide financial contribution for academic courses directly applicable to a degree in compliance with 89 Ill. Adm. Code 567.20 and 89 Ill. Adm. Code 590.270.

2) If the customer provides proof of acceptance at an Illinois public four-year university and the customer chooses to attend a private or out-of-state university, DHS-DRS will provide financial contribution up to the amount of the Illinois public university where the customer was accepted minus comparable benefits (89 Ill. Adm. Code 567.20).

3) DHS-DRS may contribute funds for the cost of one application to an Illinois institution of higher education.

4) If the customer does not provide proof of acceptance to an Illinois public four-year university or community college, DHS-DRS will provide financial contribution up to the amount of the community college within the customer's home district minus all comparable benefits (89 Ill. Adm. Code 567.20).

5) The State VR Director can make an exemption for the customer to attend a specified institution of higher education based on the value of the unique program and contribution of services to the customers as related to their disabilities and documented success of the institution of higher education.

b) Non-Degree Training/Certification

For non-degree certification or training programs, in-state or out-of-state, DHS-DRS will provide financial contribution up to the cost of a similar program at the
The customer shall have the choice of the training facility/institution he/she will attend in completion of his/her IPE (89 Ill. Adm. Code 572). Facilities within the State of Illinois shall be given preference and State operated institutions of higher education shall be given preference over private and out-of-state institutions. If a customer chooses to attend a private or out-of-state program, DHS-ORS shall only authorize those services needed to attend that facility up to the cost of the same services at a comparable public program in Illinois. For employment outcomes requiring a bachelor's degree or an advance degree, comparable means the cost of required services up to the cost of attending the most expensive State public college/university in the State of Illinois. For employment outcomes requiring all other training programs, comparable means the costs of required services up to the cost of attending an equivalent public program in Illinois. DHS-ORS financial participation in any program is always less scholarships, other comparable benefits and any required or voluntary financial participation by the customer.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.270 Grades and Attendance

a) Grades

1) DHS-DRSORS will provide financial contribution to sponsor a customer in educational training as long as the customer meets each part of the following two part test:

A) maintains a cumulative "C" grade point average (GPA) (e.g., 2.0 on a 4.0 point system or 3.0 on a 5.0 system) at each grading period (e.g., semester, quarter or term); and

B) maintains a sufficient cumulative GPA to meet graduation requirements in his/her major field of study. If the customer does not have a major field of study, the customer meets this second test by maintaining a sufficient cumulative GPA to meet graduation requirements.

2) If at any time a customer's cumulative GPA fails to meet either part of the two part test in subsection (a)(1), DHS-DRSORS will only continue to provide financial contribution sponsor the customer for one additional
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grading period, regardless of when taken, provided the customer and counselor agree continued educational training is appropriate. DHS-DRS must give notice to the customer of this additional grading period of financial contribution as soon as it learns of the customer's GPA deficiency. This notice may come after the start of the additional grading period. At the completion of the additional grading period, the customer must meet each of the two tests in subsection (a)(1). DHS-DRS may continue vocational rehabilitation services but will discontinue paid financial contribution towards sponsorship of the educational training until the customer has removed deficiencies without DHS-DRS paid financial contribution sponsorship.

3) If the customer fails a course that DHS-DRS paid for, the customer will be required to pay for an equal number of hours, applicable toward the degree, the following term. DHS-DRS will not provide financial contribution for support or auxiliary services for those numbers of hours that course if taken again.

4) Changing, withdrawing, or dropping courses during a term requires documented pre-approval from the DHS-DRS counselor. If a customer drops a course or withdraws without pre-approval, the customer will be required to pay for an equal number of hours, applicable toward the degree, the following term. DHS-DRS will not provide financial contribution for support or auxiliary services for those numbers of hours the course shall not be paid for by DHS-ORS if retaken.

b) Attendance

1) DHS-DRS may provide financial contribution to ORS shall sponsor a customer for no more than the equivalent of three academic years to complete an Associate's degree or reach junior standing, and up to the equivalent of three additional academic years to complete a Bachelor's degree. If the customer requires additional academic terms to complete the degree, those additional terms, plus any support or auxiliary services will be paid for by the customer prior to any DHS-DRS financial contribution.

2) DHS-DRS may provide financial contribution to a customer in a graduate program for no more than the equivalent of three academic years to
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If the customer requires additional terms to complete the degree, those additional terms, plus any support or auxiliary services, will be paid for by the customer prior to any DHS-DRS financial contribution.

Exceptions for a customer to be given additional time to subsection (b)(1) may be granted, by the appropriate Bureau Chief, if there are extenuating circumstances relating to the customer's disability, or personal and/or financial situation.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.280 Health Status

a) If a customer is prevented from attending the training program outlined in his/her IPE (89 Ill. Adm. Code 572) or is forced to withdraw, due to health reasons, he/she must obtain written verification for the need of such action from his/her physician or the health service at the facility/institution at which he/she is enrolled.

b) If a customer is prevented from attending training due to hospitalization, he/she must inform his/her DHS-DRS counselor. In such cases, advanced notice should be provided to the DHS-DRS counselor, when possible.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.300 Default on Educational Loans

DHS-DRS shall not provide financial assistance for post-secondary education to a customer who is in default on any educational grant or loan, as authorized by Title IV of the Higher Education Act, unless the customer has provided proof of the repayment or a deferral agreement has been made with the lender, counselor has determined that:

a) a repayment or deferral agreement has been made with the lender; or

b) a repayment effort is being made by the client; however, due to the client's financial situation, a repayment or deferral agreement cannot be reached with the lender.
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(SOURCE: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART D: SELF-EMPLOYMENT-PROGRAM FOR SELF-EMPLOYMENT

Section 590.310 Provision of Services

a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.

b) Self-employment is a customer working for oneself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.

c) Prior to provisions of any of the services listed in this Subpart, the counselor shall consult with the appropriate regional/central office resource specialist when considering self-employment as an employment goal for a customer. DHS-DRSORS participation in such a program must be approved in writing by the Rehabilitation Services Supervisor prior to initiation of an Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572).

d) A copy of the Illinois Administrative Code pertaining to the Program for Self-Employment (Sections 590.310 through 590.370) must be provided to the customer prior to the completion of the Preliminary Program for Self-Employment Questionnaire (89 Ill. Adm. Code 590.315(b)).

e) Self-employment is a customer working for oneself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.315 Eligibility for Participation in the Program for Self-Employment

For customers interested in self-employment opportunities, the following steps to determine eligibility must be completed before the Individualized Plan for Employment and the Self-Employment Plan can be developed.
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a) Options other than self-employment must be explored with the customer to determine if an equal or greater opportunity for successful employment is available in the competitive labor market.

b) To be eligible for participation in the Program for Self-Employment, the customer must complete the Preliminary Program for Self-Employment Questionnaire that documents:

1) Previous formal education and/or training in business operation:

   A) Evidence of education or training is indicated by:

   i) a two or four year degree in business/financial management or related field; or

   ii) prior business management experience that provides business knowledge equivalent to the formal education described in subsection (b)(1)(A)(i).

   B) Exceptions to subsections (b)(1)(A)(i) and (ii) may be granted by the appropriate Bureau Chief.

2) Self-employment is a viable employment option for the customer and is consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

3) Self-employment shall enable the customer to engage in gainful employment that will generate income at a level equal to or above the earnings level of Substantial Gainful Activity (SGA) as determined annually by the U.S. Social Security Administration for Title II recipients.

4) Evidence that the customer has available cash or credit resources to cover 50% of all eligible costs of the customer's Program for Self-Employment and any required participation as determined in the financial analysis in 89 Ill. Adm. Code 562.

5) Evidence that the customer has available resources to cover all eligible expenses over the $10,000 limit that DHS-DRS will contribute towards eligible costs under the customer's Program for Self-Employment.
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Exceptions to the DHS-DRS contribution limit may be granted by the appropriate Bureau Chief.

a) If an option other than self-employment exists that will provide the customer with an equal or greater opportunity for successful employment outcome, the customer is not eligible for the Self-Employment Program.

b) To be eligible for participation in the Self-Employment Program the customer must have:

1) prior successful business operation experience, or

2) previous formal education and/or training in business and business operation, as indicated by a two or four year degree in business/financial management or a related field.

c) There shall be documented evidence in the case file that self-employment is a viable employment option for the customer that is consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the customer.

d) Self-employment shall enable the customer to engage in gainful employment that will generate income at a level equal to or above the earnings level of Substantial Gainful Activity (SGA) as determined annually by the U.S. Social Security Administration for Title II recipients.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.320 Self-Employment Program for Self-Employment

a) Tools Those tools, equipment, supplies and initial stock necessary to begin a specific business may be provided to a customer in order for him/her to obtain a successful employment outcome when it has been determined by the customer, counselor, and the Supervisor that self-employment is a realistic employment goal for the individual. All tools, equipment, supplies and initial stock purchased for a customer must be specifically listed in the customer's IPE (89 Ill. Adm. Code 572).

b) DHS-DRSORS shall pay up to 50% of the eligible costs of the customer's Self-
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Employment Program for Self-Employment not to exceed the $10,000 maximum limit. Exceptions to the DHS-DRS contribution limit may be granted by the appropriate Bureau Chief.

1) The cost shall not include those listed as ineligible in Section 590.330 or any in-kind contributions.

2) This percentage shall be applied before the application of the DHS-ORS financial participation (see 89 Ill. Adm. Code 562).

23) All required financial participation from the financial analysis in 89 Ill. Adm. Code 562 is in addition to the customer's 50% contribution and shall be applied to the DHS-DRS share of the cost.

c) DHS-DRS shall pay up to 100% of any Self-Employment Program for Self-Employment cost associated with accommodating the customer's disability.

d) Prior to the provision of such services, the customer must complete a business plan for development of the business. The business plan shall include, but not be limited to:

1) a full description of the proposed business or service operation;

2) the customer's qualifications for, interest in, and need for self-employment as an employment outcome as evidenced by the customer's Assessment;

3) the estimated total capital needs for the establishment of the business and evidence of the availability of such funds (i.e., personal account statements, verification of loan availability, complete listing of all personal liabilities);

4) financial estimates for the first 12 months of operation;

5) plans for business development and marketing;

6) evidence the proposed business has a reasonable chance of success (i.e., provide net income to meet a majority of the customer's living expenses) as established by:
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A) market surveys;

B) signed statements from consultants and experts that the business has a reasonable chance of success based on market conditions, demand and competition; and

7) evidence commitment for additional financing necessary to make the business operational.

e) During the first six months of operation, the customer must provide monthly statements to the counselor detailing the financial activity of the business, including a statement of profit or loss for a minimum of nine months.

f) At a minimum of every three months and six months of operation, the customer must provide the counselor full detailed inventory of all tools, equipment, supplies and stock purchased to establish the business, regardless of the purchaser, until disposition of the operation as identified under Sections 590.350 and 590.360. Frequency of the inventory shall be determined by the counselor and appropriate DHS-DRSORS staff.

g) All tools, equipment, supplies and initial stock shall be maintained by the customer in good order. The customer is expected to maintain all tools, equipment, supplies and initial stock in like new condition. The customer must ensure all proper up-keep and maintenance is done as specified by the manufacturer. In the event of break-down or defect, the customer must have the item repaired. As most items carry a manufacturer warranty, all costs should be covered under such provisions.

h) The customer is expected to maintain and replenish an adequate supply of all initial stock and supplies.

i) DHS-DRSORS shall maintain title to all tools and equipment, supplies and initial stock purchased with DHS-DRSORS funds for at least nine the first six months of operation of the business enterprise. Disposition of the title shall be determined per Sections 590.350 and 590.360.

j) The customer shall have appropriate business insurance coverage that includes personal liability, property damage/loss, and worker's compensation.
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(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.330 Services/Goods not Available

DHS-DRS shall not purchase, or provide funding for the purchase of, the following, under this Part:

a) cash for establishing a business;

b) purchase of any real property;

c) remodeling of a building or facility which is non-essential to the operation of the business;

d) purchase of a vehicle requiring licensure for street use;

e) purchase of accounts receivable or business "goodwill";

f) tax bonds;

g) reimbursement for sales tax, interest or service charges;

h) funds to pay wages for employees;

i) funds to obtain patents or any associated costs; and

j) funds to develop and produce prototype products or any associated costs.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

a) DHS-DRS shall retain title to any tools and equipment and supplies purchased for a customer by DHS-DRS to establish a business.

b) DHS-DRS shall make full recovery of all tools, equipment, and remaining supplies and initial stock purchased by DHS-DRS for the establishment of the business in the following situations:
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1) the business does not succeed;

2) the customer fails to cooperate by not providing all reports and records required by Subpart D of this Part;

3) the customer deliberately misrepresents, or has misrepresented, necessary information, reports and records for the purpose of receiving services.

c) Fair cash value shall be acceptable in lieu of recovering the tools, equipment, supplies and initial stock, as determined by DHS-DRS.

If, after establishment of the business and prior to conveyance of title of all tools, equipment, supplies and initial stock purchased by DHS-ORS, the business does not succeed or the customer fails to cooperate by not providing all reports and records required by this Subpart and/or deliberately misrepresents or has misrepresented necessary information, reports, and records for the purpose of receiving services, DHS-ORS shall make full recovery of all tools, equipment and remaining supplies and initial stock purchased by DHS-ORS for establishment of the business. Fair cash value shall be acceptable in lieu of recovering the tools, equipment, supplies and initial stock.

d) All remedies available to DHS-DRS, including court action, shall be taken by DHS-DRS if the customer is unwilling to return the items.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.360 Transfer of Title

Title to any tools, equipment, supplies, and initial stock purchased by DHS-DRS may be transferred to the customer when documentation verifies the customer's success at generating income equal to or greater than the Substantial Gainful Activity (SGA) for at least 9 months. If, after the development of a business enterprise, the documentation provided by the customer and verified by the counselor indicates the customer's success and verification that the enterprise has produced profits to the customer equal to SGA for at least 9 months, title to any tools, equipment, supplies and initial stock purchased as part of the customer's IPE (89 Ill. Adm. Code 572) shall be transferred by DHS-ORS to the customer.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)
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SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section 590.380 Vendor Requirements

All vendors providing vehicle or environmental modifications under this Subpart shall provide DHS-DRSORS with a certificate of insurance verifying liability coverage with a minimum of $1,000,000.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.400 Vehicle Adaptation

a) DHS-DRSORS shall participate in the purchase of the necessary vehicle adaptive equipment, and its installation, in accordance with Subpart A of this Part, with the exception listed in Section 590.410(c), necessary to meet the minimum requirements for the individual client to safely operate his/her vehicle.

b) As a rehabilitation technology service, vehicle adaptation is exempt from the provisions regarding comparable benefits (89 Ill. Adm. Code 567), but not from the provisions of client financial participation in the cost of the service(s) (89 Ill. Adm. Code 562).

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.420 Environmental Modification

DHS-DRSORS shall purchase environmental modifications necessary for the client to meet his/her health and hygiene needs in accordance with Subpart A of this Part.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.430 Written Agreements for Environmental Modification

When environmental modification is to be provided to a client, DHS-DRSORS shall, with assistance of the client, obtain a written agreement with the home's owner (if other than the client) prior to the initiation of such services if the modification shall permanently alter the property.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)
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SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.460 Types of Services

a) For the purpose of this Subpart, Personal Support Services and Auxiliary Aids shall mean services provided by an individual or through electronic/mechanical devices (equipment) which allow customers with sensory, manual or speaking impairment to achieve a level of performance equal to that of an individual who does not have such impairments.

b) Such services shall include personal assistance (PA) services, interpreter services (i.e., foreign language, sign language), computer assisted realtime captioning (CART), drivers, sensory augmentation devices, readers, notetakers and accessible format documents (e.g., Braille, large print, audio tape).

c) Such services shall also include foreign language interpreter services.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.470 Services/Equipment

a) DHS-DRSORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or the Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IPE (89 Ill. Adm. Code 572).

b) Services provided by an individual (i.e., sign language interpreter, CART, notetaker, reader, PA services) under this Subpart shall continue until the customer's case is closed and as determined necessary by the customer and counselor.

c) Tools and equipment may be provided to a customer in order to obtain a successful employment outcome. All tools and equipment must be specifically listed in the customer's IPE. These services must comply with all bidding requirements outlined in Section 590.45.

de) DHS-DRSORS shall retain title to any tools or equipment purchased for use by a
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Customer. Prior to the purchase of any tools or equipment for customer use, the customer must agree to maintain the tools or equipment in proper working order and condition, and agree to return the tools or equipment to DHS-DRS at any time the customer has no further use for the tools or equipment or is otherwise not using the tools or equipment for the purpose for which it was purchased.

d) The customer may retain the tools or equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 595617, as long as he/she is using the tools or equipment for the purpose for which it was originally purchased.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.480 Qualifications for Services Provided by Individuals

Individuals providing services under this Subpart shall meet the following qualifications:

a) PA services – such individuals shall meet the standards set forth at 89 Ill. Adm. Code 686.10 Personal Assistants (PA) Requirements that enumerates the requirements for individuals who will be employed by the customer to provide PA services through the DHS-DRS Home Services Program.

b) Readers and Notetakers – such an individual shall meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.

c) Drivers – such an individual shall be licensed pursuant to the Illinois Motor Vehicle Code, carry at least the minimum required liability insurance, and meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.

d) Sign language interpreters shall meet the regulations as set forth in Public Act 90-200. Sign language interpreters must show proof of:

1) a certificate issued by the Registry of Interpreters for the Deaf (RID);
2) a satisfactory evaluation by the National Association of the Deaf;
3) a satisfactory Interpreter Skills Assessment Screening (ISAS) evaluation;
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4) licensure or certification or a satisfactory evaluation or screening in another state.

e) Foreign Language Interpreters – shall meet the approval of the counselor and customer.

f) CART providers shall meet the following criteria:

1) Illinois Certified Shorthand Reporter;

2) attendance of 6 hours in CART training sponsored by the Illinois Shorthand Reporters Association (ISRA);

3) DHS-DRS sponsored Sensitivity Training;

4) submission of work history, including 4 hours realtime experience.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART H: OTHER SERVICES

Section 590.600 Transportation and Temporary Lodging

a) **During** When, during the completion of the customer's IPE (89 Ill. Adm. Code 572), transportation and/or temporary lodging **may be** necessary to complete his/her employment outcome.

1) **When necessary**, DHS-DRS shall reimburse the customer and, when the customer requires a PA (Section 590.460), reimburse the PA, for travel and lodging expenses pursuant to Department of Central Management Services rules at 80 Ill. Adm. Code 3000 – The Travel Regulation Council. Mileage shall be paid to the customer at 50% of the established rate of the Travel Regulation Council, rounded to the next cent. DHS-ORS shall not pay for automobile maintenance and insurance. DHS-ORS may pay for car repairs when the car cannot be driven or is unsafe to operate; there is no other means of transportation available to the customer; and a critical service in the customer's IPE will not be
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completed because of the lack of transportation.

2) The following shall also apply:

A4) Mileage shall be computed on one round trip per day that the customer attends a reimbursable event (reimbursement is available only for attending services planned in the IPE for which transportation reimbursement is being made available).

B2) If the public transportation system is accessible to the customer and meets the customer's schedule, the maximum DHS-DRSORS shall pay the customer for transportation shall be the cost of public transportation.

