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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

Issue #	Rules Due Date	Date of Issue
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
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22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
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39	September 12, 2011	September 23, 2011
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41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
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45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation: 77 Ill. Adm. Code 1100

3) Section Number: 1100.220 — Proposed Action: Amend

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) A Complete Description of the Subjects and Issues Involved: The birth center model category of service is a demonstration program that is authorized by the Alternative Health Care Delivery Act [210 ILCS 3]. A Certificate of Need (CON) permit shall be obtained to establish a birth center model, per the Act.

Definitions pertaining to the birth center model category of service are added to the existing section of definitions in 77 Ill. Adm. Code 1100.

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.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Public Hearing to be conducted on
Thursday, July 28, 2011
10:00 am to 2:00 pm
at
Oak Forest City Hall

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

15440 S. Central Avenue
Oak Forest, IL

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Claire Burman
Coordinator, Rules Development
122 S. Michigan Avenue, 7th Floor
Chicago, Illinois 60603

312/814-4825
e-mail: Claire.Burman@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not apparent when the Regulatory Agenda was prepared.

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

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section
1100.10 Introduction
1100.20 Authority
1100.30 Purpose
1100.40 Health Maintenance Organizations (Repealed)
1100.50 Subchapter Organization
1100.60 Mandatory Reporting of Data
1100.70 Data Appendices
1100.75 Annual Bed Report
1100.80 Institutional Master Plan Hospitals (Repealed)
1100.90 Public Hearings

SUBPART B: DEFINITIONS

Section
1100.210 Introduction
1100.220 Definitions

SUBPART C: PLANNING POLICIES

Section
1100.310 Need Assessment
1100.320 Staffing
1100.330 Professional Education
1100.340 Public Testimony
1100.350 Multi-Institutional Systems
1100.360 Modern Facilities
1100.370 Occupancy/Utilization Standards
1100.380 Systems Planning
1100.390 Quality

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

1100.400 Location
1100.410 Needed Facilities
1100.420 Discontinuation
1100.430 Coordination with Other State Agencies
1100.440 Requirements for Authorized Hospital Beds

SUBPART D: NEED ASSESSMENT

Section
1100.510 Introduction, Formula Components, Planning Area Development Policies, and Normal Travel Time Determinations
1100.520 Medical-Surgical/Pediatric Categories of Service
1100.530 Obstetric Care Category of Service
1100.540 Intensive Care Category of Service
1100.550 Comprehensive Physical Rehabilitation Category of Service
1100.560 Acute Mental Illness Treatment Category of Service
1100.570 Substance Abuse/Addiction Treatment Category of Service (Repealed)
1100.580 Neonatal Intensive Care Category of Service
1100.590 Burn Treatment Category of Service (Repealed)
1100.600 Therapeutic Radiology Equipment (Repealed)
1100.610 Open Heart Surgery Category of Service
1100.620 Cardiac Catheterization Services
1100.630 In-Center Hemodialysis Category of Service
1100.640 Non-Hospital Based Ambulatory Surgery
1100.650 Computer Systems (Repealed)
1100.660 General Long-Term Nursing Care Category of Service
1100.661 General Long-Term Care-Sheltered Care Category of Service (Repealed)
1100.670 Specialized Long-Term Care Categories of Service
1100.680 Intraoperative Magnetic Resonance Imagining Category of Service (Repealed)
1100.690 High Linear Energy Transfer (L.E.T.) (Repealed)
1100.700 Positron Emission Tomographic Scanning (P.E.T.) (Repealed)
1100.710 Extracorporeal Shock Wave Lithotripsy (Repealed)
1100.720 Selected Organ Transplantation
1100.730 Kidney Transplantation
1100.740 Subacute Care Hospital Model
1100.750 Postsurgical Recovery Care Center Alternative Health Care Model
1100.760 Children's Respite Care Center Alternative Health Care Model
1100.770 Community-Based Residential Rehabilitation Center Alternative Health Care Model

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

1100.800 Freestanding Emergency Center Medical Services Category of Service
1100.810 Long-Term Acute Care Hospital Category of Service

1100.APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a (Repealed)

AUTHORITY: Authorized by Section 12 of and implementing the Illinois Health Facilities Planning Act [20 ILCS 3960/12].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. 10796, effective August 24, 2001; amended at 27 Ill. Reg. 2904, effective February 21, 2003; amended at 31 Ill. Reg. 15255, effective November 1, 2007; amended at 32 Ill. Reg. 4743, effective March 18, 2008; amended at 32 Ill. Reg. 12321, effective July 18, 2008; expedited correction at 33 Ill. Reg. 4040, effective July 18, 2008; amended at 34 Ill. Reg. 6067, effective April 13, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

"Acute Dialysis" means dialysis given on an intensive care, inpatient basis to patients suffering from (presumably reversible) acute renal failure, or to patients with chronic renal failure with serious complications.

"Acute Mental Illness" means a crisis state or an acute phase of one or more specific psychiatric disorders in which a person displays one or more specific psychiatric symptoms of such severity as to prohibit effective functioning in any community setting. Persons who are acutely mentally ill may be admitted to an acute mental illness facility or unit under the provisions of the Mental Health and Developmental Disabilities Code [405 ILCS 5], which determines the specific requirements for admission by age and type of admission.

"Acute Mental Illness Facility" or "Acute Mental Illness Unit" means a facility or a distinct unit in a facility that provides a program of acute mental illness treatment service (as defined in this Section); that is designed, equipped, organized and operated to deliver inpatient and supportive acute mental illness treatment services; and that is licensed by the Department of Public Health under the Hospital Licensing Act [210 ILCS 85] or is a facility operated or maintained by the State or a State agency.

"Acute Mental Illness Treatment Service" means a category of service that provides a program of care for those persons suffering from acute mental illness. These services are provided in a highly structured setting in a distinct psychiatric unit of a general hospital, in a private psychiatric hospital, or in a State-operated facility to individuals who are severely mentally ill and in a state of acute crisis, in an effort to stabilize the individual and either effect his or her quick placement in a less restrictive setting or reach a determination that extended treatment is needed. Acute mental illness is typified by an average length of stay of 45 days or less for adults and 60 days or less for children and adolescents.

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Adult Catheterization" means the cardiac catheterization of patients 15 years of age and older.