3) These expenses shall not be reimbursed once the customer's employment outcome has been attained and the first pay check has been received.

b) Transportation via ambulance will only be provided based on the customer's IPE (89 Ill. Adm. Code 572) and when ordered by the customer's attending physician.

c) DHS-ORS may pay customers in residence at a college or training program cost of the least expensive means of accessible transportation for up to two round trips home per academic year not including the initial trip to school at the beginning of the school year and the final trip home at the end of the school year. Customer transportation needs for training at ICRE-Wood will be determined by the customer's training schedule and the training schedule of ICRE-Wood.

d) DHS-DRS will not pay for transportation for customers in residence at a college or training program.

e) DHS-DRS shall not pay for automobile insurance or maintenance.

f) DHS-DRS may pay for car repairs when:

1) the car cannot be driven or is unsafe to operate;

2) there is no other means of transportation available to the customer; and
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3) a critical service in the customer's IPE will not be completed because of the lack of transportation.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.610  Other Goods and Services

a) DHS-DRSORS may provide other services, including services to a customer's client's family members, not specifically described in this Part that which are necessary for a customer's client to overcome his/her impediment to employment and attain a successful employment outcome unless specifically prohibited by Federal law or regulation, State law or DHS-DRSORS rules.

b) For the purpose of this Subpart, "family member" shall mean any relative by blood or marriage of the customer's client and any other individual living in the customer's client's household with whom the customer's client has a close interpersonal relationship. A close interpersonal relationship is determined by the presence of an emotional commitment between the individuals, not by financial commitments. Adopted individuals shall be considered as family members.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.620  Equipment Sets

a) For the purposes of this Section, the provisions of Subpart A of this Part do not apply.

b) DHS-DRSORS shall certify individuals as deaf, severely hard of hearing or deaf-blind for the purpose of obtaining equipment sets (Teletypewriter/Telephone Devices for the Deaf (TTYs/TDDs)) or telebraille devices) without charge per the Public Utility Act [220 ILCS 5/13-703].

c) DHS-DRSORS shall certify individuals seeking eligibility for a TTY/TDD who are deaf or severely hard of hearing and who are: present customer's clients, past customer's clients for whom DHS-DRSORS holds records, or individuals known to certifying staff through professional affiliation (e.g., past customer's clients for whom DHS-DRSORS no longer has records, a family member of a customer's client or former student of the Illinois School for the Deaf or the Illinois Center for Rehabilitation and Education-Roosevelt).
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d) DHS-DRS will certify individuals who are seeking eligibility for a telebraille device who are:

1) deaf or severely hard of hearing;

2) blind or severely visually impaired;

3) capable of using Grade 1 Braille; and

4) a present or past DHS-DRS customer. If the individual's Braille skills are unknown, a series of short questions in Grade 1 Braille will be given to the individual by DHS-DRS staff for the individual to respond to in Braille.

e) If the individual seeking certification from DHS-DRS is not known by DHS-DRS staff, as listed in subsections (c) and (d) above, DHS-DRS shall inform the individual of other certifying agents as listed at 83 Ill. Adm. Code 755.200.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART I: PLACEMENT

Section 590.630 Provision of Placement Services

a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.

b) Placement services are normally provided by DHS-DRS staff but there is no financial participation (89 Ill. Adm. Code 562) required for any placement service.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART J: INCREASED COST MAINTENANCE

Section 590.660 Increased Costs
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Increased costs are expenses such as food, shelter and clothing, that are in excess of the customer's normal living expenses and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation services under an IPE. Normal living expenses shall not be paid by DHS-DRSORS. DHS-DRSORS shall only pay for increased costs. Minimum normal living expense for shelter and food are established as the DHS TANF payment level allowance for shelter for one adult and the DHS Maximum Food Stamp Benefit level for a Family of One or the actual normal living expenses prior to service, whichever is greater. DHS-DRSORS shall pay for these increased costs in the manner spelled out in this Subpart.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

Section 590.680 Exceptions

Exceptions to this Subpart shall be granted by the appropriate Bureau Chief of DHS-DRSORS. Requests for exceptions must be in writing and explain and justify increased costs above those established by this Part.

(Source: Amended at 31 Ill. Reg. 7006, effective April 30, 2007)

SUBPART L: TRANSITION

Section 590.740 Definitions

For the purpose of this Subpart, the following terms shall have the following meanings:

Post-school Activities – vocationally oriented activities undertaken by a customer/student after he/she leaves the secondary education system. Such activities may include: post-secondary education; vocational training; integrated employment, including Supported Employment; continuing and adult education; VR services; and community participation.

Secondary Transitional Experience Program (STEP) – a program of transition services provided through cooperative agreement of DHS-DRSORS and a Local Educational Agency (LEA).

Transition – a coordinated set of services for a customer/student, usually enrolled at the secondary education level, designed to promote movement from school to post-school activities.
Section 590.750  Secondary Transitional Experience Program (STEP)

a) While necessary transition services may be provided to any VR client, the majority of such services are provided through STEP. STEP is a cooperative program between DHS-DRSORS and LEAs in which DHS-DRSORS provides funding to LEAs to enhance transition services provided to customers/students. Under cooperative agreements with the LEA, DHS-DRSORS provides funding to assist in the provision of:

1) classroom instruction in the areas of career exploration;

2) independent living and community mobility skills training; and

3) in-school and community-based work experience.

b) STEP services are provided to individuals to enhance the educational and pre-vocational programming provided by the LEA and do not replace programming which the LEA is required to provide. Further, the primary responsibility for the provision of adaptive equipment and auxiliary aids necessary for the students to achieve the student’s educational and pre-vocational goals shall rest with the LEA.
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1) **Heading of the Part:** Illinois Elevator Safety Rules

2) **Code Citation:** 41 Ill. Adm. Code 1000

3) **Section Numbers:**

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4) **Statutory Authority:** Authorized by and implementing Section 35 of the Elevator Safety Act [225 ILCS 312]

5) **Effective Date of Adopted Rules:** April 24, 2007

6) **Does this rulemaking include an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** Yes

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.

9) **Date Notice of Proposal published in the Illinois Register:** October 14, 2006; 30 Ill. Reg. 16522
10) Has JCAR issued a Statement of Objection to these Rules? Yes

Concerning the first of two Objections:

A) **Statement of Objection**: March 30, 2007; 31 Ill. Reg. 5167

B) **Agency Response**: May 11, 2007; 31 Ill. Reg. 7183

C) **Date Agency Response Submitted for Approval to JCAR**: April 5, 2007

In this Objection, the Joint Committee on Administrative Rules objected to the Elevator Safety Review Board's failure to implement the Elevator Safety and Regulation Act in a timely manner, resulting in the Board and the Office of the State Fire Marshal implementing policy not adopted in rule. The Board agreed with the Objection regarding the timeliness of the rule adoption and will make every effort to be timely in the future.

Concerning the second of two Objections and a subsequent Filing Prohibition:

A) **Statement of Objection and Filing Prohibition**: March 30, 2007; 31 Ill. Reg. 5169

B) **Agency Response**: May 11, 2007; 31 Ill. Reg. 7172

C) **Date Agency Response Submitted for Approval to JCAR**: April 5, 2007

In this Objection and Filing Prohibition, the Joint Committee on Administrative Rules voted to object to and prohibit the filing of the phrase "and works under the direct supervision of a licensed contractor" in Section 1000.80 (a)(1), which required elevator mechanics to work under the direct supervision of an elevator contractor. The adoption of this provision without the opportunity for the public to comment (the phrase was added as a First Notice modification) constituted a serious threat to the public interest. The Prohibition afforded time for the public to comment to the Joint Committee and the Board. The Elevator Safety Review Board agreed to modify the rulemaking by deleting the phrase from the adopted rule. Therefore, at the April 18, 2007 JCAR meeting, the Committee withdrew the Filing Prohibition.

11) **Differences between proposed and final versions**: The deadline for most licenses and for elevator registration has been extended to July 1, 2007. After that date, mechanics, inspectors and contractors may service an unregistered elevator once, provided they
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notify the owner of his or her obligation to register the elevator with the Office of the State Fire Marshal. The deadline for current elevator mechanics to obtain licenses by grandfathering has been changed from January 1, 2008, to December 31, 2007, to be consistent with statute.

References to the American Society of Mechanical Engineers' Safety Code for Elevators and Escalators have been updated to the 2005 version of the code. Hydraulic and fire control systems on existing elevators and escalators must be upgraded to meet the code by January 1, 2011; all other code upgrades must be completed by January 1, 2009. Direct supervision of an apprentice or helper has been defined as periodic review of the apprentice or helper's work by a licensed or limited elevator mechanic present on site. Other clarifications and non-substantive changes were also made.

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

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

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

15) Summary and Purpose of Rules: The amendments are intended to carry out the requirements of the Elevator Safety Act and to allow for licensing to be consistent with the delays in adoption of the final rules.

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

John J. Fennell Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL  62703-4259

217/785-4144
Facsimile: 217/558-1320

The full text of the Adopted Rules begins on the next page:
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TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARD

PART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section
1000.10 Purpose of this Part
1000.20 Applicability
1000.30 Definitions
1000.40 Local Regulation
1000.50 Elevator Safety Review Board
1000.60 Adoption of Nationally Recognized Safety Codes
1000.70 Variance and Reconsideration
1000.80 Licensure and Registration Requirements
1000.90 Application for License or Registration
1000.100 License and Registration Fees
1000.110 Renewal of License
1000.120 Registration of Conveyances
1000.130 Permits
1000.140 Conveyance Inspection
1000.150 Certificate of Operation
1000.160 Administrative Hearing
1000.170 Administrative Penalties
1000.180 Implementation Schedule

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].


Section 1000.10 Purpose of this Part

The purpose of this Part is to assure that conveyances are correctly and safely installed and operated within the State by regulating the design, installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators,
moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by
licensing personnel and businesses that work on these conveyances.

Section 1000.20 Applicability

a) This Part applies to the design, construction, operation, inspection, testing,
maintenance, alteration and repair of the following equipment, its associated
parts, and its hoistways (except as exempted in subsection (c) of this Section):

1) Hoisting and lowering mechanisms equipped with a car or platform,
which move between 2 or more landings and include, but is not limited to,
elevators, platform lifts and stairway chairlifts;

2) Power driven stairways and walkways for carrying persons between
landings. This equipment includes, but is not limited to, escalators and
moving walkways;

3) Hoisting and lowering mechanisms equipped with a car, which serve 2 or
more landings and are restricted to the carrying of material by their
limited size or limited access to the car and include, but are not limited to,
dumbwaiters or material lifts and dumbwaiters with automatic transfer
devices;

4) Automatic guided transit vehicles on guide ways with an exclusive right-
of-way. This equipment includes, but is not limited to, automated people
movers. [225 ILCS 312/10(a) and (b)]

b) This Part does not apply to a municipality with a population over 500,000 [225
ILCS 312/10(d)].

c) This Part does not apply to the following equipment: material hoists; belt
manlifts; mobile scaffolds, towers, and platforms, except those covered by ANSI
A10.4; powered platforms and equipment for exterior and interior maintenance;
conveyors and related equipment; cranes, derricks, hoists, hooks, jacks, and
slings; industrial trucks; portable equipment, except for portable escalators;
tiering or piling machines used to move materials to and from storage located and
operating entirely within one story; equipment for feeding or positioning
materials at machine tools, printing presses, etc.; skip or furnace hoists; wharf
ramps; railroad car lifts or dumpers; line jacks, false cars, shafters, moving
platforms, and similar equipment used for installing an elevator by a contractor licensed in this State; railway and transit systems; conveyances located in a private residence not accessible to the public; special purpose personnel elevators. [225 ILCS 312/10(c)]

Section 1000.30 Definitions

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Operation" means a certificate issued by the OSFM that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid. [225 ILCS 312/15]

"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who is the holder of the elevator contractor license or limited elevator contractor license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act. Such person shall have ownership interest, corporate officer status or managerial control over the licensed workforce of the contractor.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]
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"Elevator Helper" means an individual registered with OSFM as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by OSFM to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Inspector" means any person who possesses an elevator inspector license in accordance with the provisions of the Act. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under Section 45(d) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator contractor, whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses is insufficient to cope with the emergency. [225 ILCS 312/45(d)]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(g), that limits the licensee's business to platform lifts and stairway chairlifts. (See definition of Elevator Contractor's License at 225 ILCS 312/15.)

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining platform lifts and stairway chairlifts within any building or structure. [225 ILCS 312/15]
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"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation Program.

"Owner" means any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or, in the event the device or equipment is leased, the lessee.

"Private Residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15]

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part. Section 15 of the Act exempts repairs from the Act's permit requirements.

"Temporary Certificate of Operation" means a certificate issued by the OSFM that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed, or use of elevators temporarily used for construction or demolition to provide transportation for construction personnel, tools, and materials only. [225 ILCS 312/15]

"Temporary Elevator Mechanic License" means a license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor, when there are no licensed personnel available to perform elevator work [225 ILCS 312/45(e)].

Section 1000.40 Local Regulation

a) Authorization of Local Programs
NOTICE OF ADOPTED RULES

A municipality or county may issue permits and may enter into a contract with the OSFM under which the municipality or county will operate a local program, provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, to:

1) Issue construction permits and certificates of operation;

2) Provide for inspection of elevators, including temporary operation inspections; and

3) Enforce the applicable provisions of the Act. [225 ILCS 312/140(a)]

b) Approval by the Board

1) Application
   Any municipality or county that chooses to inspect, license or otherwise regulate conveyances must apply to the Board for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information the Board may request. The form shall be provided by the OSFM.

2) Approval and Program Agreement
   If the OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, the OSFM will so notify the local program. Each municipality or county approved by the Board to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.

3) Existing Local Programs
   Initial applications for approval of local programs existing when this Part is adopted must be submitted to the Board. Municipalities or counties having conveyance safety inspection programs existing on the effective date of this Part that are in substantial conformance with this Part may continue to operate those programs pending approval by the Board. The OSFM shall be responsible for oversight and concurrent enforcement during the period between application and approval of local programs.
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4) Annual Review
   Board approval of local programs is renewable annually.

c) Local Ordinances, Resolutions and Regulations
   The municipality or county must enact enabling ordinances or resolutions creating
   the local program and adopt standards and regulations at least as stringent as those
   provided in this Part. Variances to standards and regulations adopted by a local
   program shall not become final until ratified by the Board.

d) Local Enforcement
   Within the jurisdiction of an approved local program, except as otherwise
   provided in this subsection (d), the procedural requirements of the local program
   shall be followed, rather than the procedural requirements of this Part, including
   the specified fees. However, all conveyances located within the jurisdiction of a
   local program shall be registered with the OSFM in accordance with Section 80 of
   the Act and Section 1000.120 of this Part.

e) Reporting and Recordkeeping

1) Annual Report
   The municipality or county shall submit an annual report to the OSFM
   documenting the standards and regulations enforced by the municipality or
   county and the number of inspections performed and permits issued.

2) Other Reporting
   The OSFM may require additional reports and information to be provided
   on a periodic basis to assure that local programs are operating in
   conformance with the Act.

3) Recordkeeping
   A municipality or county that operates a local program shall maintain for
   inspection by the OSFM copies of all inspection reports, permit
   applications and permits issued, and shall maintain a record of the number
   of certificates of operation issued by that jurisdiction. These records must
   be maintained for at least one year. A copy of permits issued shall also be
   forwarded to the OSFM.

f) Discontinuance of a Local Program
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1) Discontinuance by the Local Jurisdiction
   Should a local program determine to discontinue inspecting, licensing, or otherwise regulating conveyances, the local program administrator shall notify the OSFM 90 days prior to termination of the program. The municipality or county shall make available to the OSFM program records and documents necessary for the OSFM to maintain regulatory continuity.

2) Discontinuance by the Board
   The OSFM shall monitor the local programs and report to the Board whenever a program is found to not meet the requirements of the Act and this Part. The Board shall review the report and notify the municipality or county of corrective actions needed to be taken to bring its program into compliance. The Board may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 1000.160 of this Part, withdraw approval of a non-compliant local program.

Section 1000.50 Elevator Safety Review Board

a) Appointment
   The Elevator Safety Review Board consists of 13 members, 10 of whom are appointed by the Governor and 3 of whom are appointed by the State Fire Marshal under Section 25 of the Act.

b) Powers and Duties
   Section 35 of the Act authorizes the Board to adopt rules for administration and enforcement of the Act. The rules shall establish standards and criteria consistent with the Act for licensing of elevator mechanics, limited elevator mechanics, inspectors and contractors. The Board may grant variances from the applicable standards (see Section 1000.70), establish fees and recommend changes to the Act.

c) Contact
   The Board's office is located at the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

Section 1000.60 Adoption of Nationally Recognized Safety Codes
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a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and recommended practices:

1) American Society of Mechanical Engineers (ASME)
   Three Park Avenue
   New York NY 10016-5990


   B) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);

   C) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005) (upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2009, except that upgrades to the hydraulic cylinder system and the firefighter control system must be completed by January 1, 2011);

   D) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005);


2) American National Standards Institute (ANSI)
   25 West 43rd Street, 4th Floor
   New York NY 10036

   Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4-2004).

3) American Society of Civil Engineers (ASCE)
   1801 Alexander Bell Drive
   Reston VA 20191-4400

   Automated People Mover Standards (ASCE 21-2000).
b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

Section 1000.70 Variance and Reconsideration

a) The Board may grant variances to applicable State codes, standards or this Part that are consistent with the intent of the Act.

b) In order for a variance request to be reviewed, the request shall be submitted in writing by the owner or his/her designated representative and shall include:

1) Evidence that the proposed or existing conveyance is not in compliance with the code or regulation.

2) Evidence that strict compliance with the code or regulation would entail practical difficulty or unnecessary hardship or is otherwise found unwarranted.

3) Evidence that any requested variance does not jeopardize the safety and health of those who would use the conveyance or work on the conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.

4) A processing fee of $200.

c) The Board's determination on the variance request shall be made in writing to the party making the request and shall advise the party of the reconsideration process contained in subsection (d). This determination shall be made no later than 30 days after the Board meeting at which the variance request is heard.

d) The Board may reconsider a determination made pursuant to this Section. To request reconsideration, the owner or his/her designee shall submit a written request to the Board including:

1) Information in addition to that provided under subsection (b) that may assist the Board in its reconsideration.
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2) Evidence that this Part or a code or regulation has been incorrectly interpreted, the provisions of the code or regulation do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.

e) The request for reconsideration shall be submitted no later than 30 days after receiving the variance determination. A request for variance or reconsideration shall not relieve a person from complying with the Act or this Part during the pending review.

Section 1000.80 Licensure and Registration Requirements

a) Qualifications for Elevator Mechanic or Limited Elevator Mechanic License

1) Elevator Mechanic License
Section 20(a) of the Act states that no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.

A) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(a).

B) Grandfathering
A person applying for an elevator mechanic or limited elevator mechanic license by December 31, 2007 and submitting to the OSFM acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person for equipment the licensee is authorized to install shall be issued an elevator mechanic license. Acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to July 21, 2006.

C) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic license must demonstrate one of the following qualifications:
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i) **an acceptable combination of documented experience and education credits consisting of:**

   • *not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and*

   • *satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on this Part and the State codes incorporated in Section 1000.60; or*

ii) **a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license for which the individual is applying; or**

iii) **a certificate of completion of an elevator mechanic apprenticeship program, with standards substantially equal to those of the Act, registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or**

iv) **a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]**

2) **Qualifications for a Limited Elevator Mechanic License**

   A) **No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(g).**

   B) **Qualifications for a limited elevator mechanic license shall be the same of for an elevator mechanic license with the exception that work experience shall consist of work performed on ASME A18.1**
conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.

b) Elevator Industry Apprentice or Helper Registration

1) A person who is not licensed as an elevator mechanic or limited elevator mechanic may not work as an elevator industry apprentice or helper unless he or she is registered as such by OSFM and works under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/20(c)] In this instance, the term direct supervision requires that a licensed elevator mechanic or limited mechanic be on site to provide periodic review of the work of the apprentice or helper.

2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(j).

3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

4) Elevator industry apprentices and helpers shall register by submitting, on a form provided by the OSFM, the following information:

   A) Name, address and telephone number of the applicant.

   B) Whether the applicant is registering as an apprentice or as a helper.

   C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.

5) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.

c) Qualifications for a Temporary Elevator Mechanic License
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1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(e).

2) A licensed elevator contractor or licensed limited elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.

4) A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and while the elevator mechanic is employed by the licensed elevator contractor or licensed limited elevator contractor that certified the individual as qualified. It shall apply to such particular elevators or geographical areas as OSFM designates and shall be renewable as long as the shortage of licenseholders continues. [225 ILCS 312/45(e)]

d) Qualifications for Emergency Elevator Mechanic License

1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.

2) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the OSFM within 5 business days after commencing work requiring a license.
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3) The applicant shall furnish proof of competency by submitting to the OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.

4) An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as the OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).

5) OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]

e) Qualifications for Elevator Inspector License

1) No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].

2) No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).

3) No inspector’s license shall be granted to any person, unless he or she proves to the satisfaction of the OSFM that he or she meets the current ASME QEI-I, Standards for the Qualifications of Elevator Inspectors. [225 ILCS 312/50]

4) To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)). An elevator inspector shall notify the OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification and valid elevator inspector license.

5) All elevator inspector license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
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f) Qualifications for Elevator Contractor License

Section 40(a) of the Act requires that any person wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State must be licensed.

1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(c) is paid.

2) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:

   A) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by documentation as required by the Board;

   B) satisfactory completion of a written examination administered by the Elevator Safety Review Board directly or through its designated provider on this Part and the State codes incorporated in Section 1000.60; or

   C) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/55]

3) All elevator contractor license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.

   g) Qualifications for a Limited Contractor License

1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.
2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.

h) Miscellaneous Requirements

1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(e)(3) of this Part and except as stated in Section 1000.120(b).

2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to the OSFM.

3) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

Section 1000.90 Application for License or Registration

a) Application Forms
All applications for an elevator mechanic, limited elevator mechanic, temporary elevator mechanic, emergency elevator mechanic, elevator inspector, elevator contractor, or limited elevator contractor license, or for registration as an elevator industry apprentice or helper, shall be submitted to the OSFM on forms provided by the OSFM.

b) OSFM Approval or Denial
Upon receipt, review and approval of the application, the OSFM shall issue the appropriate license or registration. If OSFM determines the applicant does not qualify for licensure or registration based on the criteria established in Section 1000.80, OSFM shall deny the application and notify the applicant of the reason for denial.

c) Application for an Elevator Contractor or Limited Elevator Contractor License
1) All applications for an elevator contractor or limited elevator contractor license shall include:

A) if the applicant is a person, the name, residence address, and business address of the applicant;

B) if the applicant is a partnership, the name, residence address, and business address of each partner;

C) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

D) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

E) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

F) if applying for an elevator contractor or limited elevator contractor license, the approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers’ compensation insurance;

G) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and

H) any criminal record of convictions. [225 ILCS 312/40]

2) Contractor License Designee
Each applicant for an elevator contractor license or a limited elevator contractor license must designate one or more individuals as the Contractor License Designee. The Designee shall hold an elevator contractor license, a limited elevator contractor license, an elevator mechanic license or a limited elevator mechanic license. When an exam is
required, the exam will be administered to the Designee. If the Designee separates employment or his/her designation is terminated, the contractor must notify the OSFM within 5 days. The contractor must designate a new Designee and inform the OSFM in writing within 30 days or the contractor's license will be automatically suspended. No work on conveyances covered by the Act may be performed by a contractor unless a Contractor License Designee has been appointed and the OSFM has been notified of the appointment.

Section 1000.100 License and Registration Fees

License fees shall be as follows:

a) Elevator Mechanic License (initial and renewal) $200
b) Elevator Inspector License (initial and renewal) $400
c) Elevator Contractor License (initial and renewal) $1,000
d) Limited Elevator Contractor License (initial and renewal) $500
e) Temporary Elevator Mechanic License (initial and renewal) $50
f) Emergency Elevator Mechanic License (initial and renewal) $0
g) Limited Elevator Mechanic License (initial and renewal) $100
h) License Restoration Renewal Fee+$50
i) Replacement License $25
j) Elevator Industry Apprentice or Helper Registration $50

Section 1000.110 Renewal of License

a) All licenses shall be renewed every 2 years. A licensee may renew a license by submitting a written application for renewal, accompanied by the required fee, 30 days prior to expiration of the license.

b) The individual applicant or the elevator contractor or limited elevator contractor shall provide evidence satisfactory to the OSFM of completion by the individual applicant or the Contractor License Designee of at least 8 hours of continuing
education approved by the Board, designed to ensure the continued qualifications of the applicant.

1) Any training provided by an elevator manufacturer on the equipment sold by that manufacturer may be counted toward the 8 hours of continuing education required for licensed contractors, mechanics, limited contractors and limited mechanics.

2) Training received through a union, college, contractor or third-party program, other than manufacturer provided training, must be approved by the Board in advance of the training. The individual requesting the approval must submit to the Board information on the training that includes, but is not limited to, the course outline, course objectives, hours granted, and instructor's name and qualifications. The Board will not credit training that has not received prior approval.

c) A licensee who is unable to complete the continuing education course required by subsection (b) prior to the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]

d) If a license is allowed to lapse, it may be restored within one year after its expiration date by meeting the requirement of subsection (b) and the payment of $50 in addition to the renewal fee. If a license is not restored within one year after its expiration date, the licenseholder must apply for a new license and shall follow the appropriate licensing procedure.

Section 1000.120 Registration of Conveyances

a) Registration of Newly Installed Conveyances
The licensed elevator contractor or limited elevator contractor installing a new conveyance shall register the conveyance with the OSFM as required by Section 95 of the Act and pay a registration fee of $30.

b) Registration of Existing Conveyances
Before July 1, 2007, owners of existing conveyances shall register the conveyance with the OSFM as required by Section 80 of the Act and pay a registration fee of $30. Inspectors, contractors and mechanics are permitted to service an unregistered existing conveyance one time after July 1, 2007 and provide the
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owner with notice that the conveyance is required to be registered. The conveyance may not be serviced thereafter until it is properly registered with the OSFM.

c) The registration shall be on a form provided by the OSFM and shall include, but is not limited to, the type, rated load and speed, manufacturer, location, purpose, and date of installation.

d) The OSFM shall issue for each conveyance a registration identification plate with the registration number inscribed that shall be used to identify the conveyance thereafter. The registration plate shall be permanently affixed/attached to one of the following:

1) Machine, pump unit or drive unit;
2) Car operating station.

e) Penalties

1) Conveyance Owners
The OSFM may assess a penalty in accordance with Section 110(b) of the Act not to exceed $1,500 per violation, per day to an owner of a building other than his/her own private residence who fails to register a conveyance with the OSFM.

2) Contractors
The OSFM may assess a penalty not to exceed $500 for each day a contractor fails to register a new conveyance as required by Section 95(a) of the Act.

3) Private Residence Owners
No fee will be charged for registration of existing private residence conveyances and no penalties will be incurred by the owner of a private residence.

Section 1000.130 Permits

a) A licensed elevator contractor or limited licensed elevator contractor shall obtain a permit from the OSFM, municipality, or county that regulates such activities
prior to erecting, constructing, installing, or materially altering any conveyances covered by the Act. Permits will be required under this Section only for projects that commence after the effective date of this Part.

b) If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM. The governmental entity shall be required to maintain the permit on file for a period of not less than one year from the date of issuance.

c) Each application for a permit from the OSFM shall be on a form provided by the OSFM and shall be accompanied by the permit fee established in subsection (g) and accurately scaled and fully dimensioned plans and shall show the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The specifications shall include all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design. [225 ILCS 312/90(c)] All permit applications shall be signed by the Contractor License Designee.

d) At the conclusion of the permitted activity, the licensed elevator contractor or limited elevator contractor shall arrange for a licensed elevator inspector to perform an acceptance inspection.

e) The licensed elevator contractor or limited elevator contractor shall notify the OSFM no less than 7 days prior to the acceptance inspection being performed.

f) The licensed elevator contractor or limited elevator contractor shall specify whether the permit is for a conveyance used for mobility-impaired or nonmobility-impaired purposes.

g) OSFM permit fees shall be as follows:

1) New installation $200
2) Material alteration $100

Section 1000.140  Conveyance Inspection

a) Acceptance Inspections
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All new conveyance installations shall be inspected and, based on that inspection, shall, prior to initial use, receive a Certificate of Operation from the OSFM. *All new conveyance installations shall be performed by a licensed elevator contractor who shall, subsequent to inspection, certify compliance with the applicable Sections of the Act and this Part.* [225 ILCS 312/95(a)]

b) Periodic Inspections and Tests

1) *It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected* at intervals stated in the standards incorporated by Section 1000.60. [225 ILCS 312/120(a)] *It shall be the responsibility of the owner to insure that the inspections and tests are performed at the prescribed intervals.*

2) All inspections and tests shall be conducted in accordance with the State code listed in Section 1000.60 that applies to the conveyance being inspected.

3) *Subsequent to inspection, the licensed elevator inspector must supply the property owner and the OSFM with a written inspection report describing any and all violations.*

4) *Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting any violations.* [225 ILCS 312/120(a)] Existing conveyances shall comply with the time limits provided in Section 1000.60(a)(1)(C). The licensed inspector will review the actions taken by the property owner and, if the corrections are adequate, will issue a follow-up inspection report indicating adequate remediation of the violations.

5) *All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.* [225 ILCS 312/120(c)]

c) Random Inspections

As authorized by Section 105(a) of the Act, the OSFM may conduct random on-site inspections and tests on existing installations.
d) Conflict of Interest
No individual licensed as both an elevator mechanic (regular or limited) and elevator inspector may inspect his/her own work, the work of his/her company, or the work of a company affiliated with his/her company. The Board may grant exceptions for governmental, academic, and other institutions that maintain their own personnel licensed as elevator inspectors and as elevator mechanics to allow those personnel to inspect conveyances owned or leased by the institutions as long as they are not inspecting their own work.

Section 1000.150 Certificate of Operation

a) Each application for a Certificate of Operation shall be submitted to the OSFM and shall include the following:

1) An acceptance report or the report from the most recent periodic inspection from a licensed elevator inspector indicating the date of the inspection and that the conveyance is safe for normal use;

2) A certification from a licensed elevator mechanic or licensed limited elevator mechanic that the conveyance was tested in accordance with the appropriate State code;

3) Any other information the OSFM may require; and

4) The fee required by subsection (b).

b) The fees for Certificate of Operation shall be as follows:

1) Initial Certificate of Operation $100

2) Annual Renewal of Certificate of Operation $75

3) Renewal of Expired Certificate of Operation $100

4) Temporary Certificate of Operation $200

c) Upon receipt and review of the application and supporting documentation, the OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.
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d) The OSFM may issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the public for up to 30 days while minor repairs are being completed if the OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance. The OSFM also may issue Temporary Certificates of Operation for elevators used for construction or demolition.

e) **Certificates of Operation shall be clearly displayed on or in each conveyance or in the machine room for the benefit of the State code enforcement staff.** [225 ILCS 312/95(c)]

f) Upon expiration of the Certificate of Operation, the OSFM may direct the building owner to suspend operation of the conveyance.

g) The OSFM may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:

1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.

2) The owner fails to pay fees or penalties.

3) The owner fails to have the conveyance inspected at required intervals.

4) The owner fails to take corrective action as directed by the OSFM.

h) When a Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of service by the OSFM, no person shall operate the conveyance. The owner of the conveyance shall remediate the cause of the suspension or cancellation; shall have the conveyance reinspected; and shall apply to have a suspended Certificate of Operation reinstated or shall apply for a new Certificate of Operation to replace a cancelled certificate.

**Section 1000.160 Administrative Hearing**

a) An Administrative Order issued by the Board or OSFM may be appealed in accordance with 41 Ill. Adm. Code 210.20.
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b) All appeals shall be submitted in writing to the Board no later than 10 working days following the date of the Administrative Order to correct the conveyance endangering public safety and welfare; all other appeals shall be made within 30 days following the date of the Administrative Order.

c) All hearings conducted by the Board will be conducted pursuant to 41 Ill. Adm. Code 210.

d) The Board may appoint a hearing officer to assist the Board with the hearing procedures.

e) In accordance with 41 Ill. Adm. Code 210.150, failure of a party to appear on the date of the hearing shall constitute default. The Board will hold the hearing and enter a final order.

f) All final administrative decisions of OSFM or the Board are subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

Section 1000.170 Administrative Penalties

a) The OSFM may assess an administrative penalty against any person who violates the Act or this Part or any of the standards listed in Section 1000.60.

b) Issuance of Administrative Citation

1) The OSFM may issue an administrative citation in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the specific standard alleged to have been violated. The citation shall also state the amount of the fine levied in accordance with subsection (d) and the process for appeal.

2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of the OSFM.

3) Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM to issue orders, revoke permits, stop work
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on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action.

c) Appeal of a Citation

1) A person who appeals a citation issued by the OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.

2) The hearing notice to the appellant shall include the following information:

   A) A statement of the time, place, and nature of the hearing;

   B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

   C) A reference to the Sections of the Act and this Part involved and/or the specific State code involved;

   D) A short and plain statement of the matters at issue.

3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings, and recommend a decision.

4) The appellant may appear at the hearing with counsel, present evidence, and cross-examine witnesses.

5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.

6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty to be assessed.

7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal
d) Administrative Penalty/Fine

1) Violation of the Act or this Part or Any of the Standards Listed in Section 1000.60

   A) In assessing the penalty for violations, the OSFM shall consider the seriousness of the violation, whether the violation was corrected after notification of its existence, and whether the person has been fined for the same or similar violations in the past.

   B) When a penalty is assessed, the fine shall be as follows:

      i) The fine shall not exceed $1,500 for each violation that poses a serious threat to life safety.

      ii) The fine shall not exceed $500 for each violation that does not pose a serious threat to life safety.

      iii) Each day that a violation continues constitutes a separate violation, up to the limitations specified in subsection (d)(3).

      iv) All fines must be paid within 30 days after receipt or the fine doubles, up to the limitations specified in subsection (d)(3). After 60 days, the OSFM may remove the conveyance from service until all fines are paid.

2) Licensure or Registration Violation

   A) The fine shall not exceed $2,000 for each instance for any person or business that performs elevator work without being properly licensed or registered as required by this Part.

   B) The fine shall not exceed $2,000 for each instance for any contractor that allows an individual to perform work on a
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conveyance covered by the Act who does not possess a valid license required by this Part.

C) The OSFM may suspend or revoke any license or registration when the licensee or registrant fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.

3) The fine shall not exceed $1,500 per violation, per day for any owner that fails to comply with the Act.

4) The fine shall not exceed $1,500 for each instance of a licensee failing to notify the OSFM of violations of the Act.

Section 1000.180 Implementation Schedule

a) Grandfathering. The OSFM may issue an elevator mechanic or limited elevator mechanic license, in accordance with Section 45(c)(2) of the Act (grandfathering), to a person applying by December 31, 2007.

b) Implementation of Elevator Mechanic and Limited Elevator Mechanic Licenses. By July 1, 2007, any holder of a temporary elevator mechanic or temporary limited elevator mechanic license issued under Section 1000.80(c) of the emergency rules creating this Part shall acquire a permanent license under Section 1000.80(a) if he or she plans to continue to perform as an elevator mechanic or limited elevator mechanic.

c) Initial Implementation of Elevator Inspector License. Each company that employs an elevator inspector must submit to OSFM a letter identifying the name of each inspector in its employment by June 1, 2007. Any of those identified inspectors must apply for Illinois inspector licensure by June 15, 2007 unless they have already been issued an inspector license under the Act. After July 1, 2007, any individual who has not been issued an elevator inspector license by OSFM is prohibited from inspecting conveyances in this State.

d) Initial Implementation of Conveyance Registration - Existing. All conveyances that were in operation when these proposed rules were adopted shall be registered by July 1, 2007. Inspectors, contractors and mechanics are permitted to service an unregistered existing conveyance one time after July 1, 2007 and provide the owner with notice that the conveyance is required to be registered. The
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conveyance may not be serviced thereafter until it is properly registered with the OSFM.

e) Initial Implementation of Conveyance Registration - New. All new conveyances shall be required to have a certificate of operation after July 1, 2007.

f) Local Programs. Those municipalities and counties that intend to regulate conveyances must notify the Board of their intent by July 1, 2007.
OFFICE OF THE STATE FIRE MARSHAL

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1) **Heading of the Part:** Small Equipment Grant Program

2) **Code Citation:** 41 Ill. Adm. Code 291

3) **Section Numbers:**
   - 291.10  New
   - 291.20  New
   - 291.30  New
   - 291.40  New
   - 291.50  New
   - 291.60  New
   - 291.70  New
   - 291.80  New

4) **Statutory Authority:** Authorized by 20 ILCS 2905/2

5) **Effective Date of Adopted Rules:** April 24, 2007

6) **Do these rules include an automatic repeal date?** No

7) **Do these rules contain incorporations by reference?** Yes

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.

9) **Date Notice of Proposed Rules published in the Illinois Register:** December 1, 2006; 30 Ill. Reg. 18441

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposed and final version:** Section 291.70 has been renumbered to Section 291.80. A point system for awarding grants has been added, with points based on financial need, equipment need, and the date OSFM receives the application. Provisions have been added allowing fire protection associations that contract with local governments, but are not themselves units of local government, to apply for grants. The definition of "small equipment" was expanded to cite examples such as extrication tools, breathing apparatus and communication equipment. More specific provisions for grant...
accounting and eligibility have also been added. Numerous other clarifications and non-substantive changes were made.

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

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

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

15) Summary and Purpose of Rulemaking: The amendments are intended to carry out the Small Equipment Grant program authorized in the Fire Marshal's appropriation for FY 06.

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

    John J. Fennell, Jr.
    General Counsel's Office
    Office of the State Fire Marshal
    1035 Stevenson Dr.
    Springfield, IL  62703-4259

    217/785-4144
    Facsimile: 217/558-1320

The full text of the Adopted Rules begins on the next page:
Section 291.10 Definitions
291.20 Purpose
291.30 Eligibility
291.40 Grant Application Procedure and Content
291.50 Grant Application Review Committee
291.60 Criteria for Review of Grant Applications
291.70 Terms and Conditions of Grant Agreement
291.80 Appeal Process

AUTHORITY: Authorized by subsection 10 of Section 2 of the State Fire Marshal Act [20 ILCS 2905/2].


Section 291.10 Definitions

The following definitions apply to terms used in this Part:

"Committee" means the Grant Application Review Committee established in Section 291.60 of this Part.

"Fire Department" means an entity formed by a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970) that provides fire suppression within a geographical area.

"Office" means the Office of the State Fire Marshal.

"Program" means the Small Equipment Grant Program.

"Small Equipment" means small tools and equipment that are stored or carried on fire protection vehicles that respond to emergency incidents, such as extrication tools, hose and/or appliances, overhaul tools, forcible entry tools, communications
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equipment, self-contained breathing apparatus, portable generators, and portable foam equipment. Small equipment shall also mean equipment used by firefighters, such as personal protective equipment, pagers, PASS devices, or equipment used in the station for emergency purposes, such as foam storage devices or portable foam equipment stored in the station for use in a large scale emergency.

Section 291.20 Purpose

The Office of the State Fire Marshal shall administer a program to provide grant funds for the purchase of small equipment by a fire department. The Office shall determine grant awards based on equipment needs, financial need, and how recently the applicant has received a previous grant under this program. Grants for the purchase of small equipment shall not exceed $26,000 in any single fiscal year to any fire department.

Section 291.30 Eligibility

a) Applicants must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years prior to the application for the small equipment grant.

b) Fire protection entities that are not governmental bodies are not eligible to apply for a grant under this program.

c) Units of local government that do not operate fire departments are eligible for grants under this program (e.g., a municipality that contracts for fire suppression from another municipality, fire protection district, or for-profit or not-for-profit business); however, if a unit of local government contracts for fire protection service from another unit of local government that has applied for a grant under this program, the unit of local government contracting to receive the services is prohibited from receiving a grant under this program.

Section 291.40 Grant Application Procedure and Content

a) Application Procedure

1) Subject to the availability of funds, the Office will issue application forms for small equipment grants under this program to all Illinois fire departments.
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2) A completed original application form shall be signed by the duly authorized officers of the fire department.

3) Applications shall be returned, by the date specified on the form, to the Office of the State Fire Marshal, Attention: Small Equipment Grant Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

4) Applications received at the Office shall be logged in as received and assigned an Application Number. Applicants will be notified by mail that their application has been received.

b) Application Content
Each Grant application shall include the following information:

1) Identifying information for the applicant fire department and its local government.