"Adverse Action" means a disciplinary action taken by Illinois Department of Public Health, Centers for Medicare and Medicaid Services, or any other State or federal agency against a person or entity that owns and/or operates a licensed or

Medicare or Medicaid certified healthcare facility in the State of Illinois. These actions include, but are not limited to, all Type A violations. *A "Type A" violation means a violation of the* Nursing Home Care *Act or* 77 Ill. Adm. Code 300, 330, 340, 350 or 390 that *creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom.* [210 ILCS 45/1-129]

"Ambulatory Care" means all types of health care services that are provided on an outpatient basis, in contrast to services provided in the home or to persons who are inpatients. While many inpatients may be ambulatory, the term ambulatory care usually implies that the patient must travel to a location to receive services that do not require an overnight stay. (Source: Glossary of Terms Commonly Used in Health Care (Illinois Hospital Association, 1151 East Warrenville Road, PO Box 3015, Naperville IL 60566, 630/276-5400; 2004, no later amendments or editions included)).

"Ambulatory Surgical Treatment Center" means any institution, place or building required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

"Authorized Hospital Bed Capacity" means the number of beds recognized for planning purposes at a hospital facility, as determined by HFSRB. The operational status of authorized hospital beds is identified as physically available, reserve, or transitional, as follows:

> "Physically Available Beds" means beds that are physically set up, meet hospital licensure requirements, and are available for use. These are beds maintained in the hospital for the use of inpatients and that furnish accommodations with supporting services (such as food, laundry, and housekeeping). These beds may or may not be staffed, but are physically available.
>
> "Reserve Beds" means beds that are not set up for inpatients, but could be made physically available for inpatient use within 72 hours.
>
> "Transitional Beds" means beds for which a Certificate of Need (CON) has been issued, but that are not yet physically available, and beds that are

temporarily unavailable due to modernization projects that do not require a CON.

"Authorized Long-Term Care Bed Capacity" means the number of beds by category of service, recognized and licensed by IDPH for long-term care.

"Average Daily Census" or "ADC" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay" or "ALOS" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Base Year" means the calendar year, as determined by IDPH, that serves as the starting point or benchmark for the historical utilization and population projections.

"Birth Center" or "Center" means an alternative health care delivery model that is *exclusively dedicated to serving the childbirth-related needs of women and their newborns and* has *no more than 10 beds. A birth center is a designated site that is away from the mother's usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy.* [210 ILCS 3/35]

"Board Certified or Board Eligible Physician" means a physician who has satisfactorily completed an examination (or is "eligible" to take such examination) in a medical specialty and has taken all of the specific training requirements for certification by a specialty board. For purposes of this definition, "medical specialty" shall mean a specific area of medical practice by health care professionals.

"Cardiac Catheterization Category of Service" means, for the purposes of this Part, the performance of catheterization procedures that, due to safety and quality considerations, are preferably performed within a cardiac catheterization laboratory or special procedure room. Procedures that do not require the use of such specialized settings, such as pericardiocentesis, myocardial biopsy, cardiac pacemaker insertion or replacement, right heart catheterization with a flow-directed catheter (e.g., Swan-Ganz catheter), intra-aortic balloon pump assistance with intra-aortic balloon catheter placement, certain types of electrophysiology,

arterial pressure or blood gas monitoring, fluoroscopy, and cardiac ultrasound, are not recognized as procedures that, under this Subchapter, would in and of themselves qualify a facility as having a cardiac catheterization category of service.

"Cardiac Surgeon" means a physician board eligible or board certified by the American Board of Thoracic Surgery.

"Cardiac Surgery Room" means a physically identifiable room adequately staffed and equipped for the performance of open and closed heart surgery and extracorporeal bypass.

"Cardiological Team" means the designated specialists and support personnel who consistently work together in the performance of open heart surgery.

"Cardiovascular Surgical Procedures" means any surgical procedure dealing with the heart, coronary arteries and surgery of the great vessels.

"Cardiovascular Surgical Services" means the programs, equipment and staff dealing with the surgery of the heart, coronary arteries and great vessels.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, cardiac catheterization, etc. A category of service may include subcategories or levels of care that identify a particular degree or type of care within the category of service.

"Chronic Renal Dialysis" means a category of service in which dialysis is performed on a regular long-term basis in patients with chronic irreversible renal failure. The maintenance and preparation of patients for kidney transplantation (including the immediate post-operative period and in case of organ rejection) or other acute conditions within a hospital does not constitute a chronic renal dialysis category of service.

"Clinical Encounter Time" means an instance of direct provider/practitioner to patient interaction, between a patient and a practitioner vested with primary responsibility for diagnosing, evaluating or treating the patient's condition, or both. The clinical encounter definition excludes practitioner actions in the absence

of a patient, such as practitioner to practitioner interaction and practitioner to records interaction.

"Closed Heart Surgery" means any cardiovascular surgical procedures that do not include the use of a heart/lung pump.

"Combined Maternity and Gynecological Unit" means an entire facility or a distinct part of a facility that provides both a program of maternity care (as defined in this Section) and a program of obstetric gynecological care (as defined in this Section), and that is designed, equipped, organized and operated in accordance with the requirements of the Hospital Licensing Act [210 ILCS 85].

"Community-Based Residential Rehabilitation" means *services* that *include, but are not limited to, case management, training and assistance with activities of daily living, nursing consultation, traditional therapies (physical, occupational, speech), functional interventions in the residence and community (job placement, shopping, banking, recreation), counseling, self-management strategies, productive activities, and multiple opportunities for skill acquisition and practice throughout the day.* [210 ILCS 3/35]

"Community-Based Residential Rehabilitation Center" means *a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitative care or intense medical or nursing services. The average length of stay in a community-based residential rehabilitation center shall not exceed 4 months.* [210 ILCS 3/35]

"Comprehensive Physical Rehabilitation" means a category of service provided in a comprehensive physical rehabilitation facility providing the coordinated interdisciplinary team approach to physical disability under a physician licensed to practice medicine in all its branches who directs a plan of management of one or more of the classes of chronic or acute disabling disease or injury. Comprehensive physical rehabilitation services can be provided only by a comprehensive physical rehabilitation facility.

"Comprehensive Physical Rehabilitation Facility" means a distinct bed unit of a hospital or a special referral hospital that provides a program of comprehensive physical rehabilitation; that is designed, equipped, organized and operated to deliver inpatient rehabilitation services; and that is licensed by the Department of

Public Health under the Hospital Licensing Act or is a facility operated or maintained by the State or a State agency. Types of comprehensive physical rehabilitation facilities include:

Freestanding comprehensive physical rehabilitation facility means a specialty hospital dedicated to the provision of comprehensive rehabilitation; and

Hospital-based comprehensive physical rehabilitation facility means a distinct unit, located in a hospital, dedicated to the provision of comprehensive physical rehabilitation.