2) A detailed description of the fire department's need for the proposed small equipment.

3) Identification of fire department or local government personnel to serve as contacts for information.

4) Copies of the fire department's two most recent budget and appropriation ordinances.

5) Any other information the Office may require to determine the applicant's eligibility under this Part in the event the Office needs to clarify the request, such as the nature of the applicant's organization.

c) Review of Applications
Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the grant application.

d) Grant Award
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After the Committee's review and ranking of applications, grant awards will be determined, within the amount of funding available for grants under this program.

Section 291.50 Grant Application Review Committee

a) The State Fire Marshal shall appoint a Grant Review Committee to determine the eligibility of grant applicants, the amounts of individual grants, and the priority of each grant application. If, for any reason, a successful applicant is unable to fulfill the terms of the grant or withdraws the request after it has been approved, the application's priority shall be used to determine which of the unsuccessful applicants will be next to be offered a grant in place of the withdrawing department.

b) The Committee shall consist of the following seven members:

1) The State Fire Marshal, as chairman;

2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal department);

3) One representative from the Associated Fire Fighters of Illinois;

4) One member who is a volunteer firefighter; and

5) One member from the Illinois Association of Fire Protection Districts.

c) The six members referenced in subsections (b)(2)-(5) shall be the same individuals who are appointed to represent those organizations on the Loan Application Review Committee established under 41 Ill. Adm. Code 290.40.

d) Members shall serve without salary, but may be reimbursed for reasonable expenses by the Office from appropriations for that purpose.

e) All members shall have one vote, except that the State Fire Marshal shall only vote to break a tie.

f) Members shall serve a term of four years. The members originally appointed under this Part shall serve for the remainder of their terms on the Loan Application Review Committee created by 41 Ill. Adm. Code 290.40.
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g) Upon the expiration of a member's term, the State Fire Marshal may reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.

h) Replacement of a Member

1) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office.

2) All members shall serve ex officio. A member shall continue to serve only as long as he or she holds the position that made that individual eligible to serve under the criteria prescribed by subsection (b).

3) In the instances described in subsections (b)(1) and (2), or upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.

i) Appointees shall geographically represent the State.

j) As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect a Secretary from among the members to serve a term to be fixed by the Committee.

k) Meetings of the Committee shall occur as often as deemed necessary by the State Fire Marshal, at a date, time and place to be fixed by the Committee (or by the State Fire Marshal, should he or she call for the meeting) and at such additional times as the Committee deems necessary to consider any business as properly may come before it.

Section 291.60 Criteria for Review of Grant Applications

a) The Committee will consider the following criteria and assign point totals when determining grant recipients.

1) Priority - 0-5 points
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A) Grant applications will be pre-prioritized according to the date OSFM receives the application, as indicated by the date stamp.

B) If, for some reason, an applicant would withdraw or refuse a grant, priority would pass to the application next submitted.

2) Equipment Need - 0-45 points

A) The department/district does not currently own the requested item.

B) The department/district currently owns one or more of an item being requested.

C) The department/district is unable to acquire the equipment without a grant, cannot borrow one from another department on a consistent or need basis (due to geographical distance, availability, etc.), or the item represents a unique need for the district.

3) Financial Need - 0-50 points

A) Will be determined by considering the total budget of the department/district as an available resource.

B) The cost of the equipment being requested is prohibitively expensive given the department's/district's total budget.

b) Those applicants receiving a grant in previous grant application cycles will not be considered until all applicants who have never received a grant but are requesting a grant have been considered. Previous grant recipients will still be eligible to receive a grant if they have received a previous grant, but the point total for their application will result in a lower priority.

Section 291.70 Terms and Conditions of Grant Agreement

An applicant that has been approved to receive a grant under this program must enter into a Grant Agreement with the Office. The Grant Agreement shall contain the following terms:
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a) Grants under this program will be paid to recipients when the application is approved.

b) Grant proceeds shall be used exclusively for the purposes listed in Section 291.20 and shall be expended in accordance with this Part and the Grant Agreement.

c) In the event that the grant proceeds are not expended in the manner approved, the fire department, upon written notification from the Office, shall refund the full amount of the grant award. Recovery of grant funds shall be accomplished in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705].

d) Use of grant proceeds shall be accounted for in accordance with standard accounting practices. The grantee shall provide documentation concerning the purchase of the equipment specified in the grant application, the cost of the equipment and the delivery of the equipment to the grantee by the vendor.

e) Grant recipients shall submit to the Office a report detailing how the grant proceeds were used. This expenditure report, to be submitted on a form supplied by the Office, shall be due not later than nine months following receipt of the grant.

f) The grantee is responsible for monitoring possession, use, condition and final disposition of the items purchased with grant funds.

g) Grant proceeds shall be included in the fire department's budget.

Section 291.80 Appeal Process

a) Those applicants whose grant applications are denied by the Committee shall be notified by mail.

b) Notice of denial of a grant shall be deemed received on the date of the postmark. The applicant has 30 calendar days from that date to forward to the Committee a Request for Reconsideration.

c) The Request for Reconsideration of a denial of a requested grant shall be submitted to the Office of the State Fire Marshal, Attention: Small Equipment Grant Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259 and shall be deemed submitted on the date of the postmark.
d) The Request for Reconsideration of a denial of a requested grant may be accompanied by supporting documents and information not previously considered by the Committee. The Committee shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the grant application that is the subject of the Request for Reconsideration shall be deemed denied.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

2) Code Citation: 35 Ill. Adm. Code 218

3) Section Numbers: Adopted Action:
   218.182    Amend
   218.Appendix H    Amend

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5]

5) Effective Date of Amendments: April 30, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 6, 2006; 30 Ill. Reg. 15867

10) Has JCAR issued a Statement of Objection to these amendments? No


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 these amendments replace any emergency amendments currently in effect? No

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

15) Summary and Purpose of Amendments: For a more detailed discussion of these amendments, see the Board's April 19, 2007 opinion and order in docket R06-21. This
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NOTICE OF ADOPTED AMENDMENTS

Rulemaking is one of two that adopt amendments to Parts 218 and 219 of the volatile organic material (VOM) rules to allow for the use of add-on controls as a compliance option for operations using cold cleaning solvent degreasing. The final amendments affect cold cleaning degreasing operations located in the Chicago and Metro-East ozone nonattainment areas.

The amendments allow the use of add-on controls as an alternative to using solvents with vapor pressure of 1.0 millimeters of mercury (mmHg) or less. Additionally, the adopted amendments allow the use of an equivalent alternative control plan to comply with the control measure requirements. The amendments include testing procedures and recordkeeping requirements for add-on controls and equivalent alternative controls.

The adopted amendments include changes to the "paper coating" note at Appendix H in Part 218 to ensure consistency with the "paper coating" note at Section 218.204(c).

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312/814-6983

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 R06-21 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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NOTICE OF ADOPTED AMENDMENTS

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

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

SUBPART A: GENERAL PROVISIONS

Section
218.100 Introduction
218.101 Savings Clause
218.102 Abbreviations and Conversion Factors
218.103 Applicability
218.104 Definitions
218.105 Test Methods and Procedures
218.106 Compliance Dates
218.107 Operation of Afterburners
218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109 Vapor Pressure of Volatile Organic Liquids
218.110 Vapor Pressure of Organic Material or Solvent
218.111 Vapor Pressure of Volatile Organic Material
218.112 Incorporations by Reference
218.113 Monitoring for Negligibly-Reactive Compounds
218.114 Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section
218.119 Applicability for VOL
218.120 Control Requirements for Storage Containers of VOL
218.121 Storage Containers of VPL
218.122 Loading Operations
218.123 Petroleum Liquid Storage Tanks
218.124 External Floating Roofs
POLLUTION CONTROL BOARD

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218.125 Compliance Dates
218.126 Compliance Plan (Repealed)
218.127 Testing VOL Operations
218.128 Monitoring VOL Operations
218.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section
218.141 Separation Operations
218.142 Pumps and Compressors
218.143 Vapor Blowdown
218.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
218.181 Solvent Cleaning in General
218.182 Cold Cleaning
218.183 Open Top Vapor Degreasing
218.184 Conveyorized Degreasing
218.185 Compliance Schedule (Repealed)
218.186 Test Methods

SUBPART F: COATING OPERATIONS

Section
218.204 Emission Limitations
218.205 Daily-Weighted Average Limitations
218.206 Solids Basis Calculation
218.207 Alternative Emission Limitations
218.208 Exemptions from Emission Limitations
218.209 Exemption from General Rule on Use of Organic Material
218.210 Compliance Schedule
218.211 Recordkeeping and Reporting
218.212 Cross-Line Averaging to Establish Compliance for Coating Lines
218.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
218.214 Changing Compliance Methods
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.215 Wood Furniture Coating Averaging Approach
218.216 Wood Furniture Coating Add-On Control Use
218.217 Wood Furniture Coating Work Practice Standards

SUBPART G: USE OF ORGANIC MATERIAL

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

SUBPART H: PRINTING AND PUBLISHING

Section
218.401 Flexographic and Rotogravure Printing
218.402 Applicability
218.403 Compliance Schedule
218.404 Recordkeeping and Reporting
218.405 Lithographic Printing: Applicability
218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996
218.409 Testing for Lithographic Printing On and After March 15, 1996
218.410 Monitoring Requirements for Lithographic Printing
218.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section
218.421 General Requirements
218.422 Inspection Program Plan for Leaks
218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
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218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section
218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (Oil/Water) Separator
218.444 Process Unit Turnarounds
218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks
218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)
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SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
218.480  Applicability
218.481  Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482  Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483  Material Storage and Transfer
218.484  In-Process Tanks
218.485  Leaks
218.486  Other Emission Units
218.487  Testing
218.488  Monitoring for Air Pollution Control Equipment
218.489  Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section
218.500  Applicability for Batch Operations
218.501  Control Requirements for Batch Operations
218.502  Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503  Performance and Testing Requirements for Batch Operations
218.504  Monitoring Requirements for Batch Operations
218.505  Reporting and Recordkeeping for Batch Operations
218.506  Compliance Date
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<th>Rule Title</th>
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<tr>
<td>218.613</td>
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</tr>
</tbody>
</table>

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<th>Rule Title</th>
</tr>
</thead>
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218.APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures
218.APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
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AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].


SUBPART E: SOLVENT CLEANING

Section 218.182 Cold Cleaning

a) Operating Procedures: No person shall operate a cold cleaning degreaser unless:
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1) Waste solvent is stored in covered containers only and not disposed of in such a manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;

2) The cover of the degreaser is closed when parts are not being handled; and

3) Parts are drained until dripping ceases.

b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:

1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner. The cover shall be designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights or a powered system if:

   A) The solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38° C (100° F);

   B) The solvent is agitated; or

   C) The solvent is heated above ambient room temperature.

2) The degreaser is equipped with a device for draining cleaned parts. The drainage device shall be constructed so that parts are enclosed under the cover while draining unless:

   A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F); or

   B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external.

3) The degreaser is equipped with one of the following control devices if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F) or if the solvent is heated above 50° C (120° F) or its boiling point:
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A) A freeboard height of $\frac{7}{10}$ of the inside width of the tank or 91 cm (36 in), whichever is less; or

B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 218.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon adsorber.

4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and

5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine, atomized or shower spray.

c) Material and Control Requirements:

1) On and after March 15, 1999, no person shall:

A) Cause or allow the sale of solvent with a vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 218.103 of this Part.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F).

2) On and after March 15, 2001, no person shall:

A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 218.103 of this Part.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F).

3) On and after May 30, 2007 no person shall:
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A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 218.103 of this Part, unless the purchaser provides a copy of a valid State or federal construction or operating permit or a copy of the Federal Register demonstrating that the purchaser is in compliance with the control requirements of subsection (c)(4) of this Section or is exempt under subsection (f) or (g) of this Section.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F), unless the person is in compliance with the control requirements of subsection (c)(4) of this Section or is exempt under subsection (f) or (g) of this Section.

4) Control Requirements:

A) A person may operate a cold cleaning degreaser using solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) but less than 56 mmHg (1.064 psi) measured at 20° C (68° F) provided add-on control devices demonstrating at least 95 percent overall capture and control of emissions are used. The add-on controls may include, but are not limited to, carbon adsorbers or afterburners.

B) An equivalent alternative control plan may be used to meet the control requirements of this Section pursuant to Section 218.108 of this Part. Pursuant to the material requirements of subsection (c)(3)(B) of this Section, a solvent with a vapor pressure of 1.0 mmHg (0.019 psi) measured at 20° C (68° F) shall be the basis for assessment of equivalent emissions from any equivalent alternative control plan. If used as an equivalent alternative control plan, an add-on control must demonstrate at least a 95 percent overall capture and control efficiency. A control plan approved by the Agency shall be effective only when included in a federally enforceable permit or approved by the USEPA as a SIP revision pursuant to Section 218.108 of this Part.
C) Add-on controls operating at a source prior to May 30, 2007, shall be tested by August 31, 2007. Add-on controls constructed on or after May 30, 2007, shall be tested within 90 days after initial startup. Testing procedures and recordkeeping for add-on controls and equivalent alternative controls subject to subsections (c)(4)(A) and (B) of this Section are to be performed pursuant to Section 218.105(c), (d), (e) and (f) of this Part.

d) Recordkeeping and Reporting Requirements: On and after March 15, 1999:

1) All persons subject to the requirements of subsections (c)(1)(A), (c)(2)(A), and (c)(3)(A) of this Section must maintain records which include for each sale:

   A) The name and address of the solvent purchaser;
   
   B) The date of sale;
   
   C) The type of solvent;
   
   D) The unit volume of solvent;
   
   E) The total volume of solvent; and
   
   F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).

2) All persons subject to the requirements of subsections (c)(1)(B), (c)(2)(B), and (c)(3)(B) of this Section must maintain records which include for each purchase:

   A) The name and address of the solvent supplier;
   
   B) The date of purchase;
   
   C) The type of solvent; and
   
   D) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).
E) For any mixture of solvents, the vapor pressure of the mixture, as used, measured in mmHg at 20° C (68° F).

3) All persons subject to the requirements of subsection (c)(4) of this Section must maintain records, which include for each purchase:

A) The name and address of the solvent supplier;

B) The date of purchase;

C) The type of solvent;

D) The unit volume of solvent;

E) The total volume of solvent;

F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F); and

G) For any mixture of solvents, the vapor pressure of the mixture, as used, measured in mmHg at 20° C (68° F).

4) All persons subject to the requirements of subsection (c)(4) of this Section shall maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cold cleaning degreasers and add-on control equipment. At a minimum these records shall include:

A) Records for periodic inspection of the cold cleaning degreasers and add-on control equipment with date of inspection, individual performing the inspection, and nature of inspection;

B) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM that escaped into the atmosphere as a result of the incident;

C) Control device monitoring and recording data; and
D) A daily log of operating time for the control device, monitoring equipment, and all associated degreasers.

5) All persons subject to the requirements of subsection (c) of this Section shall notify the Agency at least 30 days before changing the method of compliance between subsections (c)(3) and (c)(4) of this Section. Such notification shall include a demonstration of compliance with the newly applicable subsection.

6) All persons subject to the requirements of subsection (b) or (c) of this Section shall notify the Agency of any violation of subsection (b) or (c) of this Section by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.

f) The cleaning of electronic components as defined in 35 Ill. Adm. Code Section 211.1885 is exempt from the requirements of subsection (c) of this Section.

g) Any cold cleaning taking place in a Detrex cold batch degreaser Model #2D-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.

(Source: Amended at 31 Ill. Reg. 7086, effective April 30, 2007)
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Section 218.APPENDIX H  Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

This Appendix contains limitations for purposes of determining compliance with the requirements in Section 218.212 of this Part. A source must establish that, at very least, each participating coating line used for purposes of cross-line averaging meets the Federal Implementation Plan level of VOM content, as listed below. The emission limitations for participating coating lines that must not be exceeded are as follows:

<table>
<thead>
<tr>
<th>Coating Line</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime coat</td>
<td>0.14</td>
<td>(1.2)</td>
</tr>
<tr>
<td>Primer surface coat</td>
<td>1.81</td>
<td>(15.1)</td>
</tr>
</tbody>
</table>

(Note: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surface limitation.)

<table>
<thead>
<tr>
<th>Topcoat</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.81</td>
<td>(15.1)</td>
</tr>
</tbody>
</table>

(Note: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 of this Part does not apply to the topcoat limitation.)
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<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>4) Final repair coat</td>
<td>0.58</td>
<td>(4.8)</td>
</tr>
</tbody>
</table>

b) Can Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Sheet basecoat and overvarnish</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td>2) Exterior basecoat and overvarnish</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td>3) Interior body spray coat</td>
<td>0.51</td>
<td>(4.2)</td>
</tr>
<tr>
<td>4) Exterior end coat</td>
<td>0.51</td>
<td>(4.2)</td>
</tr>
<tr>
<td>5) Side seam spray coat</td>
<td>0.66</td>
<td>(5.5)</td>
</tr>
<tr>
<td>6) End sealing compound coat</td>
<td>0.44</td>
<td>(3.7)</td>
</tr>
</tbody>
</table>

c) Paper Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.35</td>
<td>(2.9)</td>
</tr>
</tbody>
</table>

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which flexographic or rotogravure printing is performed if the paper coating line complies with the emissions limitations in Subpart H: Printing and Publishing, Section 218.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part.)

d) Coil Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.31</td>
<td>(2.6)</td>
</tr>
</tbody>
</table>

e) Fabric Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.35</td>
<td>(2.9)</td>
</tr>
</tbody>
</table>
f) Vinyl Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.45</td>
<td>(3.8)</td>
</tr>
</tbody>
</table>
g) Metal Furniture Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Air Dried</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
<tr>
<td>2) Baked</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
</tbody>
</table>
h) Large Appliance Coating

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Air Dried</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td>2) Baked</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
</tbody>
</table>
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(Note: The limitation shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period.)