"Dedicated Cardiac Catheterization Laboratory" means a distinct laboratory that is staffed, equipped and operated solely for the provision of cardiac catheterization.

"Designated Pediatric Beds" means beds within the facility that are primarily used for pediatric patients and are not a component part of a distinct pediatric unit as defined in this Section.

"Dialysis" *means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semi-permeable membrane.* [210 ILCS 62/5] The two types of dialysis that are recognized in classical practice are hemodialysis and peritoneal dialysis.

"Dialysis Technician" *means an individual who is not a registered nurse or physician and who provides dialysis care under the supervision of a registered nurse or physician.* [210 ILCS 62/5]

"Discontinuation" means to cease operation of an entire health care facility or to cease operation of a category of service and is further defined in 77 Ill. Adm. Code 1130.

"Distinct Unit" means a physically distinct area comprising all beds served by a nursing station in which a particular category of service is provided and utilizing a nursing staff assigned exclusively to the distinct area.

"DRG" means diagnostic related groups utilized in the Medicare and Medicaid programs for health care reimbursement.

"Emergency Medical Services System" or "EMS System" means *an organization of hospitals, vehicle service providers and personnel approved by IDPH in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS, and/or ALS level pursuant to a System program plan submitted to and approved by IDPH, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located.* [210 ILCS 50/3.20]

"Emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have traumatic conditions or illnesses with an acuity level that is classified as level one or level two based upon the Emergency Severity Index (ESI) as defined in the "Emergency Severity Index Version 4: Implementation Handbook" published by the Agency for Healthcare Research and Quality, Rockville MD (Gilboy N, Tanabe P, Travers DA, Rosenau AM, Eitel DR; AHRQ Publication No. 05-0046-2; May 2005, no later amendments or editions included).

"End Stage Renal Disease" or "ESRD" *means that stage of renal impairment that appears irreversible and permanent and that requires a regular course of dialysis or kidney transplantation to maintain life.* [210 ILCS 62/5]

"End Stage Renal Disease Facility" means a freestanding facility or a unit within an existing health care facility that furnishes in-center hemodialysis treatment and other routine dialysis services to end stage renal disease patients. These types of services may include self-dialysis, training in self-dialysis, dialysis performed by trained professional staff, and chronic maintenance dialysis, including peritoneal dialysis.

"Extracorporeal Circulation" or "(Bypass)" means, for the purpose of open heart surgery category of service, the circulation of blood outside the body, as through a heart/lung apparatus for carbon dioxide-oxygen exchange.

"Federally Qualified Health Center" means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

"Fertility Rate" means determinations by IDPH of population fertility that is based upon resident birth data for an area. The fertility rate data sources include:

- birth data from the Division of Vital Records by age of mother and by county; and

- population figures from IDPH estimates for females age 15-44 by county.

"Freestanding Emergency Center" or "FEC" means a facility subject to licensure under Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/32.5] that provides emergency medical and related services.

"Freestanding Emergency Center Medical Services" or "FECMS" means a category of service pertaining to the provision of emergency medical and related services provided in a freestanding emergency center.

"General Long-Term Care" means a classification of categories of service that provide inpatient levels of care primarily for convalescent or chronic disease adult patients/residents who do not require specialized long-term care services. The General Long-Term Care Classification includes the nursing category of service, which provides inpatient treatment for convalescent or chronic disease patients/residents and includes the skilled nursing level of care and/or the intermediate nursing level of care (both as defined in IDPH's Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)).

"HFSRB" or "State Board" means the Health Facilities and Service Review Board established by the Act.

"Health Professional Shortage Areas" means urban or rural areas, population groups, or medical or other public facilities that may have shortages of primary medical care, dental or mental health providers, as determined by HHS' Shortage Designation Branch in the Health Resources and Services Administration (HRSA) Bureau of Health Professions National Center for Health Workforce; and as determined by the Illinois Designation of Shortage Areas (77 Ill. Adm. Code 590.410).

"Health Service Area" or "HSA" means the following geographic areas:

HSA I – Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

HSA II – Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford

HSA III – Illinois Counties of Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott

HSA IV – Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion

HSA V – Illinois Counties of Alexander, Bond, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson

HSA VI – City of Chicago

HSA VII – DuPage County and Suburban Cook County

HSA VIII – Illinois Counties of Kane, Lake, and McHenry

HSA IX – Illinois Counties of Grundy, Kankakee, Kendall, and Will

HSA X – Illinois Counties of Henry, Mercer, and Rock Island

HSA XI – Illinois Counties of Clinton, Madison, Monroe, and St. Clair

"Hematocrit" means a measure of the packed cell volume of red blood cells expressed as a percentage of total blood volume.

"Hemodialysis" means a type of dialysis that involves the use of artificial kidney through which blood is circulated on one side of a semi-permeable membrane while the other side is bathed by a salt dialysis solution. The accumulated toxic products diffuse out of the blood into the dialysate bath solution. The concentration and total amount of water and salt in the body fluid are adjusted by appropriate alterations in composition of the dialysate fluid.

"Home Hemodialysis" means a type of dialysis that is done at home by the patient and a partner. Both are trained in the dialysis facility until the patient and partner become proficient to dialyze at home. The dialysis is usually three times per week.

"Home-Assisted Hemodialysis" means hemodialysis done in a home and/or long term care setting through a staff-assisted program. The patient is not trained to do dialysis himself/herself.

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] or a State-operated facility that is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this Subchapter, two basic types of hospitals are recognized:

General Hospital – a facility that offers an integrated variety of categories of service and that offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital – a facility that offers, primarily, a special or particular category of service.

"*Illinois Department of Public Health" or "Agency"* or "IDPH" *means the Department of Public Health of the State of Illinois.* [20 ILCS 3960/3]

"In-Center Hemodialysis" means a category of service that is provided in an end stage renal disease facility licensed by the State of Illinois and/or certified by the Centers for Medicare and Medicaid Services.

"In-Center Hemodialysis Treatment" means a regimen of hemodialysis received by a patient usually three times a week, averaging four hours.

"Independent Travel Time Studies" means studies developed and submitted to refine or supplement the determination of Normal Travel Time. Independent Travel Time studies will be considered by HFSRB only if conducted utilizing the criteria specified in this Part.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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"Index of Medically Underserved" or "IMU" means shortage designation criteria applied to determine Medically Underserved Area or Medically Underserved Population designation. The four variables of the IMU are ratio of primary medical care physicians per 1,000 population, infant mortality rate, percentage of the population with incomes below the poverty level, and percentage of the population age 65 or over (Source: Health Resources and Services Administration Bureau of Health Professions website (http://bhpr.hrsa.gov)).

"Intensive Care Service" means a category of service providing the coordinated delivery of treatment to the critically ill patient or to patients requiring continuous care due to special diagnostic considerations requiring extensive monitoring of vital signs through mechanical means and through direct nursing supervision. This service is given at the direction of a physician on behalf of patients by physicians, dentists, nurses, and other professional and technical personnel. The intensive care category of service includes the following subcategories: medical ICU, surgical ICU, coronary care, pediatric ICU, and combinations of such ICUs. This category of service does not include intermediate intensive or coronary care and special care units that are included in the medical-surgical category of service.

"Intensive Care Unit" or "ICU" means a distinct part of a facility that provides a program of intensive care service; that is designed, equipped, organized and operated to deliver optimal medical care for the critically ill or for patients with special diagnostic conditions requiring specialized equipment, procedures and staff; and that is under the direct visual supervision of a nursing staff. Prior to February 15, 2003, the repeal of 77 Ill. Adm. Code 1110.1010, 1110.1020 and 1110.1030, the beds and corresponding utilization for the burn treatment category of service were included in the intensive care category of service.

"Inventory of Health Care Facilities and Services and Need Determinations" means a statewide inventory of beds and other services, and need determinations that HFSRB shall maintain and update on the Board's website, as mandated in the Health Facilities Planning Act. (See Section 12(4) of the Act.)

"Key Room" means a term used in space planning to designate the primary functional component of a department used to develop a space program or estimate of square feet for that department. Examples of key rooms include, but are not limited to, examination rooms for ambulatory care, operating rooms for surgical suites, treatment stations for dialysis, imaging rooms for radiology.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

"Kidney Transplantation Center" means a hospital that directly furnishes transplantation and other medical and surgical specialty services required for the care of the kidney transplant patient, including inpatient dialysis furnished directly or under arrangement.

"Kidney Transplantation Service" means a category of service that involves the surgical replacement of a nonfunctioning human kidney with a donor kidney in order to restore renal function to the patient.

"Maternity Care" means a subcategory of obstetric service related to the medical care of the patient prior to and during the act of giving birth either to a living child or to a dead fetus and to the continuing medical care of both patient and newborn infant under the direction of a physician, by physicians, nurses, and other professional and technical personnel.

"Maternity Facility" or "Maternity Unit" means an entire facility or a distinct part of a facility that provides a program of maternity and newborn care and that is designed, equipped, organized, and operated in accordance with the requirements of the Hospital Licensing Act.

"Medically Underserved Areas" means a whole county or a group of contiguous counties, or a group of county or civil divisions, or a group of urban census tracts in which residents have a shortage of personal health services, as determined by HHS' Shortage Designation Branch in the Health Resources and Services Administration (HRSA) Bureau of Health Professions National Center for Health Workforce.

"Medically Underserved Populations" means groups of persons who face economic, cultural or linguistic barriers to health care, as determined by HHS' Shortage Designation Branch in the Health Resources and Services Administration (HRSA) Bureau of Health Professions National Center for Health Workforce.

"Medical-Surgical Service" means a category of service pertaining to the medical-surgical inpatient care performed at the direction of a physician, by physicians, dentists, nurses and other professional and technical personnel. For purposes of 77 Ill. Adm. Code Subchapter a (Illinois Health Care Facilities Plan), this category of service may include medical-surgical and their respective sub-

specialties of service. The medical-surgical category of service specifically does not include the following other separate categories of service and their subcategories:

Obstetric Service;

Pediatric Service;

Intensive Care Service;

Comprehensive Physical Rehabilitation Service;

Acute and Chronic Mental Illness Treatment Service;

Neonatal Intensive Care Service;

General Long-Term Care Service;

Specialized Long-Term Care Service;

Long-Term Acute Care Service.

"Medical-Surgical Unit" means an assemblage of inpatient beds and related facilities in which medical-surgical services are provided to a defined and limited class of patients according to their particular medical care needs.

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement and/or expansion, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Neonatal Intensive Care" means a level of care providing constant and close medical coordination, multi-disciplinary consultation and supervision to those neonates with serious and life threatening developmental or acquired medical and surgical problems that require highly specialized treatment and highly trained nursing personnel.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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"Neonatal Intensive Care Service" means a category of service providing treatment of the infant for problems identified in the neonatal period that warrant intensive care. An intensive neonatal care service must include a related obstetric service for care of the high-risk mother (except when the facility is dedicated to the care of children).

"Neonatal Intensive Care Unit" means a distinct part of a facility that provides a program of intensive neonatal care and that is designed, equipped and operated to deliver medical and surgical care to high-risk infants.

"Neonatologist" means a physician who is certified by the American Board of Pediatrics Subboard of Neonatal-Perinatal Medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Pediatricians.

"Newborn Nursery Level I", "Newborn Nursery Level II", "Newborn Nursery Level II with Extended Neonatal Capabilities" and "Newborn Nursery Level III" mean designations for hospitals providing newborn health care as defined and listed in the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640).

"Non-Hospital Based Ambulatory Surgery" means a category of service relating to surgery that is performed at ambulatory surgical treatment centers on patients that arrive and are discharged the same day. Ambulatory surgery as the provision of surgical services may require anesthesia or a period of post-operative observation or both on a patient whose inpatient stay is not anticipated as being medically necessary.

"Non-emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have conditions or illnesses that are not classified as level one or level two based upon the Emergency Severity Index.

"Normal Travel Time" means the time necessary to traverse a route by an individual vehicle driving at posted speed limits between any two points of interest. Normal Travel Time is to be considered by HFSRB only as calculated utilizing methodologies specified in this Part. Normal Travel Time for proposed projects shall be established by using the facility's location as the base point and utilizing time factors specified in the applicable rules.
HFSRB NOTE: Normal Travel Time as used in this Part is a conceptual model

approximating a reasonable time of travel between two points. It is intended to exclude a "worst" or "best" case situation such as travel during rush hours, midnight hours, or by emergency vehicle.