<table>
<thead>
<tr>
<th>i) Magnet Wire Coating</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.20 (1.7)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>j) Miscellaneous Metal Parts and Products Coating</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Clear coating</td>
<td>0.52 (4.3)</td>
<td></td>
</tr>
<tr>
<td>2) Extreme performance coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A) Air Dried</td>
<td>0.42 (3.5)</td>
<td></td>
</tr>
<tr>
<td>B) Baked</td>
<td>0.42 (3.5)</td>
<td></td>
</tr>
<tr>
<td>3) Steel pail and drum interior coating</td>
<td>0.52 (4.3)</td>
<td></td>
</tr>
<tr>
<td>4) All other coatings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A) Air Dried</td>
<td>0.42 (3.5)</td>
<td></td>
</tr>
<tr>
<td>B) Baked</td>
<td>0.36 (3.0)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>k) Heavy Off-Highway Vehicle Products Coating kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Extreme performance prime coat</td>
<td>0.42 (3.5)</td>
</tr>
<tr>
<td>2) Extreme performance topcoat (air dried)</td>
<td>0.42 (3.5)</td>
</tr>
<tr>
<td>3) Final repair coat (air dried)</td>
<td>0.42 (3.5)</td>
</tr>
<tr>
<td>4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j) above.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>l) Wood Furniture Coating kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Clear topcoat</td>
<td>0.67 (5.6)</td>
</tr>
<tr>
<td>2) Opaque stain</td>
<td>0.56 (4.7)</td>
</tr>
<tr>
<td>3) Pigmented coat</td>
<td>0.60 (5.0)</td>
</tr>
<tr>
<td>4) Repair coat</td>
<td>0.67 (5.6)</td>
</tr>
<tr>
<td>5) Sealer</td>
<td>0.67 (5.6)</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

6) Semi-transparent stain 0.79 (6.6)
7) Wash coat 0.73 (6.1)

(Note: An owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

m) Existing Diesel-Electric Locomotive Coating Lines in Cook County

<table>
<thead>
<tr>
<th>Kg/l</th>
<th>lb/gal</th>
</tr>
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<tbody>
<tr>
<td>0.42</td>
<td>3.5</td>
</tr>
<tr>
<td>0.42</td>
<td>3.5</td>
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<tr>
<td>0.42</td>
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</tr>
<tr>
<td>0.72</td>
<td>6.0</td>
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<tr>
<td>0.36</td>
<td>3.0</td>
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</table>

n) Plastic Parts Coating: Automotive/Transportation

<table>
<thead>
<tr>
<th>Kg/l</th>
<th>lb/gal</th>
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</thead>
<tbody>
<tr>
<td>0.49</td>
<td>4.1</td>
</tr>
<tr>
<td>0.46</td>
<td>3.8</td>
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<td>0.38</td>
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<tr>
<td>0.42</td>
<td>3.5</td>
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<tr>
<td>0.60</td>
<td>5.0</td>
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</table>

1) Interiors

A) Baked
   i) Color coat 0.49 (4.1)
   ii) Primer 0.46 (3.8)

B) Air Dried
   i) Color coat 0.38 (3.2)
   ii) Primer 0.42 (3.5)

2) Exteriors (flexible and non-flexible)

A) Baked
   i) Primer 0.60 (5.0)
POLLUTION CONTROL BOARD

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ii) Primer nonflexible 0.54 (4.5)
iii) Clear coat 0.52 (4.3)
iv) Color coat 0.55 (4.6)

B) Air Dried
i) Primer 0.66 (5.5)
ii) Clear coat 0.54 (4.5)
iii) Color coat (red & black) 0.67 (5.6)
iv) Color coat (others) 0.61 (5.1)

3) Specialty
A) Vacuum metallizing basecoats, texture basecoats 0.66 (5.5)
B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings 0.71 (5.9)
C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats 0.77 (6.4)
D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings 0.82 (6.8)
E) Head lamp lens coatings 0.89 (7.4)

o) Plastic Parts Coating: Business Machine kg/l lb/gal
1) Primer 0.14 (1.2)
2) Color coat (non-texture coat) 0.28 (2.3)
3) Color (texture coat) 0.28 (2.3)
4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings 0.48 (4.0)
5) Specialty coatings
A) Soft coat 0.52 (4.3)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

B) Plating resist  
   0.71  (5.9)

C) Plating sensitizer  
   0.85  (7.1)*

(Source: Amended at 31 Ill. Reg. 7086, effective April 30, 2007)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Organic Material Emission Standards and Limitations for the Metro East Area

2) **Code Citation:** 35 Ill. Adm. Code 219

3) **Section Numbers:**
   - 219.182 Amend
   - 219.APPENDIX H Amend

4) **Statutory Authority:** Implementing Section 10 and authorized by Sections 27, 28, 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5]

5) **Effective Date of Amendments:** April 30, 2007

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

7) **Do these amendments contain incorporations by reference?** No

8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** October 6, 2006; 30 Ill. Reg. 15892

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** The Board adjusted the proposed effective dates in the rulemaking text from November 30, 2006, to May 30, 2007, and from March 1, 2007, to August 31, 2007.

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 these amendments replace any emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** For a more detailed discussion of these amendments, see the Board's April 19, 2007 opinion and order in docket R06-21. This
rulemaking is one of two that adopt amendments to Parts 218 and 219 of the volatile organic material (VOM) rules to allow for the use of add-on controls as a compliance option for operations using cold cleaning solvent degreasing. The final amendments affect cold cleaning degreasing operations located in the Chicago and Metro-East ozone nonattainment areas.

The amendments allow the use of add-on controls as an alternative to using solvents with vapor pressure of 1.0 millimeters of mercury (mmHg) or less. Additionally, the adopted amendments allow the use of an equivalent alternative control plan to comply with the control measure requirements. The amendments include testing procedures and recordkeeping requirements for add-on controls and equivalent alternative controls.

The adopted amendments also include changes to the "paper coating" note at Appendix H in Part 219 to ensure consistency with the "paper coating" note at Section 219.204(c).

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph  11-500
Chicago, IL  60601

312/814-6983

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 R06-21 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 begin on the next page.
POLLUTION CONTROL BOARD

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

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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219.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
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219.183 Open Top Vapor Degreasing
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<td>219.302</td>
<td>Alternative Standard</td>
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<td>219.427</td>
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219.429 Standards for Control Devices
219.430 Compliance Date (Repealed)
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219.442 Vacuum Producing Systems
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AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

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SUBPART E: SOLVENT CLEANING

Section 219.182 Cold Cleaning

a) Operating Procedures: No person shall operate a cold cleaning degreaser unless:

1) Waste solvent is stored in covered containers only and not disposed of in such a manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;

2) The cover of the degreaser is closed when parts are not being handled; and

3) Parts are drained until dripping ceases.

b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:

1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner. The cover shall be designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights or a powered system if:

   A) The solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F);
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B) The solvent is agitated; or

C) The solvent is heated above ambient room temperature.

2) The degreaser is equipped with a device for draining cleaned parts. The drainage device shall be constructed so that parts are enclosed under the cover while draining unless:

A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38°C (100°F); or

B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external.

3) The degreaser is equipped with one of the following control devices if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38°C (100°F) or if the solvent is heated above 50°C (120°F) or its boiling point:

A) A freeboard height of \( \frac{7}{10} \) of the inside width of the tank or 91 cm (36 in), whichever is less; or

B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 219.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon adsorber.

4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and

5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine, atomized or shower spray.

c) Material and Control Requirements:

1) On and after March 15, 1999, no person shall:

A) Cause or allow the sale of solvent with a vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20°C (68°F) in units
POLLUTION CONTROL BOARD

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greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 of this Part.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F).

2) On and after March 15, 2001, no person shall:

A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 of this Part.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F).

3) On and after May 30, 2007, no person shall:

A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 of this Part, unless the purchaser provides a copy of a valid State or federal construction or operating permit or a copy of the Federal Register demonstrating that the purchaser is in compliance with the control requirements of subsection (c)(4) of this Section or is exempt under subsection (f) or (g) of this Section.

B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F), unless the person is in compliance with the control requirements of subsection (c)(4) of this Section or is exempt under subsection (f) or (g) of this Section.

4) Control Requirements:
A) A person may operate a cold cleaning degreaser using solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) but less than 56 mmHg (1.064 psi) measured at 20° C (68° F) provided add-on control devices demonstrating at least 95 percent overall capture and control of emissions are used. The add-on controls may include, but are not limited to, carbon adsorbers or afterburners.

B) An equivalent alternative control plan may be used to meet the control requirements of this Section pursuant to Section 219.108 of this Part. Pursuant to the material requirements of subsection (c)(3)(B) of this Section, a solvent with a vapor pressure of 1.0 mmHg (0.019 psi) measured at 20° C (68° F) shall be the basis for assessment of equivalent emissions from any equivalent alternative control plan. If used as an equivalent alternative control plan, an add-on control must demonstrate at least a 95 percent overall capture and control efficiency. A control plan approved by the Agency shall be effective only when included in a federally enforceable permit or approved by the USEPA as a SIP revision pursuant to Section 219.108 of this Part.

C) Add-on controls operating at a source prior to May 30, 2007, shall be tested by August 31, 2007. Add-on controls constructed on or after May 30, 2007, shall be tested within 90 days after initial startup. Testing procedures and recordkeeping for add-on controls and equivalent alternative controls subject to subsections (c)(4)(A) and (B) of this Section are to be performed pursuant to Section 219.105(c), (d), (e) and (f) of this Part.

d) Recordkeeping and Reporting Requirements: On and after March 15, 1999:

1) All persons subject to the requirements of subsections (c)(1)(A), (c)(2)(A), and (c)(3)(A) of this Section must maintain records which include for each sale:

   A) The name and address of the solvent purchaser;
   B) The date of sale;
   C) The type of solvent;
POLLUTION CONTROL BOARD

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D) The unit volume of solvent;

E) The total volume of solvent; and

F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).

2) All persons subject to the requirements of subsections (c)(1)(B), and (c)(2)(B), and (c)(3)(B) of this Section must maintain records which include for each purchase:

A) The name and address of the solvent supplier;

B) The date of purchase;

C) The type of solvent; and

D) The vapor pressure of the solvent measured in mmHg at 20° C (68° F); and

E) For any mixture of solvents, the vapor pressure of the mixture, as used, measured in mmHg at 20° C (68° F).

3) All persons subject to the requirements of subsection (c)(4) of this Section must maintain records, which include for each purchase:

A) The name and address of the solvent supplier;

B) The date of purchase;

C) The type of solvent;

D) The unit volume of solvent;

E) The total volume of solvent;

F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F); and
G) For any mixture of solvents, the vapor pressure of the mixture, as used, measured in mmHg at 20° C (68° F).

4) All persons subject to the requirements of subsection (c)(4) of this Section shall maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cold cleaning degreasers and add-on control equipment. At a minimum these records shall include:

A) Records for periodic inspection of the cold cleaning degreasers and add-on control equipment with date of inspection, individual performing the inspection, and nature of inspection;

B) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM that escaped into the atmosphere as a result of the incident;

C) Control device monitoring and recording data; and

D) A daily log of operating time for the control device, monitoring equipment, and all associated degreasers.

5) All persons subject to the requirements of subsection (c) of this Section shall notify the Agency at least 30 days before changing the method of compliance between subsection (c)(3) and (c)(4) of this Section. Such notification shall include a demonstration of compliance with the newly applicable subsection.

6) All persons subject to the requirements of subsection (b) or (c) of this Section shall notify the Agency of any violation of subsection (b) or (c) of this Section by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.
f) The cleaning of electronic components as defined in 35 Ill. Adm. Code Section 211.1885 is exempt from the requirements of subsection (c) of this Section.

g) Any cold cleaning taking place in a Detrex cold batch degreaser Model #2D-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading and unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.

(Source: Amended at 31 Ill. Reg. 7110, effective April 30, 2007)
Section 219.APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

This Appendix contains limitations for purposes of determining compliance with the requirements in Section 219.212 of this Part. A source must establish that, at very least, each participating coating line used for purposes of cross-line averaging meets the Federal Implementation Plan level of VOM content, as listed below. The emission limitations for participating coating lines that must not be exceeded are as follows:

\[
\begin{array}{llll}
\text{a) Automobile or Light-Duty Truck Coating} & \text{kg/l} & \text{lb/gal} \\
1) \text{Prime coat} & 0.14 & (1.2) \\
2) \text{Primer surface coat} & 1.81 & (15.1) \\
\end{array}
\]

(Note: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surface limitation.)

\[
\begin{array}{llll}
\text{3) Topcoat} & \text{kg/l} & \text{lb/gal} \\
1.81 & (15.1) \\
\end{array}
\]

(Note: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in...
POLLUTION CONTROL BOARD

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accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation."

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.58</td>
<td>(4.8)</td>
</tr>
</tbody>
</table>

4) Final repair coat

4) Final repair coat

b) Can Coating

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.34</td>
<td>(2.8)</td>
</tr>
</tbody>
</table>

1) Sheet basecoat and overvarnish

2) Exterior basecoat and overvarnish

3) Interior body spray coat

4) Exterior end coat

5) Side seam spray coat

6) End sealing compound coat

c) Paper Coating

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.35</td>
<td>(2.9)</td>
</tr>
</tbody>
</table>

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which flexographic or rotogravure printing is performed if the paper coating line complies with the emissions limitations in Subpart H: Printing and Publishing, Section 219.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part.)

d) Coil Coating

e) Fabric Coating

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.31</td>
<td>(2.6)</td>
</tr>
<tr>
<td>0.35</td>
<td>(2.9)</td>
</tr>
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</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th></th>
<th>Coating Type</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>f</td>
<td>Vinyl Coating</td>
<td>0.45</td>
<td>(3.8)</td>
</tr>
<tr>
<td>g</td>
<td>Metal Furniture Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1) Air Dried</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>2) Baked</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
<tr>
<td>h</td>
<td>Large Appliance Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1) Air Dried</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td></td>
<td>2) Baked</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td></td>
<td>(Note: The limitation shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i</td>
<td>Magnet Wire Coating</td>
<td>0.20</td>
<td>(1.7)</td>
</tr>
<tr>
<td>j</td>
<td>Miscellaneous Metal Parts and Products Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1) Clear coating</td>
<td>0.52</td>
<td>(4.3)</td>
</tr>
<tr>
<td></td>
<td>2) Extreme performance coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A) Air Dried</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>B) Baked</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>3) Steel pail and drum interior coating</td>
<td>0.52</td>
<td>(4.3)</td>
</tr>
<tr>
<td></td>
<td>4) All other coatings</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A) Air Dried</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
</tbody>
</table>
### Pollutant Emission Limitations for Wood Furniture Coating Operations

#### Baked 0.36 (3.0) kg/1 lb/gal

1. Extreme performance prime coat: 0.42 (3.5)
2. Extreme performance topcoat (air dried): 0.42 (3.5)
3. Final repair coat (air dried): 0.42 (3.5)

#### Heavy Off-Highway Vehicle Products Coating

k) kg/1 lb/gal

1. Extreme performance prime coat: 0.42 (3.5)
2. Extreme performance topcoat (air dried): 0.42 (3.5)
3. Final repair coat (air dried): 0.42 (3.5)
4. All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings subsection (j) above.

#### Wood Furniture Coating

l) kg/1 lb/gal

1. Clear topcoat: 0.67 (5.6)
2. Opaque stain: 0.56 (4.7)
3. Pigmented coat: 0.60 (5.0)
4. Repair coat: 0.67 (5.6)
5. Sealer: 0.67 (5.6)
6. Semi-transparent stain: 0.79 (6.6)
7. Wash coat: 0.73 (6.1)

(Note: An owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic...
POLLUTION CONTROL BOARD

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bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.

m) Plastic Parts Coating: Automotive/Transportation

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1) Interiors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A) Baked</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Color coat</td>
<td>0.49*</td>
<td>(4.1)*</td>
</tr>
<tr>
<td>ii) Primer</td>
<td>0.46*</td>
<td>(3.8)*</td>
</tr>
<tr>
<td><strong>B) Air Dried</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Color coat</td>
<td>0.38*</td>
<td>(3.2)*</td>
</tr>
<tr>
<td>ii) Primer</td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td><strong>2) Exteriors (flexible and non-flexible)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A) Baked</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Primer</td>
<td>0.60*</td>
<td>(5.0)*</td>
</tr>
<tr>
<td>ii) Primer non-flexible</td>
<td>0.54*</td>
<td>(4.5)*</td>
</tr>
<tr>
<td>iii) Clear coat</td>
<td>0.52*</td>
<td>(4.3)*</td>
</tr>
<tr>
<td>iv) Color coat</td>
<td>0.55*</td>
<td>(4.6)*</td>
</tr>
<tr>
<td><strong>B) Air Dried</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Primer</td>
<td>0.66*</td>
<td>(5.5)*</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

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ii) Clear coat 0.54* (4.5)*

iii) Color coat (red & black) 0.67* (5.6)*

iv) Color coat (others) 0.61* (5.1)*

3) Specialty

A) Vacuum metallizing basecoats, texture basecoats 0.66* (5.5)*

B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings 0.71* (5.9)*

C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats 0.77* (6.4)*

D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings 0.82* (6.8)*

E) Head lamp lens coatings 0.89* (7.4)*

n) Plastic Parts Coating: Business Machine

1) Primer kg/lb/gal

   0.14* (1.2)*

2) Color coat (non-texture coat) 0.28* (2.3)*
POLLUTION CONTROL BOARD

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3) Color coat (texture coat) 0.28* (2.3)*

4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings 0.48* (4.0)*

5) Specialty Coatings
   A) Soft coat 0.52* (4.3)*
   B) Plating resist 0.71* (5.9)*
   C) Plating sensitizer 0.85* (7.1)*

(Source: Amended at 31 Ill. Reg. 7110, effective April 30, 2007)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
2) Code Citation: 23 Ill. Adm. Code 1
3) Section Number: Adopted Action:
   1.240 Amendment
4) Statutory Authority: 105 ILCS 5/2-3.6
5) Effective Date of Amendment: April 25, 2007
6) Does this rulemaking contain an automatic repeal date? No
7) Does this rulemaking contain incorporations by reference? No
8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
9) Date Notice of Proposal Published in Illinois Register: January 5, 2007; 31 Ill. Reg. 74
10) Has JCAR issued a Statement of Objection to this rulemaking? No
11) Differences between proposal and final version: Additional language was inserted into Section 1.240(b) to reference explicitly the protections that exist for students who are homeless. Minor corrections were made as requested by JCAR.
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
13) Will this rulemaking replace any emergency rulemaking currently in effect? No
14) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.30</td>
<td>Amendment</td>
<td>31 Ill. Reg. 3625; March 9, 2007</td>
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<tr>
<td>1.60</td>
<td>Amendment</td>
<td>31 Ill. Reg. 3625; March 9, 2007</td>
</tr>
<tr>
<td>1.80</td>
<td>Amendment</td>
<td>31 Ill. Reg. 3625; March 9, 2007</td>
</tr>
</tbody>
</table>
Summary and Purpose of Amendment: ISBE staff annually receives numerous complaints regarding school districts’ improper enrollment policies and practices with respect to undocumented children. Specifically, and notwithstanding current law, some school districts require that prospective students submit documentation that is generally unavailable to undocumented persons. For example, a school district may require on its enrollment form that a prospective student, whose parent has already provided a lease or mortgage evidencing residency in the district, also provide two items from a list of six, where four of those six items are generally unavailable to undocumented students.

In other instances, school districts inquire into a student's immigration status. Such practices have a chilling effect on the rights of immigrant students to enroll in public schools, because they create a legitimate fear of deportation and/or other consequences.

While staff believes that current law (particularly the United States Supreme Court's 1982 decision in Plyler v. Doe) already prohibits such inequitable enrollment practices, this amendment to Part 1 is intended to make these protections more explicit and to provide a concrete standard by which compliance can be gauged.

Information and questions regarding this adopted amendment shall be directed to:

Darren Reisberg
General Counsel
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

217/782-5270

The full text of the Adopted Amendment begins on the next page:
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Certification System
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
1.90 System of Rewards and Recognition - The Illinois Honor Roll
1.95 Appeals Procedure
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties (Repealed)
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
STATE BOARD OF EDUCATION

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1.260  Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270  Book and Material Selection (Repealed)
1.280  Discipline
1.285  Requirements for the Use of Isolated Time Out and Physical Restraint
1.290  Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310  Administrative Responsibilities
1.320  Evaluation of Certified Staff in Contractual Continued Service
1.330  Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410  Determination of the Instructional Program
1.420  Basic Standards
1.430  Additional Criteria for Elementary Schools
1.440  Additional Criteria for High Schools
1.445  Required Course Substitute
1.450  Special Programs
1.460  Credit Earned Through Proficiency Examinations
1.462  Uniform Annual Consumer Education Proficiency Test
1.465  Ethnic School Foreign Language Credit and Program Approval
1.470  Adult and Continuing Education
1.480  Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510  Transportation
1.515  Training of School Bus Driver Instructors
1.520  School Food Services (Repealed)
1.530  Health Services
1.540  Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS
STATE BOARD OF EDUCATION

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Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
STATE BOARD OF EDUCATION

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1. APPENDIX F  Criteria for Determination – Student Performance and School Improvement (Repealed)

1. APPENDIX G  Criteria for Determination – State Assessment (Repealed)


SUBPART B: SCHOOL GOVERNANCE

Section 1.240  Equal Opportunities for all Students
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).

b) No school system may *exclude or segregate any pupil*, or discriminate against any pupil on the basis of *color, race, nationality, religion, sex, sexual orientation, ancestry, age, marital status, or physical or mental handicap* [775 ILCS 5/1-102(A)] or *status of being homeless* [105 ILCS 45/1-5 and 42 USC 11434a(2)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements. No school district shall impose requirements for enrollment more restrictive than those established under relevant Illinois and federal law. For example, no school system shall require court-ordered guardianship when an individual enrolling a student meets the legal custody requirements of Section 10-20.12b(a)(2)(iv) or (v) of the School Code [105 ILCS 5/10-20.12b(a)(2)(iv) or (v)], and each school system shall immediately enroll and serve homeless children without requiring the provision of any documentation, in accordance with the Illinois Education for Homeless Children Act [105 ILCS 45] and the McKinney-Vento Homeless Education Assistance Act [42 USC 11434].

c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 31 Ill. Reg. 7135, effective April 25, 2007)
STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Campaign Financing

2) **Code Citation:** 26 Ill. Adm. Code 100

3) **Section Numbers:**
   - 100.125 New Section
   - 100.150 Amendment

4) **Statutory Authority:** Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)]

5) **Effective Date of Rulemaking:** May 1, 2007

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

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 30 Ill. Reg. 18908; December 15, 2006

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

11) **Differences between proposal and final version:** No substantive changes were made to the proposed rulemaking.