"Observation Days" means the number of days of service provided to outpatients for the purpose of determining whether a patient requires admission as an inpatient or other treatment.

"Obstetric/Gynecological Care" means a subcategory of obstetric service in which medical care is provided to clean (non-infectious) gynecological, surgical or medical cases that are admitted to a postpartum section of an obstetric unit in accordance with the requirements of the Hospital Licensing Act.

"Obstetric Service" means a category of service pertaining to the medical or surgical care of maternity and newborn patients or medical or surgical cases that may be admitted to a postpartum unit

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the number of authorized beds. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target" means a utilization level established by IDPH for a facility or service reflecting adequate access as well as operational efficiency.

"Open Heart Surgery" means a category of service that utilizes any form of cardiac surgery that requires the use of extracorporeal circulation and oxygenation. The use of a pump during the procedure distinguishes "open heart" from "closed heart" surgery.

"Operating Room (Class B)" or "Surgical Procedure Room (Class B)" means a setting designed and equipped for major or minor surgical procedures performed in conjunction with oral, parenteral or intravenous sedation or under analgesic or dissociative drugs. (Source: Guidelines for Optimal Ambulatory Surgical Care and Office-based Surgery, third edition, American College of Surgeons, 633 N. Saint Clair Street, Chicago IL 60611-3211, 312/202-5000; 2000, no later amendments or editions included)

"Operating Room (Class C)" means a setting designed and equipped for major surgical procedures that require general or regional block anesthesia and support of vital bodily functions. (Source: Guidelines for Optimal Ambulatory Surgical Care and Office-based Surgery, third edition, American College of Surgeons, 633 N. Saint Clair Street, Chicago IL 60611-3211, 312/202-5000; 2000, no later amendments or editions~~edictions~~ included)

"Out-of-Home Respite Care" means care provided in a facility setting to a clinically stable individual whose medical condition does not require major diagnostic procedures or therapeutic interventions and who normally receives care in a home environment for the purposes of providing a respite to the caregiver from the responsibilities of providing the care.

"Patient Care Unit" means the grouping of beds to provide an inpatient category of service. Units are physically identifiable areas that are staffed to provide all care required for particular service.

"Patient Days" means the total number of days of service provided to inpatients over a 12-month period, usually expressed as annual patient days measured. This figure includes observation days if the observation patient occupies a bed that is included in IDPH's Inventory of Health Care Facilities and Services and Need Determinations.

"Patient Migration" means the total number of patients who reside in a given planning area but receive services at health care facilities located in another planning area for a given year. Patient migration is determined by utilizing the latest available patient origin data concerning admissions to health care facilities by various categories of service for a given year. The term in-migration refers to the number of patients who are not residents of a planning area that enter the area to receive services, while the term out-migration refers to the number of planning area residents who leave the planning area to obtain services elsewhere.

"Pediatric Catheterization" means the cardiac catheterization of patients zero to 14 years in age.

"Pediatric Facility" or "Distinct Pediatric Unit" means an entire facility or a distinct unit of a facility, where the nurses' station services only that unit, that provides a program of pediatric service and is designed, equipped, organized and operated to render medical-surgical care to the zero to 14 age population.

"Pediatric Service" means a category of service for the delivery of treatment pertaining to the non-intensive medical-surgical care of a pediatric patient (zero to 14 years in age) performed at the direction of a physician on behalf of the patient by physicians, dentists, nurses and other professional and technical personnel.

"Perinatal Center" means a referral facility designated under the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) and intended to care for the high risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. "Perinatal Center" is further defined in the Developmental Disability Prevention Act [410 ILCS 250/2(e)].

"Peritoneal Dialysis" means a type of dialysis in which the dialysate fluid is infused slowly into the peritoneum, causing dialysis of water and waste products to occur through the peritoneal sac, which acts as a semi-permeable membrane. The fluid and waste, after accumulating for a period of time (one hour), is drained from the abdomen and the process is repeated.

"Planning Area" means a defined geographic area within the State established by HFSRB as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning.

"Population Estimates" means the latest available numbers of residents of a geographic area based upon birth and death records and other inputs, as determined by IDPH. These numbers may be further broken down by age and sex cohorts.

"Population Projections" means the numbers of residents of a geographic area projected for one or more future time periods, as determined by IDPH and based upon State of Illinois population projections, as available. These numbers are for defined geographic areas and may be further broken down by age and sex cohorts.

"Post-Anesthesia Recovery Phase I" means the phase in surgical recovery that focuses on providing a transition from a totally anesthetized state to one requiring less acute interventions. Recovery occurs in the post-anesthesia care unit (PACU). The purpose of this phase is for patients to regain physiological homeostasis and receive appropriate nursing intervention as needed.

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"Post-Anesthesia Recovery Phase II" means the phase in surgical recovery that focuses on preparing the patient for self care, care by family members, or care in an extended care environment. The patient is discharged to phase II recovery when intensive nursing care no longer is needed. In the phase II area, sometimes referred to as the step-down or discharge area, the patient becomes more alert and functional.

"Postsurgical Recovery Care Center" *means a designated site which provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. Such a center may be either freestanding or a defined unit of an ambulatory surgical treatment center or hospital. The maximum length of stay for patients in a postsurgical recovery care center is not to exceed 72 hours.* (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])

"Postsurgical Recovery Care Center Alternative Health Care Model" means a category of service for the provision of postsurgical recovery care within a postsurgical recovery care center.

"Pre-Dialysis" means that the initiation of hemodialysis therapy is anticipated within 12 months.

"Pump Procedures" means the utilization of a heart/lung pump in surgery to perform the work of the heart and lungs. Included in these procedures are myocardiac revascularization, aortic and mitral valve replacement, ventricular aneurysm repairs, pulmonary valvuoplasty, and all other procedures utilizing a cardiac pump.

"Quality of Care", for purposes of 77 Ill. Adm. Code 1110.230, the degree to which delivered health services meet established professional standards and are judged to be of value to the consumer. Quality may also be seen as the degree to which actions taken or not taken maximize the probability of beneficial health outcomes and minimize risk and other outcomes, given the existing state of medical science and art. (Source: "A Glossary of Terms for Community Health Care and Services for Older Persons", World Health Organization Centre for Health Development, 5-1, 1-chome, Wakinohama-Kaigandori, Chuo-Ku, Kobe 651-0073 Japan, tel. +81 78 230 3100; 2004, no later amendments or editions included)

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"Rapid Population Growth Rate" means an average of the three most recent annual growth rates of a defined geographic area's population~~,~~ that has exceeded the average of three to seven immediately preceding annual growth rates by at least 100%.

"Renal Dialysis Facility" means a freestanding facility, or a unit within an existing health care facility, that furnishes routine chronic dialysis services to chronic renal disease patients. Routine services are self-dialysis, training in self-dialysis, dialysis performed by trained professional staff, and chronic maintenance dialysis, including peritoneal dialysis.

"Resource Hospital" means the hospital that is responsible for an Emergency Medical Services (EMS) System in a specific geographic region, as defined in the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

"Selected Organ Transplantation Center" means a hospital that provides staffing and other adult or pediatric medical and surgical specialty services required for the care of a transplant patient.

"Selected Organ Transplantation Service" means a category of service relating to the surgical transplantation of any of the following human organs: heart, lung, heart-lung, liver, pancreas or intestine. It does not include bone marrow or cornea transplants.

"Self-Care Dialysis" or "Self-Dialysis" means maintenance dialysis performed by a trained patient in a special facility with or without the assistance of a family member or other helper.

"Self-Care Dialysis Training" means a program that trains patients or their helpers, or both, to perform self-care dialysis in the in-center setting.

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

"Special Procedures Laboratory with a Cardiac Catheterization Service" means a special procedures or angiography laboratory that has the equipment, staff and support services required to provide cardiac catheterization and in which

catheterizations are routinely performed. The laboratory is also utilized for other procedures, such as angiography, not directly related to cardiac catheterization.

"Specialized Long-Term Care" means a classification consisting of categories of service that provide inpatient care primarily for children (ages zero through 21) or inpatient care for adults who require specialized treatment and care because of mental or developmental disabilities. The Specialized Long-Term Care Classification includes the following categories of services:

Chronic Mental Illness (MI) − levels of care provided to severely mentally ill clients in a structured setting in a psychiatric unit of a general hospital, in a private psychiatric hospital, or in a State-operated facility primarily in order to facilitate the improvement of their functioning level, to prevent further deterioration of their functioning level, or, in some instances, to maintain their current level of functioning.

Long-Term Care for the Developmentally Disabled (Adult) (DD-Adult) − levels of care for developmentally disabled adults as defined in the Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5] (including those facilities licensed as Intermediate Care Facilities for the Developmentally Disabled (ICF/DD)) that provide an integrated, individually tailored program of services for developmentally disabled adults and that provide an active, aggressive and organized program of services directed toward achieving measurable behavioral and learning objectives.

Long-Term Care for the Developmentally Disabled (Children) (DD-Children) − levels of care for developmentally disabled children limited to those residents ages zero through 21 years and whose condition meets the definition of developmental disabilities in the Illinois Mental Health and Developmental Disabilities Code.

"Subacute Care" means the provision of *medical specialty care for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require acute hospital care. Subacute care includes physician supervision, registered nursing and physiological monitoring on a continual basis.* (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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"Subacute Care Hospital" *means a designated site that provides medical specialty care for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require acute hospital care. The average length of stay for patients treated in subacute care hospitals shall not be less than 20 days; for individual patients, the expected length of stay at the time of admission shall not be less than 10 days. A subacute care hospital is either a freestanding building or a distinct physical and operational entity within a hospital or nursing home building. A subacute care hospital shall only consist of beds currently existing in licensed hospitals or skilled nursing facilities.* (Section 35 of the Alternative Health Care Delivery Act)

"Subacute Care Hospital Model" means a category of service for the provision of subacute care.

"Surgical Referral Site" means an ambulatory surgical treatment center or hospital in which surgery will be performed and the surgical patient then transferred to the recovery care center.

"Teaching Institution" means, for the purpose of selected organ transplantation category of service, a hospital having a major relationship with a medical school as defined and listed in the Directory of Residency Training Programs developed by the American Medical Association and the National Organ Procurement and Transplantation Network (AMA, 535 N. Dearborn, Chicago IL 60610, 312/751-6079; 2009-2010, no later amendments or editions included).

"Urea" means the chief product of urine and the final product of protein metabolism in the body.

"Urea Reduction Ratio" or "URR" means the amount of blood cleared of urea during dialysis. It is reflected by the ratio of the measured level of urea before dialysis and urea remaining after dialysis. The larger the URR, the greater the amount of urea removed during the dialysis treatment.

"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate). For need assessment purposes, HFSRB may establish minimum or maximum use rates in order to promote the development of additional resources or to limit unnecessary duplication of services and beds in a planning area.

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"Utilization Standards" means an operational target for facilities or services that may demonstrate operational efficiencies, minimum proficiency or other performance parameters. Utilization standards and their purposes are established by category of service. Utilization may be expressed by various ratios, such as facility or bed service occupancy rates or hours of use for types of equipment, operating rooms, dialysis stations, etc.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

HEALTH FACILITIES AND SERICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Processing, Classification Policies and Review Criteria

2) Code Citation: 77 Ill. Adm. Code 1110

3)

Section Numbers:	Proposed Action:
1110.3110	New
1110.3130	New

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) A Complete Description of the Subjects and Issues Involved: The birth center model category of service is demonstration program that is authorized by the Alternative Health Care Delivery Act [210 ILCS 3]. A Certificate of Need (CON) permit shall be obtained to establish a birth center model.

Review criteria include requirements for: location; admission policies; bed capacity; staffing availability; emergency surgical backup; education; inclusion in the Perinatal system; Medicare/Medicaid certification; charity care; and quality assurance.

The birth center model review criteria are utilized in addition to the applicable review criteria of Subpart C (77 Ill. Adm. Code 1110) and 77 Ill. Adm. Code 1120. Definitions pertaining to this category of service are contained in the Alternative Health Care Delivery Act and 77 Ill. Adm. Code 1100 and 1130.

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

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

8) Does this rulemaking contain incorporations by reference? No

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

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Public Hearing to be conducted on

HEALTH FACILITIES AND SERICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

Thursday, July 28, 2011
10:00 am to 2:00 pm
at
Oak Forest City Hall
15440 S. Central Avenue
Oak Forest, IL

Interested persons may resent their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Claire Burman
Coordinator, Rules Development
122 S. Michigan Avenue, 7th Floor
Chicago, Illinois 60603

312/814-4825
Email: Claire.Burman@illinois.gov

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the rulemaking was not apparent with the Regulatory Agenda was prepared.