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

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

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Rulemaking:** The reason for this adopted rulemaking is to add additional language to Section 100.150. This language stipulates how the SBEL treats committees that are required to file electronically and have been notified of that requirement and fail to do so.
16) Information and questions regarding these adopted amendments shall be directed to:

Steven S. Sandvoss  
General Counsel  
State Board of Elections  
1020 S. Spring St.  
Springfield IL 62708  
217/557-9939

The full text of the Adopted Amendments begins on the next page:
STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 100
CAMPAIGN FINANCING

Section
100.10 Definitions
100.20 Official Forms
100.30 Forwarding of Documents (Repealed)
100.40 Vacancies in Office – Custody of Records
100.50 Multiple Filings by State and Local Committees
100.60 Filing Option for a Federal Political Committee
100.70 Reports of Contributions and Expenditures
100.80 Report Forms
100.90 Provision Circumvention
100.100 Proof of Identification: Application for Inspection and Copying (Repealed)
100.110 Loans by One Political Committee to Another
100.120 Receipt of Campaign Contributions
100.125 Receipt by Mail of Pre-Election and Semiannual Reports of Campaign Contributions and Expenditures
100.130 Reporting by Certain Nonprofit Organizations
100.140 Prohibited Contributions – State Property
100.150 Electronic Filing of Reports
100.160 Good Faith
100.170 Sponsoring Entity


State Board of Elections

Notice of Adopted Amendments


Section 100.125 Receipt by Mail of Pre-Election and Semiannual Reports of Campaign Contributions and Expenditures

a) Pre-election and semiannual reports of campaign contributions and expenditures must be received by the Board within the filing periods set forth in Section 9-10 of the Election Code. Subject to subsections (b) and (c) of this Section, if the reports are filed by mail and received by the Board after the filing deadline, they shall be considered delinquent and subject to penalties as provided in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. However, pursuant to Section 9-10(b) and (c) of the Election Code, if the envelope containing the reports contains a postmark showing that the envelope was mailed at least 72 hours prior to the due date, the reports shall be considered timely filed, regardless of when received in the office of the State Board of Elections.

b) If the envelope containing either of the Reports named in subsection (a) of this Section is not received by the Board, the envelope is received but does not have a postmark printed by the United States Postal Service, or if the postmark is illegible, the report will either be deemed to have not been received or deemed to have been received on the date the envelope officially arrives in the office of the State Board of Elections. However, if the political committee is assessed a civil penalty for failing to file or delinquently filing either of the reports and, as part of the committee's appeal of the civil penalty assessment, it is alleged by the treasurer, chairman or candidate on a signed and notarized affidavit verifying that the report was mailed more than 72 hours prior to the filing deadline, and this is the first time the committee has made this claim as part of its appeal, the presumptive date of receipt will be rebutted by the testimony contained in the affidavit and the report will be deemed to have been timely received.

c) When the committee raises the defense described in subsection (b) as part of its appeal for any subsequent civil penalty assessments, the appeal affidavit shall be accompanied by a certificate issued by the United States Postal Service showing the date on which the envelope was deposited with the United States Postal Service. The Board shall not consider this defense as valid in the absence of the certificate.
When a political committee raises the defense described in subsection (b) at any
time after an appeal has been granted pursuant to subsection (b), that defense shall
be denied without consideration by the Board unless a certificate, issued by the
United States Postal Service, verifying the date upon which the transmitting
envelope was deposited with the United States Postal Service, is attached to the
appeal affidavit. If the certificate is attached to the appeal affidavit, the Board
shall hear and determine the appeal as it deems appropriate.

(Source: Added at 31 Ill. Reg. 7142, effective May 1, 2007)

Section 100.150 Electronic Filing of Reports

a) The State Board of Elections will make software available to committees required

b) Once a committee exceeds the threshold that requires it to report electronically, it
must continue thereafter to report electronically until it dissolves, whether or not
its accumulation, receipts or expenditures fall beneath the levels set by statute for
mandatory electronic filing.

c) Once a committee is required to file its reports electronically under Section 9-28
of the Election Code, it must continue to file all reports (semiannual, amended
semiannual, pre-election, amended pre-election, final, amended final, Schedule A-1)
electronically, except as follows:

1) A paper report shall be considered a timely filing if it is received by the
Board on or before the filing deadline, provided that it covers the initial
reporting period during which the mandatory electronic filing threshold is
exceeded and that the report is filed electronically within 30 days after
receipt of notice from the Board that this report was required to have been
filed electronically. If the report is not filed electronically within this 30
day period, it shall be considered as never having been filed and the civil
penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the
date of the filing deadline.

2) A paper report shall be considered a non-filing if the committee has
previously received the notification referred to in subsection (c)(1). If the
report is not filed electronically by the filing deadline, it shall be
considered as having never been filed and the civil penalties mandated by
STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.

3) A paper report shall be considered a timely filing if at least one previous report was required to have been filed electronically and the committee had never been notified by the Board that it was required to electronically file its reports, provided that the report is filed electronically within 30 days after the notification referred to in subsection (c)(1). If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.

4) A paper report shall be considered a timely filing if it is received on or before the filing deadline and the committee has never exceeded the $10,000 threshold requiring the electronic filing of its reports, regardless of whether the committee filed previous reports electronically.

5) If a committee is assessed a civil penalty for delinquently filing a report required to be filed electronically and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures) prohibited the timely filing of an electronic report, the Board may consider that defense when determining the final outcome of the appeal.

(Source: Amended at 31 Ill. Reg. 7142, effective May 1, 2007)
STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Miscellaneous

2) **Code Citation:** 26 Ill. Adm. Code 207

3) **Section Number:** 207.160  **Adopted Action:** New Section

4) **Statutory Authority:** Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)]

5) **Effective Date of Rulemaking:** May 1, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 31 Ill. Reg. 1828; January 19, 2007

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

11) **Differences between proposal and final version:** No substantive changes were made to the proposed rulemaking.

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

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

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Rulemaking:** This adopted rulemaking sets forth the criteria and procedures whereby Board Members may appear by means other than physical presence at the meeting location.

16) **Information and questions regarding this adopted amendment shall be directed to:**
STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

The full text of the Adopted Amendment begins on the next page.
STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED AMENDMENT

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 207
MISCELLANEOUS

Section
207.10 Failure to Nominate Candidate
207.20 Notice of Primary Election – County of 500,000 Or More
207.30 Document Copying Fees
207.40 County Clerk Notifications to State Board of Elections of Certain Filings for Office
207.50 Deputy Registrars; Definition of Bonafide State Civic Organization
207.60 Chad Removal
207.70 Post Tabulation Testing
207.80 Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90 Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
207.100 Requirements for Operator's Log
207.110 Requirements for Voter Information Tapes
207.120 Procedures for Election Night Equipment Failure
207.130 Testing Voting Systems
207.140 Certification of Signature Imaging Systems
207.150 Receipt and Dissemination of Absentee Voting Information
207.160 Attendance of Members at Board Meetings other than by Physical Presence

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

Section 207.160 Attendance of Members at Board Meetings other than by Physical Presence

Pursuant to the Open Meetings Act [5 ILCS 120], a quorum of Members of the Board must be physically present at the public and accessible location of any meeting of the Board and public notice must be given of such meeting. If a quorum of the Members of the Board is physically present, other Members of the Board may attend the meeting by participating in a video or audio conference, provided that:

a) The Member is prevented from physically attending the meeting by reason of:
   1) personal illness or disability;
   2) the duties of the Member, in the course of his or her employment or service (either with the State Board of Elections or other employment), prevent the Member from attending the meeting in person; or
   3) a family or other emergency; for purposes of this Part, emergency shall be defined as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action;

b) The Member wishing to attend the meeting by participating in a video or audio conference provides advance notice to the recording secretary of the meeting.

(Source: Added at 31 Ill. Reg. 7148, effective May 1, 2007)
ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Eligibility and Qualification for Races

2) Code Citation: 11 Ill. Adm. Code 1309

3) Section Number: Proposed Action:
   1309.170   New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Amendment: May 1, 2007

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: It will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: April 30, 2007

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Reason for Emergency: This rulemaking was necessitated by an outbreak of the Equine Herpes Virus (EHV-1) at Balmoral Park racetrack in Crete, Illinois. EHV-1 is an airborne infection that can travel swiftly throughout the barn area of a racetrack. EHV-1 can cause severe neurological disease that affects the horse’s brain and spinal cord and may result in paralysis and death. In the United States, recent outbreaks of the neurologic form of EHV-1 appear to be affecting racehorses and other types of competition horses. The response to these outbreaks has been to identify exposed racehorses and quarantine them. The Board’s chief veterinarian is ordering that all horses entering or stabling on the grounds of Illinois racetracks show documented proof of a current EHV-1 vaccination. Without the vaccine, an epidemic of EHV-1 paralytic disease could be potentially devastating to the racehorse population.

10) A Complete Description of the Subjects and Issues Involved: The proposed amendment will require that all horses at Illinois pari-mutuel racetracks have documented proof of a current vaccination for the equine herpes virus and the racetracks shall maintain the vaccination records.

11) Are there any proposed rulemakings pending in this Part? No
12) **Statement of Statewide Policy Objectives:** No local governmental units will be required to increase expenditures.

13) **Information and questions regarding this emergency amendment shall be directed to:**

   Mickey Ezzo  
   Illinois Racing Board  
   100 West Randolph  
   Suite 7-701  
   Chicago, Illinois 60601  
   312/814-5017

The full text of the Emergency Amendment begins on the next page:
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1309
ELIGIBILITY AND QUALIFICATION FOR RACES

Section
1309.10 Eligibility Certificate
1309.20 Registration
1309.30 Leased Horses
1309.40 Sale or Lease During Current Year
1309.50 Tampering With Eligibility Certificate
1309.60 Corrections on Eligibility Certificates
1309.70 Loss or Destruction of Certificate
1309.80 Time Bars Prohibited
1309.90 Racing Secretary Shall Prescribe Conditions
1309.100 Conflicting Conditions
1309.110 Condition Books
1309.120 Races to be Offered
1309.130 Invitational Races
1309.140 Rejection of Declarations
1309.150 Eligibles Posted
1309.160 AGID (Coggins) Test
1309.170 Equine Herpesvirus (EHV-1)

EMERGENCY

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended December 9, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10931; emergency amendment at 31 Ill. Reg. 7152, effective May 1, 2007, for a maximum of 150 days.
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

All horses, including ponies, entering or stabling on the grounds of any pari-mutuel racetrack in Illinois shall have documented proof of an EHV-1 vaccination administered within 90 days. No entries shall be accepted by the racing secretary without documented proof of a current EHV-1 vaccination. The racing secretary shall maintain records to substantiate current vaccinations of all horses entering or stabling on the grounds.

(Source: Added by emergency rulemaking at 31 Ill. Reg. 7152, effective May 1, 2007, for a maximum of 150 days)
NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part**: Horse Health Rules

2) **Code Citation**: 11 Ill. Adm. Code 1431

3) **Section Number**: Proposed Action: 1431.100 New Section

4) **Statutory Authority**: 230 ILCS 5/9(b)

5) **Effective Date of Amendment**: May 1, 2007

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire**: It will not expire before the end of the 150-day period.

7) **Date Filed with the Index Department**: April 30, 2007

8) **A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Reason for Emergency**: This rulemaking was necessitated by an outbreak of the Equine Herpes Virus (EHV-1) at Balmoral Park racetrack in Crete, Illinois. EHV-1 is an airborne infection that can travel swiftly throughout the barn area of a racetrack. EHV-1 can cause severe neurological disease that affects the horse's brain and spinal cord and may result in paralysis and death. In the United States, recent outbreaks of the neurologic form of EHV-1 appear to be affecting racehorses and other types of competition horses. The response to these outbreaks has been to identify exposed racehorses and quarantine them. The Board's chief veterinarian is ordering that all horses entering or stabling on the grounds of Illinois racetracks show documented proof of a current EHV-1 vaccination. Without the vaccine, an epidemic of EHV-1 paralytic disease could be potentially devastating to the racehorse population.

10) **A Complete Description of the Subjects and Issues Involved**: The proposed amendment will require that all horses at Illinois pari-mutuel racetracks have documented proof of a current vaccination for the equine herpes virus and the racetracks shall maintain the vaccination records.

11) **Are there any proposed rulemakings pending in this Part?** No
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

12) **Statement of Statewide Policy Objective:** No local governmental units will be required to increase expenditures.

13) **Information and questions regarding this emergency amendment shall be directed to:**

   Mickey Ezzo  
   Illinois Racing Board  
   100 West Randolph  
   Suite 7-701  
   Chicago, Illinois  60601  
   312/814-5017

The full text of the Emergency Amendment begins on the next page.
NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1431
HORSE HEALTH RULES

Section 1431.100 Equine Herpesvirus (EHV-1) EMERGENCY

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 11006; amended at 20 Ill. Reg. 5886, effective April 15, 1996; amended at 29 Ill. Reg. 19693, effective December 1, 2005; emergency amendment at 31 Ill. Reg. 7156, effective May 1, 2007, for a maximum of 150 days.

All horses, including ponies, entering or stabling on the grounds of any pari-mutuel racetrack in Illinois shall have documented proof of an EHV-1 vaccination administered within 90 days. No entries shall be accepted by the racing secretary without documented proof of a current EHV-1 vaccination. The racing secretary shall maintain records to substantiate current vaccinations of all horses entering or stabling on the grounds.
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

(Source: Added by emergency rulemaking at 31 Ill. Reg. 7156, effective May 1, 2007, for a maximum of 150 days)
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

1) **Heading of the Part:** Mentoring Program for New Principals

2) **Code Citation:** 23 Ill. Adm. 35

3) **Section Numbers:**
   - 35.10   New Section
   - 35.20   New Section
   - 35.30   New Section
   - 35.40   New Section
   - 35.50   New Section
   - 35.60   New Section
   - 35.70   New Section

4) **Statutory Authority:** 105 ILCS 5/2-3.53a

5) **Effective Date of Rules:** April 25, 2007

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) **Date Filed with the Index Department:** April 25, 2007

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** Because of the sequence of steps that was inherent in completing developmental work for this program and the statutorily established July 1, 2007, implementation date, insufficient time is available for promulgating the relevant requirements via the regular rulemaking process. That is, if the appropriation for Fiscal Year 2008 is sufficient to require operation of the program, an adequate number of mentors will have to have been trained prior to the beginning of the school year. Further, the providers of the training must already have been selected before training can occur, and individuals' eligibility to serve as mentors must have been verified so they can be enrolled. Similarly, districts must notify ISBE regarding the numbers of new principals who will be affected so the required scope of the program can be known. Rules will therefore need to be in effect in early May to permit the timely completion of all the necessary preparations.

10) **A Complete Description of the Subjects and Issues Involved:**
This rulemaking will implement the third of the four new certification-related initiatives that were established by P.A. 94-1039 in response to the efforts of the State Action for Education Leadership Project (SAELP). New Section 2-3.53a of the School Code calls for first-year principals to be paired with experienced principals in a year-long mentoring relationship. Principals with at least three years' experience are eligible to serve as mentors if they complete training offered by entities approved by ISBE and if they have "demonstrated success as instructional leaders". The law further provides for several specific areas of educational practice on which the mentoring effort is to focus and for matching new principals with mentors based on the similarity between their grade levels or types of schools, the new principal's learning needs, and geographical proximity.

In the time that has elapsed since enactment of this law, the agency issued an RFSP and subsequently executed a contract for the preparatory work that was necessary in order to identify the desired competencies and dispositions of mentors and, based on that information, to design the training they will be required to undergo. The contractor selected also developed requirements for the structure of the mentoring program. In addition to conducting the training for all the mentors, the providers that are approved under these rules will be responsible for matching up the mentors with the new principals who are required to participate in the program, for support and assistance during the mentoring relationship, and for serving as conduits for information regarding the completion of requirements. Each mentor will work through one of the providers to ensure the quality of the program.

Since the statute makes the program and new principals' requirement for participation in it contingent upon appropriation, a decision will need to be made annually regarding whether the program will operate. The rules state the cost-related assumptions on which that decision will be based. Additional provisions cover the criteria by which experienced principals will be determined to have demonstrated success as instructional leaders; the criteria for approval of the providers; the basic requirements of the program; and the flow of information culminating in payment to the mentors who have served.

11) Are there any amendments to this Part pending? No
12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
13) Information and questions regarding this emergency rulemaking shall be directed to:

Linda Jamali, Division Administrator
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

Division of Certification
Illinois State Board of Education
100 North First Street
Springfield, Illinois  62777

217/782-7702

The full text of the Emergency Rules begins on the next page:
STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 35
MENTORING PROGRAM FOR NEW PRINCIPALS

Section
35.10 Purpose and Applicability
EMERGENCY
35.20 Annual Program Planning; Fiscal Provisions
EMERGENCY
35.30 Requirements of the Program
EMERGENCY
35.40 Eligibility of Mentors
EMERGENCY
35.50 Training for Mentors
EMERGENCY
35.60 Approval and Role of Providers
EMERGENCY
35.70 Alternate Arrangements
EMERGENCY

AUTHORITY: Implementing and authorized by Section 2-3.53a of the School Code [105 ILCS 5/2-3.53a].

SOURCE: Emergency rules adopted at 31 Ill. Reg. 7160, effective April 25, 2007, for a maximum of 150 days.

Section 35.10 Purpose and Applicability
EMERGENCY

This Part establishes requirements for the selection and training of experienced principals to serve as mentors for new principals and for new principals' participation in the mentoring program designed for them, as required by Section 2-3.53a of the School Code [105 ILCS 5/2-3.53a]. The provisions of this Part shall apply to each Illinois school district, other than a school district organized under Article 34 of the School Code [105 ILCS 5/Art. 34], and to each first-
year principal in an affected school district, except as otherwise provided by Section 2-3.53a(f) of the School Code.

Section 35.20  Annual Program Planning; Fiscal Provisions

EMERGENCY

a) No later than May 1 of each year, each district superintendent shall report to the State Superintendent of Education, or to the State Superintendent's designee, the number of first-year principals who are expected to be working in the district in the coming school year and required to participate in the mentoring program. No later than June 30, each district superintendent shall update this information with the names, administrative certificate numbers, and assigned schools of the individuals chosen.

b) Based on the number of first-year principals expected statewide and the level of available funding foreseen, the State Superintendent shall determine whether the appropriation is likely to be sufficient to require operation of the mentoring program in the coming year. This calculation shall be based on a cost figure of $2,000 for each first-year principal in the program plus the cost of delivering the required training, coordinating the mentors' assignments, and providing the other necessary structure and support for the program. The program shall be implemented in a given year only if sufficient funds are available based on these cost factors.

c) As soon as possible after the level of the appropriation for a given year has been established, the State Superintendent shall notify the affected districts and the training entities approved under Section 35.60 of this Part regarding whether the program will operate in the coming year.

d) No later than June 15 prior to a school year during which the program will be in operation, each experienced principal who intends to serve as a mentor shall notify the State Superintendent or designee of his or her availability, supply the required documentation of eligibility (see Section 35.40 of this Part), and, if employed in a school or in a regional office of education, provide verification in a format specified by the State Superintendent of supervisory approval for his or her participation. The State Superintendent or designee shall:
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

1) publicize the list of approved training entities so that individuals who need to complete the required training can do so and be included in the pool of available mentors; and

2) make the list of those who have expressed intent available to the approved training entities so that these individuals can be given priority in admission to the required training over others who may wish to complete the training simply for its value as professional development.

e) When verification is received in accordance with the requirements of Section 35.30(h) of this Part that a mentor has provided the service required under this Part, the State Superintendent of Education or designee shall make a payment in the amount of $2,000 to the approved provider that facilitated the mentoring relationship for disbursement to the mentor.