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

HEALTH FACILITIES AND SERICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section
1110.10 Introduction and Applicability
1110.20 Projects Required to Obtain a Permit (Repealed)
1110.30 Processing and Reviewing Applications (Repealed)
1110.40 Classification of Projects and Applicable Review Criteria
1110.50 Recognition of Services which Existed Prior to Permit Requirements (Repealed)
1110.55 Recognition of Non-hospital Based Ambulatory Surgery Category of Service (Repealed)
1110.60 Master Design Projects (Repealed)
1110.65 Master Plan or Capital Budget Projects (Repealed)

SUBPART B: REVIEW CRITERIA – DISCONTINUATION

Section
1110.110 Introduction (Repealed)
1110.120 Discontinuation – Definition (Repealed)
1110.130 Discontinuation – Review Criteria

SUBPART C: GENERAL PURPOSE, MASTER DESIGN, AND FACILITY CONVERSION − INFORMATION REQUIREMENTS AND REVIEW CRITERIA

Section
1110.210 Introduction
1110.220 Definitions – General Review Criteria (Repealed)
1110.230 Project Purpose, Background and Alternatives – Information Requirements
1110.234 Project Scope and Size, Utilization and Unfinished/Shell Space – Review Criteria
1110.235 Additional General Review Criteria for Master Design and Related Projects Only
1110.240 Changes of Ownership, Mergers and Consolidations

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS

HEALTH FACILITIES AND SERICES REVIEW BOARD

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INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS
OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section
1110.310 Introduction (Repealed)
1110.320 Bed Related Review Criteria (Repealed)

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section
1110.410 Introduction (Repealed)
1110.420 Modernization Review Criteria (Repealed)

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA –
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section
1110.510 Introduction (Repealed)
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care – Definitions (Repealed)
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care – Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA –
COMPREHENSIVE PHYSICAL REHABILITATION

Section
1110.610 Introduction (Repealed)
1110.620 Comprehensive Physical Rehabilitation – Definitions (Repealed)
1110.630 Comprehensive Physical Rehabilitation – Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA –
ACUTE MENTAL ILLNESS AND CHRONIC MENTAL ILLNESS

Section
1110.710 Introduction (Repealed)
1110.720 Acute Mental Illness – Definitions (Repealed)
1110.730 Acute Mental Illness and Chronic Mental Illness – Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA –
SUBSTANCE ABUSE/ADDICTION TREATMENT

HEALTH FACILITIES AND SERICES REVIEW BOARD

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Section
1110.810 Introduction (Repealed)
1110.820 Substance Abuse/Addiction Treatment – Definitions (Repealed)
1110.830 Substance Abuse/Addiction Treatment – Review Criteria (Repealed)

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA – NEONATAL INTENSIVE CARE

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care – Definitions
1110.930 Neonatal Intensive Care – Review Criterion

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA – BURN TREATMENT

Section
1110.1010 Introduction (Repealed)
1110.1020 Burn Treatment – Definitions (Repealed)
1110.1030 Burn Treatment – Review Criteria (Repealed)

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA – THERAPEUTIC RADIOLOGY

Section
1110.1110 Introduction (Repealed)
1110.1120 Therapeutic Radiology – Definitions (Repealed)
1110.1130 Therapeutic Radiology – Review Criteria (Repealed)

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA – OPEN HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery – Definitions
1110.1230 Open Heart Surgery – Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA –

HEALTH FACILITIES AND SERICES REVIEW BOARD

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CARDIAC CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization – Definitions
1110.1330 Cardiac Catheterization – Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA – IN-CENTER HEMODIALYSIS

Section
1110.1410 Introduction (Repealed)
1110.1420 Chronic Renal Dialysis – Definitions (Repealed)
1110.1430 In-Center Hemodialysis Projects – Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA – NON-HOSPITAL BASED AMBULATORY SURGERY

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1110.1510 Introduction
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1110.1620 Computer Systems – Definitions (Repealed)
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SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA – GENERAL LONG TERM CARE

Section
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SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA – SPECIALIZED LONG-TERM CARE

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1110.1810 Introduction
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SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA – INTRAOPERATIVE MAGNETIC RESONANCE IMAGING

Section
1110.1910 Introduction (Repealed)
1110.1920 Intraoperative Magnetic Resonance Imaging – Definitions (Repealed)
1110.1930 Intraoperative Magnetic Resonance Imaging – Review Criteria (Repealed)

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA – HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section
1110.2010 Introduction (Repealed)
1110.2020 High Linear Energy Transfer (L.E.T.) – Definitions (Repealed)
1110.2030 High Linear Energy Transfer (L.E.T.) – Review Criteria (Repealed)

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA – POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section
1110.2110 Introduction (Repealed)
1110.2120 Positron Emission Tomographic Scanning (P.E.T.) – Definitions (Repealed)
1110.2130 Positron Emission Tomographic Scanning (P.E.T.) – Review Criteria (Repealed)

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA – EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

Section
1110.2210 Introduction (Repealed)
1110.2220 Extracorporeal Shock Wave Lithotripsy – Definitions (Repealed)

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1110.2230 Extracorporeal Shock Wave Lithotripsy – Review Criteria (Repealed)

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA – SELECTED ORGAN TRANSPLANTATION

Section
1110.2310 Introduction (Repealed)
1110.2320 Selected Organ Transplantation – Definitions (Repealed)
1110.2330 Selected Organ Transplantation – Review Criteria

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA – KIDNEY TRANSPLANTATION

Section
1110.2410 Introduction (Repealed)
1110.2420 Kidney Transplantation – Definitions (Repealed)
1110.2430 Kidney Transplantation – Review Criteria

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA – SUBACUTE CARE HOSPITAL MODEL

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1110.2510 Introduction
1110.2520 Subacute Care Hospital Model – Definitions (Repealed)
1110.2530 Subacute Care Hospital Model – Review Criteria
1110.2540 Subacute Care Hospital Model – HFPB Review
1110.2550 Subacute Care Hospital Model – Project Completion

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA – POSTSURGICAL RECOVERY CARE CENTER ALTERNATIVE HEALTH CARE MODEL

Section
1110.2610 Introduction
1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model – Definitions (Repealed)
1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model – Review Criteria
1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model – HFPB Review