Section 35.30 Requirements of the Program

EMERGENCY

Each new principal shall complete a mentoring program that complies with the requirements of this Section, provided that there is a sufficient appropriation for the program applicable to the fiscal year that includes the individual's first school year of service as a principal (see Section 2-3.53a of the School Code and Section 35.20 of this Part).

a) Mentors who meet the requirements of this Part shall be paired with new principals by entities approved under Section 35.60 of this Part, on the basis of the factors identified in Section 2-3.53a(d) of the School Code [105 ILCS 5/2-3.53a(d)]. Each approved entity shall notify the affected district superintendents of the assignments made, and each affected superintendent shall acknowledge the new principals' obligation to participate in the program.

b) The role of each mentor shall include:

1) forming a supportive professional relationship with the new principal;

2) assisting the new principal in adjusting to his or her new role and in developing skill as an instructional leader;

3) coaching, observing, and providing feedback to the new principal on aspects of organizational management;
4) helping the new principal identify significant problems and issues that act as barriers to school improvement, as well as meaningful solutions to these; and

5) providing structured opportunities for the new principal's reflection on his or her educational practice.

c) The mentor and recipient principal shall spend no fewer than 50 contact hours in activities demonstrably involved in the mentoring process, as delineated in subsection (b) of this Section. The mentor and recipient may conduct some or most of their contact using means of telecommunication but shall meet in person at least:

1) near the beginning of the school year, in order to initiate the mentoring relationship;

2) near the middle of the school year, in order to complete the survey of progress required by Section 2-3.53a(e) of the School Code [105 ILCS 5/2-3.53a(e)]; and

3) at the conclusion of the school year, in order to complete the verification form and certify completion of the program as required by that Section.

d) Each mentor and his or her employer, if any, shall be responsible for reaching a mutually agreeable arrangement regarding the mentor's availability for activities that necessarily occur during paid time, such as observing the first-year principal.

e) Time spent traveling by the mentor or recipient to meet with the other party shall not be counted as part of the required contact hours. The mentor shall bear the cost of any travel unless otherwise agreed with the mentor's employer.

f) Each recipient of mentoring under this Part shall maintain a log of his or her work with the assigned mentor that includes at least the date of each contact, the purpose, and the amount of time spent.

g) At the conclusion of the school year, the recipient shall prepare a summary of the mentoring experience, indicating how selected aspects of his or her practice have been affected by the interaction with the assigned mentor.
h) The year-end summary shall be included in the verification to be signed by both individuals to signify completion of the program. This document shall be prepared in a format specified by the State Superintendent of Education and shall also be signed by the recipient principal's supervisor and by the mentor's supervisor, if any, to signify completion of the work outlined in the log and the summary. Each mentor shall submit the verification to the provider with which he or she is enrolled, and the provider shall compile for the State Superintendent a list of the mentors who have provided the required services under the program and for whom payment is due.

Section 35.40  Eligibility of Mentors

Pursuant to Section 2-3.53a of the School Code, eligibility for service as mentors under this Part shall be limited to individuals who have served as principals in Illinois for at least three years, who have demonstrated success as instructional leaders, and who have completed the training required pursuant to Section 35.50 of this Part.

a) For purposes of this Part, "at least three years" means no fewer than three full school years, provided that a principal need not have accrued all three years' service in the same school or district.

b) For purposes of this Part, an experienced principal shall be considered to have demonstrated success as an instructional leader if he or she holds an Illinois administrative certificate and submits to the State Superintendent of Education or designee three letters of professional reference in accordance with this subsection (b).

1) Each principal shall submit one letter from a certified staff member who is not an administrator and has served for at least one full school year under the principal's supervision.

2) Each principal shall submit one letter from another principal who has knowledge of the individual's work.

3) Each principal shall submit one letter from a district superintendent or assistant superintendent under whose supervision the principal has served
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

for at least one full school year, or from a regional superintendent who has knowledge of the principal's work.

4) Each required letter of reference shall include:
   A) the nature of the working relationship between the letter-writer and the principal in question;
   B) the letter-writer's reasons for believing that the principal in question is of ethical character and possesses strong interpersonal skills; and
   C) one or more specific examples of the principal's accomplishments related to particular aspects of the Illinois Professional School Leader Standards set forth at 23 Ill. Adm. Code 29.100.

c) No individual shall serve as a mentor if more than five years have elapsed since his or her last date of service as a principal in an Illinois school or service in some other educational capacity that routinely requires interaction with principals and familiarity with the issues and challenges they face. Evidence of the latter type of service shall be a contract, job description, or other document generated by the employing entity.

Section 35.50  Training for Mentors
EMERGENCY

a) Prior to beginning his or her first assignment as a mentor under this Part, each experienced principal shall be required to complete a standardized training program prescribed by the State Superintendent of Education. This training program shall be made available at no cost to the participating mentors and shall focus on equipping the participants to perform the functions outlined in Section 35.30 of this Part. The training program shall address areas of expertise including, but not limited to:

1) the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100);

2) ethics;
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

3) principles of adult learning;

4) establishing a mentoring relationship; and

5) mentoring skills and techniques.

b) In admitting individuals to the required training, providers shall give first priority to those who intend to be included in the pool of available mentors for the program as described in Section 35.20(d) of this Part. Other individuals may be accommodated if space permits.

c) Each entity approved under Section 35.60 of this Part shall provide to the State Superintendent or designee a list identifying the individuals who have completed the required training sequence.

d) Each mentor who intends to continue providing service under this Part shall participate in annual "refresher" training.

Section 35.60 Approval and Role of Providers

EMERGENCY

The State Superintendent of Education shall approve one or more organizations representing Illinois principals, institutions of higher education, community colleges, regional offices of education, school districts, or other educational entities to administer and implement the new principal mentoring program according to the requirements stated in Section 35.30 of this Part, including delivering the training program for mentors that is required under Section 35.50 of this Part.

a) Any entity seeking approval under this Section shall submit to the State Superintendent an application, in a format prescribed by the State Superintendent, outlining the organization's qualifications for providing professional development to educators, including information specific to the organization's experience with serving potential mentors and recipients of mentoring.

b) The State Superintendent shall approve as providers one or more entities whose applications:

1) provide evidence of an overall commitment to professionalizing education and school improvement efforts;
2) demonstrate capacity to meet the needs of an identified geographic area or set of districts; and

3) indicate that the applicants have staff or access to other presenters who:
   A) have been employed in roles requiring mastery of the Illinois Professional School Leader Standards; and
   B) have experience in providing professional development to educators.

c) Each approved provider shall, with respect to each mentor who enrolls with that provider:
   1) provide the initial training required under Section 35.50 of this Part if the individual has not already completed it;
   2) to the extent necessitated by the level of demand, facilitate the individual's assignment to one or more new principals based on the factors set forth in Section 2-3.53a of the School Code;
   3) provide support and professional resources to the mentor in the course of his or her mentoring relationships;
   4) provide quarterly networking sessions to enhance the mentor's skills and provide structured opportunities for problem-solving;
   5) guide the mentor in the compilation of information that will contribute to the evaluation of individual mentoring relationships and of the mentoring program as a whole;
   6) receive and distribute payments to mentors as delineated in Section 35.20(e) of this Part; and
   7) provide annual "refresher" training.

d) Approval of training entities shall be valid for three years. To request renewal, a provider shall, no later than March 1 of the year of expiration, submit an
application, in a format specified by the State Superintendent of Education, containing:

1) a description of any significant changes in the material submitted as part of its approved application; or

2) a statement that no significant changes have occurred.

e) A provider's approval shall be renewed if the application conforms to the requirements of subsection (d) of this Section, provided that the State Superintendent has received no evidence of the provider's failure to provide the required services under the program.

f) The State Superintendent of Education may evaluate any approved provider at any time to ensure the consistent quality of the mentoring program. Upon request by the State Superintendent, a provider shall supply information regarding its activities in conjunction with the mentoring program, which the State Superintendent may monitor at any time. In the event an evaluation indicates that a provider is not furnishing services in keeping with subsection (c) of this Section, the State Superintendent may withdraw approval of the provider.

Section 35.70  Alternate Arrangements

EMERGENCY

In cases where an assigned mentor becomes unavailable after a mentoring assignment has been initiated, the approved training entity that facilitated the mentor's assignment shall be responsible for identifying a replacement to complete the assignment and for determining the appropriate allocation of the payment to the individuals involved.
NOTICE OF MODIFICATION TO MEET THE OBJECTION AND FILING PROHIBITION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Illinois Elevator Safety Rules

2) Code Citation: 41 Ill. Adm. Code 1000

3) Section Number: 1000.80(a)(1)  Action: See below

4) Date Notice of Proposed Rules Published in the Register: October 20, 2006; 30 Ill. Reg. 16522

5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: March 30, 2007; 31 Ill. Reg. 5169

6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules voted to object to and prohibit the filing of the phrase "and works under the direct supervision of a licensed contractor" in Section 1000.80(a)(1), which required elevator mechanics to work under the direct supervision of an elevator contractor. The Committee found that the adoption of this provision without the opportunity for the public to comment (the phrase was added as a First Notice modification) would constitute a serious threat to the public interest. The Prohibition created an opportunity for the public to comment on the provision to the Joint Committee and the Elevator Safety Review Board. The Board agreed to modify the rulemaking by deleting the phrase from the adopted rule. Therefore, at the April 18, 2007 JCAR meeting, the Committee withdrew the Filing Prohibition.
NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Central Management Services

   -First Notice Published: 30 Ill. Reg. 19577 – 12/29/06
   -Expiration of Second Notice: 6/19/07

Commerce and Economic Opportunity

Financial and Professional Regulation

   - First Notice Published: 30 Ill. Reg. 18847 – 12/15/06
   - Expiration of Second Notice: 5/30/07

Gaming Board

   - First Notice Published: 30 Ill. Reg. 16148 – 10/13/06
   - Expiration of Second Notice: 6/2/07

Healthcare and Family Services

5. Medical Payment (89 Ill. Admin. Code 140)
   - First Notice Published: 31 Ill. Reg. 349 – 1/12/07
   - Expiration of Second Notice: 6/6/07

   - First Notice Published: 30 Ill. Reg. 16779 – 10/27/06
   - Expiration of Second Notice: 6/6/07

   - First Notice Published: 31 Ill. Reg. 1949 – 1/26/07
   - Expiration of Second Notice: 6/6/07

   - First Notice Published: 31 Ill. Reg. 2183 – 2/2/07
   - Expiration of Second Notice: 6/6/07

Human Services

   - First Notice Published: 31 Ill. Reg. 3 – 1/5/07
   - Expiration of Second Notice: 5/20/07
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

10. Food Stamps (89 Ill. Adm. Code 121)
   -First Notice Published: 31 Ill. Reg. 1791 – 1/19/07
   -Expiration of Second Notice: 6/9/07

Natural Resources

   -First Notice Published: 31 Ill. Reg. 2742 – 2/16/07
   -Expiration of Second Notice: 5/31/07

   -First Notice Published: 31 Ill. Reg. 2761 – 2/16/07
   -Expiration of Second Notice: 5/31/07

   -First Notice Published: 31 Ill. Reg. 2775 – 2/16/07
   -Expiration of Second Notice: 5/31/07

Public Health

   -First Notice Published: 30 Ill. Reg. 1804 – 1/19/07
   -Expiration of Second Notice: 5/16/07

   -First Notice Published: 31 Ill. Reg. 3458 – 3/2/07
   -Expiration of Second Notice: 6/8/07

Racing Board

   -First Notice Published: 31 Ill. Reg. 2850 – 2/16/07
   -Expiration of Second Notice: 5/30/07

17. Superfecta (11 Ill. Adm. Code 311)
   -First Notice Published: 31 Ill. Reg. 2854 – 2/16/07
   -Expiration of Second Notice: 5/30/07

18. Entries and Declarations (11 Ill. Adm. Code 1312)
   -First Notice Published: 31 Ill. Reg. 2858 – 2/16/07
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

- Expiration of Second Notice: 5/30/07

   - First Notice Published: 31 Ill. Reg. 2862 – 2/16/07
   - Expiration of Second Notice: 5/30/07

Revenue

   - First Notice Published: 30 Ill. Reg. 11062 – 6/23/06
   - Expiration of Second Notice: 6/6/07

Secretary of State

   - First Notice Published: 31 Ill. Reg. 2867 – 2/16/07
   - Expiration of Second Notice: 5/27/07

22. General Not For Profit Corporations (14 Ill. Adm. Code 160)
   - First Notice Published: 31 Ill. Reg. 2878 – 2/16/07
   - Expiration of Second Notice: 5/27/07

   - First Notice Published: 31 Ill. Reg. 2882 – 2/16/07
   - Expiration of Second Notice: 5/27/07

   - First Notice Published: 31 Ill. Reg. 2888 – 2/16/07
   - Expiration of Second Notice: 5/27/07

State Fire Marshal

   - First Notice Published: 31 Ill. Reg. 3257 – 3/2/07
   - Expiration of Second Notice: 6/2/07

   - First Notice Published: 31 Ill. Reg. 3356 – 3/2/07
   - Expiration of Second Notice: 6/2/07
27. Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230)
   - First Notice Published: 31 Ill. Reg. 2795 – 2/16/07
   - Expiration of Second Notice: 6/2/07

   - First Notice Published: 31 Ill. Reg. 2830 – 2/16/07
   - Expiration of Second Notice: 6/2/07

State Police

29. Sample Collection for Genetic Marker Indexing (20 Ill. Adm. Code 1285)
   - First Notice Published: 31 Ill. Reg. 2901 – 2/16/07
   - Expiration of Second Notice: 6/7/07

State Records Commission

   - First Notice Published: 30 Ill. Reg. 17732 – 11/13/06
   - Expiration of Second Notice: 6/5/07

Student Assistance Commission

   - First Notice Published: 31 Ill. Reg. 2561 – 2/9/07
   - Expiration of Second Notice: 5/16/07

32. Federal Family Education Loan Program (FFELP) (23 Ill. Adm. Code 2720)
   - First Notice Published: 31 Ill. Reg. 2579 – 2/9/07
   - Expiration of Second Notice: 5/16/07

33. Grant Program For a Child Raised by Grandparents (23 Ill. Adm. Code 2738)
   - First Notice Published: 31 Ill. Reg. 2587 – 2/9/07
   - Expiration of Second Notice: 5/16/07

34. Nurse Educator Loan Repayment Program (23 Ill. Adm. Code 2758)
   - First Notice Published: 31 Ill. Reg. 2593 – 2/9/07
   - Expiration of Second Notice: 5/16/07

35. State Scholar Program (23 Ill. Adm. Code 2760)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

-First Notice Published: 31 Ill. Reg. 2599 – 2/9/07
-Expiration of Second Notice: 5/16/07

36. Christa McAuliffe Fellowship Program (Repealer) (23 Ill. Adm. Code 2766)
   -First Notice Published: 31 Ill. Reg. 2606 – 2/9/07
   -Expiration of Second Notice: 5/16/07

37. Illinois Teachers and Child Care Providers Loan Repayment Program (23 Ill. Adm. Code 2767)
   -First Notice Published: 31 Ill. Reg. 2614 – 2/9/07
   -Expiration of Second Notice: 5/16/07

Teacher's Retirement System

38. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
   -First Notice Published: 31 Ill. Reg. 2618 – 2/9/07
   -Expiration of Second Notice: 6/8/07

Transportation

   -First Notice Published: 31 Ill. Reg. 2932 – 2/16/07
   -Expiration of Second Notice: 5/17/07

EMERGENCY RULEMAKINGS

Healthcare and Family Services

   -Notice Published: 31 Ill. Reg. 5876 – 4/13/07

Housing Development Authority

41. Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)
   -Notice Published: 31 Ill. Reg. 5883 – 4/13/07

Racing Board
42. Medication (11 Ill. Adm. Code 603)
   -Notice Published: 31 Ill. Reg. 6680 – 5/4/07

AGENCY RESPONSES

Public Health

43. Health Care Worker Background Check Code (77 Ill. Adm. Code 955; 30 Ill. Reg. 16206)

Secretary of State

44. Procedures and Standards (92 Ill. Adm. Code 1001; 30 Ill. Reg. 13757)
1) **Heading of the Part:** Illinois Elevator Safety Rules

2) **Code Citation:** 41 Ill. Adm. Code 1000

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Action</th>
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<tbody>
<tr>
<td>1000.10</td>
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<td>Recommendation</td>
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<tr>
<td>1000.180</td>
<td>Recommendation</td>
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4) **Date Notice of Proposed Rules Published in the Register:** October 20, 2006; 30 Ill. Reg. 16522

5) **Date JCAR Statement of Recommendation Published in the Register:** March 30, 2007; 31 Ill. Reg. 5164

6) **Summary of Action Taken by the Agency:**

- The Joint Committee on Administrative Rules recommended that the Elevator Safety Review Board pursue legislative changes to update statutory timelines that are not consistent with this rulemaking. The Board agreed with the need to update statutory timelines and has proposed legislative changes to the affected dates.
ELEVATOR SAFETY REVIEW BOARD

NOTICE OF MODIFICATION TO MEET THE RECOMMENDATION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

• The Committee recommended that, if the Board believes it advisable to allow, for good cause, the 30-day statutory deadline for correcting violations to be extended, it seek specific statutory authority for the extension. The Board agreed to seek statutory changes to allow OSFM as the administrator for the program to extend the 30-day deadline for correcting violations cited by an elevator inspector if good cause is shown and no harm to the public will occur.

• The Committee recommended that, if the Board believes it should be able to make exceptions to, or deem equivalencies to, statutory licensure requirements, it should seek statutory authority to do so. The Board agreed that statutory changes were needed to allow the Board discretion to determine equivalency of an out-of-state license or experience and has proposed legislative changes for making these determinations.
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 24, 2007 through April 30, 2007 and have been scheduled for review by the Committee at its May 15, 2007 meeting in Springfield or its June 12, 2007 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.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>31 Ill. Reg.</th>
<th>JCAR Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/7/07</td>
<td>Department of State Police, Sample Collection for Genetic Marker Indexing (20 Ill. Adm. Code 1285)</td>
<td>2/16/07</td>
<td>2901</td>
<td>5/15/07</td>
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<tr>
<td>6/9/07</td>
<td>Department of Human Services, Food Stamps (89 Ill. Adm. Code 121)</td>
<td>1/19/07</td>
<td>1791</td>
<td>5/15/07</td>
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<td>6/13/07</td>
<td>Secretary of State, Sale of Information (92 Ill. Adm. Code 1002)</td>
<td>11/13/06</td>
<td>17722</td>
<td>6/12/07</td>
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ELEVATOR SAFETY REVIEW BOARD

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) **Heading of the Part:** Illinois Elevator Safety Rules

2) **Code Citation:** 41 Ill. Adm. Code 1000

3) **Section Numbers:**
   - 1000.10 Agree to pursue more timely rulemaking in the future
   - 1000.20
   - 1000.30
   - 1000.40
   - 1000.50
   - 1000.60
   - 1000.70
   - 1000.80
   - 1000.90
   - 1000.110
   - 1000.120
   - 1000.130
   - 1000.140
   - 1000.150
   - 1000.160
   - 1000.170
   - 1000.180

4) **Date Notice of Proposed Rules Published in the Register:** October 20, 2006; 30 Ill. Reg. 16522

5) **Date JCAR Statement of Objection Published in the Register:** March 30, 2007; 31 Ill. Reg. 5167

6) **Summary of Action Taken by the Agency:** The Joint Committee on Administrative Rules objected to the Elevator Safety Review Board's failure to implement the Elevator Safety and Regulation Act in a timely manner, resulting in the Board and the Office of the State Fire Marshal implementing policy not adopted in rule. The Board agreed with the Objection with the Objection regarding lack of timeliness of the rule adoption and will make every effort to adopt rules in a timely manner in the future.
Solid State Measurements Inc. ("SSM"), 110 Technology Drive, Pittsburgh, Pennsylvania, 15275, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 22.23c] and in Illinois EPA's rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for mercury relays, rotating electrical connectors, and elemental mercury contacts used in the following SSM products:

<table>
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<tr>
<th>Model Number</th>
<th>Product Name</th>
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<tr>
<td>SSM 495</td>
<td>CV Metrology System</td>
</tr>
<tr>
<td>SSM 530</td>
<td>CV Metrology System</td>
</tr>
<tr>
<td>SSM 5130</td>
<td>CV Metrology System</td>
</tr>
<tr>
<td>SSM 2000</td>
<td>Nano-SRP System</td>
</tr>
<tr>
<td>SSM 6x000 Series</td>
<td>FastGate® Metrology System</td>
</tr>
</tbody>
</table>

2. The above products are used to analyze and provide material characterization of semiconductor wafers within semiconductor manufacturing facilities. The mercury-containing relays, connectors, and contacts are used for signal switching or electrical contacts within the products.

3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

   Illinois EPA Headquarters
   1021 North Grand Avenue East
   Springfield, IL 62794-9276
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Phone: 217-524-9642; TDD 217-782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Lockart, MC #34
Illinois EPA
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-9642; TDD 217-782-9143
E-mail: Becky.Lockart@illinois.gov
DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD OF A CONTRACT OR SUBCONTRACT FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Steve Piper & Sons, Inc., IDOL File No(s). -2005-PW-AP03-0859, the Director of the Department of Labor gives notice that [Steve Piper & Sons, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Steve Piper & Sons, Inc. interest and/or on Steve Piper & Sons, Inc. behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Steve Piper & Sons, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Steve Piper & Sons, Inc. interest and/or on Steve Piper & Sons, Inc. behalf have an interest, pecuniary or otherwise, is(are) prohibited from being awarded any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing December 6, 2006 and continuing through December 6, 2008.

Copies of the Prevailing Wage Act are available on the internet at http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217
Pursuant to the findings in Re: Lucky Charm Contracting, Inc., IDOL File No(s). -2004-PW-AP03-1448, the Director of the Department of Labor gives notice that [Lucky Charm Contracting, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Lucky Charm Contracting, Inc. interest and/or on Lucky Charm Contracting, Inc. behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Lucky Charm Contracting, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Lucky Charm Contracting, Inc. interest and/or on Lucky Charm Contracting, Inc. behalf have an interest, pecuniary or otherwise, is(are) prohibited from being awarded any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing December 6, 2006 and continuing through December 6, 2008.

Copies of the Prevailing Wage Act are available on the internet at http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

In this Notice of Public Information under Section 7.2(b) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2006), the Board explains why it has extended until August 6, 2007, the deadline for adoption and filing of rules in the following consolidated identical in substance rulemaking: SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated). The Board has not yet adopted a proposal for public comment in this rulemaking, so there has been no Illinois Register publication in this consolidated docket. The Board anticipates that it will adopt a proposal for public comment at its May 3, 2007 meeting, and that the proposal will be filed by May 14, 2007 with the Secretary of State's Index Department for publication in the May 25, 2007 Illinois Register. If these events timely occur and no additional delay is required to adequately respond to public comments, the Board anticipates adoption of final rules at its July 26, 2007 meeting, and filing of the rules on or before August 6, 2007.

On December 21, 2006, the Board adopted an order to consolidate these identical in substance Safe Drinking Water Act (SDWA) rulemakings. In that order the Board also found it necessary to extend the one-year period for completion of these amendments. The adoption deadline, based on the first federal action in docket R07-2, originally was January 4, 2007. The Board found that the statutory one-year period in this consolidated docket was insufficient for completion of the amendments. On April 19, 2007, the Board again extended the final adoption deadline in this consolidated rulemaking.

The Board was unable to initiate this rulemaking earlier due to the unusually high demands on staff resources over the last several months as a result of a greatly increased volume of complex federal rulemaking, e.g. the very recently completed consolidated underground injection control, municipal solid waste landfill, and hazardous waste update docket, R06-16/R06-17/R06-18. In addition, the federal rules have proven far more complex and voluminous than originally estimated. The Board estimates that the proposed amendments will be nearly 300 pages in length, including more than 125 pages of new rules.
ILLINOIS REGISTER

PROCLAMATIONS

2007-145
National Volunteer Week

WHEREAS, the hard work and determination of American citizens continue to be among our nation's greatest resources; and

WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and

WHEREAS, the basis for a safe and productive nation is the willingness of citizens to work together, without prejudice, to find solutions to the everyday struggles of our society; and

WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and

WHEREAS, in Illinois, my Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and

WHEREAS, the annual observance of National Volunteer Week allows all citizens the opportunity to recognize and thank the compassionate and caring nature of our citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15 – 21, 2007 as NATIONAL VOLUNTEER WEEK in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor April 18, 2007
Filed by the Secretary of State April 24, 2007.

2007-146
Middle Level Leadership Week

WHEREAS, the 48th State Convention for Middle Level Leadership Week will be held in Springfield at the Holiday Inn Crowne Plaza on April 20 and 21, 2007; and
WHEREAS, the Illinois Association of Junior High Student Councils is an organization of more than 100 public and private junior high, middle, and elementary schools throughout the state; and

WHEREAS, the State Convention offers an opportunity to recognize and celebrate the schools' accomplishments, and plan for future events; and

WHEREAS, this year's State Convention theme is "Ride the Leadership Roller Coaster"; and

WHEREAS, the official State Service Project this year is Shriners Children's Hospital:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15 – 21, 2007 as MIDDLE LEVEL LEADERSHIP WEEK in Illinois, and encourage all citizens to pay tribute to this year's convention participants for their achievements and contributions to their communities.

Issued by the Governor April 18, 2007
Filed by the Secretary of State April 24, 2007.

2007-147
Illinois Equal Pay Day

WHEREAS, more than forty years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, according to statistics released in 2005 by the U.S. Census Bureau, year-round, full-time working women in 2004 earned only 77% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

WHEREAS, over a working lifetime, this wage disparity costs the average American woman and her family an estimated $523,000 in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, Tuesday, April 24th symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year; and

WHEREAS, in 2003, I signed into law the Illinois Equal Pay Act, which prohibits employers in this state with four or more employees from paying unequal wages to men and women for doing the same or substantially similar work. This new law allowed
an additional 333,000 Illinois workers to enjoy protections from gender-based discrimination in pay; and

WHEREAS, since January 2004 (the effective date of the Equal Pay Act), the Illinois Department of Labor has responded to approximately 3,500 calls on the Equal Pay Act hotline, has handled 245 cases leading to the recovery of nearly $17,000 in backwages, and has prompted 10 private settlements between employees and employers which have totaled over $12,000 in wages paid back to workers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2007 as ILLINOIS EQUAL PAY DAY, and call on citizens to join the national struggle to create a fair and equal playing field for all workers.

Issued by the Governor April 19, 2007
Filed by the Secretary of State April 24, 2007.

2007-148
Medical Laboratory Professional Week

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

WHEREAS, the tireless efforts of these dedicated health care professionals have helped to save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 22 – 28, 2007 as MEDICAL LABORATORY PROFESSIONALS WEEK in Illinois, and encourage all citizens to recognize the dedicated men and women who have made a vital contribution to the quality of health care in our state and across the United States.

Issued by the Governor April 19, 2007
Filed by the Secretary of State April 24, 2007.
2007-149
Elks National Youth Week

WHEREAS, the Benevolent and Protective Order of Elks is one of the largest and most active fraternal organizations in the world, boasting more than 1.1 million members nationwide; and

WHEREAS, the Elks are dedicated to providing youth with a future full of hope and promise each year by providing college scholarships to graduating high school seniors. This continued dedication has made the Elks the largest private source of college scholarships in the nation; and

WHEREAS, in 1997, the Elks made seven promises to America's youth, among which were: sponsoring drug-free prom or graduation parties in 2,000 communities by the year 2000, developing mentoring relationships with 20,000 youth and involving 275,000 youth in community service initiatives, and donating $34.9 million a year in support of scouting, athletic programs, and other youth organizations and programs; and

WHEREAS, by making this commitment to future generations, members of the organization are taking the meaning of their motto, "Elks Care, Elks Share," to a whole new level:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29 – May 5, 2007 as ELKS NATIONAL YOUTH WEEK in Illinois, and encourage all citizens to pay tribute to these youth for their achievements and contributions to their communities.

Issued by the Governor April 19, 2007
Filed by the Secretary of State April 24, 2007.

2007-150
Universal Newborn Hearing Screening Day

WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and

WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. In Illinois, there are approximately 180,000 newborn babies who have their hearing screened every year. Recent studies suggest that intervention
within the first six months of a hard of hearing infant's life is crucial to them reaching their speech, language, and learning potential; and

WHEREAS, in Illinois, nearly five-hundred children are born with congenital hearing loss each year; and

WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, requires all birthing hospitals in the state to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and

WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of two state agencies: the Department of Human Services and the Department of Public Health. These agencies, along with the University of Illinois at Chicago's Division of Specialized Care for Children, the Bureau of Early Intervention, hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and

WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27, 2007 as UNIVERSAL NEWBORN HEARING SCREENING DAY in Illinois, and urge all citizens to become cognizant of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor April 19, 2007
Filed by the Secretary of State April 24, 2007.

2007-151
Citi Elk Grove Grand Opening Day

WHEREAS, to commemorate Earth Day and Illinois Arbor Day Week, on Thursday, April 26 Citi will celebrate its new facility in Elk Grove with a Ribbon Cutting, Open House and Tree Planting Ceremony to demonstrate an ongoing commitment to sustainable issues globally; and
WHEREAS, as part of its ongoing commitment to environmental and social issues globally, Citi seeks to partner with vendors that have incorporated the principles of environmental responsibility and sustainable growth into their business practices; and

WHEREAS, in constructing this facility, Citi worked with partners along the supply chain that are equally committed to green principles like Milliken Contract, which is internationally respected for sustainable manufacturing. The modular carpet selected for the building is PVC free and installs without adhesives to improve IAQ; and

WHEREAS, during Earth Day week, Milliken Contract will present its first Chain of Green award to Citi during the ribbon cutting for the Elk Grove facility; and

WHEREAS, Citi is taking a multi-pronged approach to sustainability through its employees; clients, the local community and vendors; and

WHEREAS, the small steps taken by Citi have a giant impact when multiplied out by 14,000 facilities; 300,000 employees; and operations in 100 countries:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26, 2007 as CITI ELK GROVE GRAND OPENING DAY in Illinois.

Issued by the Governor April 20, 2007
Filed by the Secretary of State April 24, 2007.

2007-152

Teen Appreciation Week

WHEREAS, teenagers in this state and across the country play a variety of important roles in families and communities; and

WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and

WHEREAS, during these transitions, teenagers need and deserve the community's understanding, guidance, and support; and

WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in a way that benefits our society; and
PROCLAMATIONS

WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 12 – 18, 2007 as **TEEN APPRECIATION WEEK** in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor April 20, 2007
Filed by the Secretary of State April 24, 2007.

2007-153
Global Days for Darfur

WHEREAS, United Nations officials have described the ongoing crisis in Darfur as "the world's worst humanitarian crisis;" and

WHEREAS, up to 400,000 people have died and over 2,500,000 have been displaced in Darfur since 2003; and

WHEREAS, the U.S. Congress declared on July 22, 2004 that the atrocities in Darfur were genocide. These sentiments were echoed by then Secretary of State Colin Powell and President George W. Bush in September of that same year; and

WHEREAS, on April 29, 2007 the international community will hold events in over 20 countries around the world calling for immediate action to end the genocide in Darfur; and

WHEREAS, people of conscience in over 100 cities nationwide will likewise join the call to action in support of protecting innocent civilians in Darfur, including citizens of Chicago and Illinois; and

WHEREAS, the efforts of the U.S., the UN, and the international community have not yet brought about an end to the genocide, and clearly more must be done to quell the violence and build a renewed and inclusive peace process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23 – 30, 2007 as **GLOBAL DAYS FOR DARFUR**, and urge all citizens to recognize the great atrocities taking place in the Sudan, and join in the international effort to bring an end to this global tragedy.
WHEREAS, the lack of access to quality healthcare and the increasing costs for healthcare are among the most pressing – and vexing – problems facing our nation today; and

WHEREAS, there are nearly 47 million uninsured people in this country, 1.4 million of which are right here in Illinois; and

WHEREAS, there are an additional 9.7 million people in this state that have insurance, but many of them are struggling every month to pay for private coverage. The rising costs of healthcare force them to cut back on necessities, and many cannot afford to save for college educations or even take a family vacation; and

WHEREAS, many throughout the nation are afraid to change jobs because they may lose their insurance, or be denied enrollment in a new program because of pre-existing conditions. In addition, more and more employers are providing less and less coverage because of astronomical costs. This continued erosion of access to quality healthcare creates economic problems throughout the country; and

WHEREAS, Illinois is proud to be a national leader in providing expanded access to healthcare coverage. Since I took office in 2003, more than 560,000 more men, women and children have gained access to health care. Illinois is also the first state in the nation to make sure every child can receive healthcare through the landmark "All Kids" program. While this is a great start, we realize that much more work needs to be done; and

WHEREAS, understanding how important healthcare is to working families, I proposed in my budget address this year a bold new plan called "Illinois Covered," which will ensure that all Illinoisans have access to quality, affordable healthcare; and

WHEREAS, the Illinois Covered plan has three major components: Illinois Covered Rebate – which offers middle class families with employer-provided insurance assistance in paying their premiums; Illinois Covered Choice – which provides access to new guaranteed, affordable insurance plans for small businesses and individuals by making it possible for them to buy into guaranteed, affordable private plans; and Illinois Covered Assist – which is similar to FamilyCare and Medicaid for those under 100% of the federal poverty level; and
WHEREAS, I have proclaimed this week as "Covering the Uninsured Week" to raise awareness of the problems associated with health coverage and the solutions that the historic "Illinois Covered" plan can offer the hard working people of this state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23 – 29, 2007 as COVER THE UNINSURED WEEK in Illinois.

Issued by the Governor April 23, 2007
Filed by the Secretary of State April 24, 2007.

2007-155
Brain Tumor Action Week

WHEREAS, this year marks the 10th Annual Brain Tumor Action Week sponsored by the North American Brain Tumor Coalition; and

WHEREAS, every five minutes another American is diagnosed with a brain tumor, representing more than 190,000 people in the United States each year; and

WHEREAS, progress continues because of dedicated researchers, and because of charitable organizations, such as the ones in the North American Brain Tumor Coalition, that are committed to the eradication of brain tumors through raising awareness and advocating for increased research funding; and

WHEREAS, brain tumor patients now have hope and options available to them because of promising new treatments; and

WHEREAS, there is still much to be done to assure effective treatment for all brain tumor patients; and

WHEREAS, the State of Illinois is proud to join the North American Brain Tumor Coalition in an effort to raise awareness and to support all of the patients and families affected by this disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26 – May 6, 2007 as BRAIN TUMOR ACTION WEEK in Illinois, and urge all citizens to join me in support for continued progress in the fight against brain tumors.

Issued by the Governor April 25, 2007
Filed by the Secretary of State April 26, 2007.
WHEREAS, every 45 seconds someone in the United States experiences a stroke; and

WHEREAS, stroke, or brain attack, is the third leading cause of death in America, killing 160,000 people annually; and

WHEREAS, stroke is a leading cause of adult disability. There are more than five million stroke survivors in the United States, with two-thirds living with moderate to severe disabilities; and

WHEREAS, the United States spends more than $52 billion in direct and indirect costs on stroke; and

WHEREAS, more than one-third of Americans cannot identify a single symptom of stroke which includes sudden trouble talking, walking, seeing, paralysis usually on one side of the body and sudden severe headache with no known cause and there is now a new, easy and F.A.S.T. stroke recognition system; and

WHEREAS, more than a half a million strokes can be prevented each year, yet many Americans don't discuss their stroke risks with their primary health care providers; and

WHEREAS, public awareness of the risks and warning signs of a stroke is essential to prevention and early treatment; and

WHEREAS, emergency treatment of stroke can save lives, reduce disability and even possibly reverse all impacts from the stroke; and

WHEREAS, National Stroke Association celebrates National Stroke Awareness Month in May and urges people to take charge of their health by asking their doctors about stroke risks and adopting healthy lifestyle habits to lower their risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as STROKE AWARENESS MONTH in Illinois, and encourage all citizens to ask their doctors about stroke prevention and the warning signs of stroke.

Issued by the Governor April 25, 2007
Filed by the Secretary of State April 26, 2007.
2007-157
Sarah Bush Lincoln Health System Day

WHEREAS, Sarah Bush Lincoln Health Center opened its doors to the public on May 10, 1977; and

WHEREAS, the staff of Sarah Bush Lincoln Health Center have provided medical care and striven to improve the health status for all people in East Central Illinois for 30 years; and

WHEREAS, Sarah Bush Lincoln Health Center has proclaimed its mission "to provide exceptional care for all and create healthy communities"; and

WHEREAS, Sarah Bush Lincoln Health Center is celebrating its 30th anniversary by giving back to the community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2007 as SARAH BUSH LINCOLN HEALTH SYSTEM DAY in Illinois, in recognition of its significant contribution to improving and maintaining the health of Illinois residents for 30 years.

Issued by the Governor April 25, 2007
Filed by the Secretary of State April 26, 2007.

2007-158
Proclamation of Religious Freedom for the Ecumenical Patriarchate

WHEREAS, religious freedom is something that we as Americans often take for granted, but it is important to recognize that in other parts of the world, many people are not afforded those same rights; and

WHEREAS, in recent years, the Turkish Government has refused to uphold or safeguard religious freedom, and as a result, the Ecumenical Patriarch Bartholomew, head of the Greek Orthodox Church in Turkey, continues to suffer threats, abuses, confiscation of property, and the threat of dissolution; and

WHEREAS, the Ecumenical Patriarchate has no legal identity in Turkey and the Turkish State does not recognize the "Ecumenical" title and status of the Patriarch and Patriarchate. In addition, the Turkish government has prohibited private religious education, and confiscated thousands of properties including churches,
PROCLAMATIONS

orphanages, monastery homes, apartment buildings, schools and other land belonging to the Ecumenical Patriarchate; and

WHEREAS, these measures have adversely affected the lives of all Orthodox Christians in Turkey, impinging on their inalienable right to practice any religion they may choose; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, has been in accession negotiations with Turkey since 2003 because their treatment of the Ecumenical Patriarchate violates the Union's goals of eliminating discrimination based on any ground, including religion; and

WHEREAS, the State of Illinois recognizes the contributions of Orthodox Christians to American culture and to cultures across the globe; and

WHEREAS, on behalf of our Greek Orthodox community in Illinois, I join in supporting measures to end Turkey's oppression of the Ecumenical Patriarchate and the Greek Orthodox Church:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby call upon the Government of Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and to recognize the property rights and human rights of Ecumenical Patriarch Bartholomew, the spiritual head of over 250 million Orthodox Christians throughout the world.

Issued by the Governor April 26, 2007
Filed by the Secretary of State April 26, 2007.

2007-158 (Revised)
Proclamation of Religious Freedom for the Ecumenical Patriarchate

WHEREAS, religious freedom is something that we as Americans often take for granted, but it is important to recognize that in other parts of the world, many people are not afforded those same rights; and

WHEREAS, in recent years, the Turkish Government has refused to uphold or safeguard religious freedom, and as a result, the Ecumenical Patriarch Bartholomew, head of the Greek Orthodox Church in Turkey, continues to suffer threats, abuses, confiscation of property, and the threat of dissolution; and

WHEREAS, the Turkish State does not recognize the "Ecumenical" title and status of the Patriarch and Patriarchate. In addition, the Turkish government has prohibited private religious
education, and confiscated thousands of properties including churches, orphanages, monastery homes, apartment buildings, schools and other land belonging to the Ecumenical Patriarchate; and

WHEREAS, these measures have adversely affected the lives of all Orthodox Christians in Turkey, impinging on their inalienable right to practice any religion they may choose; and

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Re-filed with the Secretary of State April 27, 2007.
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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