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1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model – Project Completion

SUBPART AB: CATEGORY OF SERVICE REVIEW CRITERIA – CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTER ALTERNATIVE HEALTH CARE MODEL

Section
1110.2710 Introduction
1110.2720 Children's Respite Care Center Alternative Health Care Model – Definitions (Repealed)
1110.2730 Children's Community-Based Health Care Center Alternative Health Care Model – Review Criteria
1110.2740 Children's Community-Based Health Care Center Alternative Health Care Model – HFPB Review
1110.2750 Children's Community-Based Health Care Center Alternative Health Care Model – Project Completion

SUBPART AC: CATEGORY OF SERVICE REVIEW CRITERIA – COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER ALTERNATIVE HEALTH CARE MODEL

Section
1110.2810 Introduction
1110.2820 Community-Based Residential Rehabilitation Center Alternative Health Care Model - Definitions (Repealed)
1110.2830 Community-Based Residential Rehabilitation Center Alternative Health Care Model – Review Criteria
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1110.2850 Community-Based Residential Rehabilitation Center Alternative Health Care Model – Project Completion

SUBPART AD: CATEGORY OF SERVICE REVIEW CRITERIA − LONG TERM ACUTE CARE HOSPITAL BED PROJECTS

Section
1110.2930 Long Term Acute Care Hospital Bed Projects − Review Criteria

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SUBPART AE: CLINICAL SERVICE AREAS OTHER THAN CATEGORIES OF SERVICE – REVIEW CRITERIA

Section
1110.3030 Clinical Service Areas Other Than Categories of Service – Review Criteria

SUBPART AF: CATEGORY OF SERVICE REVIEW CRITERIA − BIRTH CENTER − ALTERNATIVE HEALTH CARE MODEL

Section
1110.3110 Introduction
1110.3130 Birth Center − Alternative Health Care Model – Review Criteria

SUBPART AG: CATEGORY OF SERVICE REVIEW CRITERIA − FREESTANDING EMERGENCY CENTER MEDICAL SERVICES

Section
1110.3210 Introduction
1110.3230 Freestanding Emergency Center Medical Services − Review Criteria

1110.APPENDIX A Medical Specialty Eligibility/Certification Boards
1110.APPENDIX B State Guidelines − Square Footage and Utilization
1110.APPENDIX C Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 3

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October

2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October 27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg. 14785, effective November 15, 1996; amended at 23 Ill. Reg. 2987, effective March 15, 1999; amended at 24 Ill. Reg. 6075, effective April 7, 2000; amended at 25 Ill. Reg. 10806, effective August 24, 2001; amended at 27 Ill. Reg. 2916, effective February 21, 2003; amended at 32 Ill. Reg. 12332, effective July 18, 2008; amended at 33 Ill. Reg. 3312, effective February 6, 2009; amended at 34 Ill. Reg. 6121, effective April 13, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART AF: CATEGORY OF SERVICE REVIEW CRITERIA − BIRTH CENTER − ALTERNATIVE HEALTH CARE MODEL

Section 1110.3110 Introduction

a) Subpart AF of this Part contains review criteria that pertain to the birth center model category of service. The birth center model category of service is a demonstration program that is authorized by the Alternative Health Care Delivery Act [210 ILCS 3]. Definitions pertaining to this category of service are contained in 77 Ill. Adm. Code 1100 and 1130, and in the Alternative Health Care Delivery Act [210 ILCS 3]. These birth center model review criteria are utilized in addition to the applicable review criteria of Subpart C and 77 Ill. Adm. Code 1120.

b) A Certificate of Need (CON) permit shall be obtained to establish a birth center model. CON application forms are available from HFSRB's website (www.hfsrb.illinois.gov).

c) Failure to obtain a permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act [20 ILCS 3960].

d) CON applications for permits received for the birth center model shall be deemed complete upon receipt by HFSRB.

e) As the purpose of the demonstration project is to evaluate the birth center model for quality factors, access and the impact on health care costs, each applicant approved for the category of service will be required to periodically submit data necessary for evaluating the model's effectiveness.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1110.3130 Birth Center − Alternative Health Care Model – Review Criteria

a) Location Requirements – Review Criteria

1) *There shall be no more than 10 birth center alternative health care models in the demonstration program* including:

A) A total of 4 located in the combined Cook, DuPage, Kane, Lake, McHenry and Will counties;

B) A total of 3 located in municipalities with a population of 50,000 or more not located in an area described in subsection (a)(1)(A); and

C) A total of 3 located in rural areas.

2) In each of the geographic groups identified in subsection (a)(1), one birth center shall be owned or operated by a hospital and one birth center shall be owned and operated by a federally qualified health center.

3) Documentation

A) The applicant shall document that the proposed birth center will be located in one of the geographic areas stated in the Act and described in subsection (a)(1); and

B) The applicant shall document that the proposed birth center is owned or operated by a hospital or owned or operated by a federally qualified health center.

4) As stated in Section 30 of the Act, *there shall be no more than 2 birth centers authorized to operate in any single health planning area for*

obstetric services as determined under the Illinois Health Facilities Planning Act [20 ILCS 3960].

b) Service Provision to a Health Professional Shortage Area – Review Criteria

1) *The first 3 birth centers authorized to be operated by* IDPH *shall be located in or provide service to a health professional shortage area, as determined by the U.S. Department of Health and Human Services.* [210 ILCS 3/30] The applicant shall document whether the proposed site is located in or will predominantly serve the residents of a health professional shortage area.

2) *If a birth center is located outside of a health professional shortage area*:

A) *the birth center shall be located in a health planning area with a demonstrated need for obstetrical service beds, as determined by the Health Facilities and Services Review Board*; *or*

B) *there* shall *be a reduction in the existing number of obstetrical service beds in the planning area so that the establishment of the birth center does not result in an increase in the total number of obstetrical service beds in the health planning area.* [210 ILCS 3/30]

c) Admission Policies – Review Criterion
A birth center may not discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients. [210 ILCS 3/35] Documentation shall consist of copies of all admission policies to be in effect at the facility and a signed statement that no restrictions on admissions due to these factors will occur.

d) Bed Capacity – Review Criterion
The applicant shall document that the proposed birth center will have no more than 10 beds.

e) Staffing Availability – Review Criterion
The applicant shall document that relevant clinical and professional staffing needs for the proposed project were considered and that licensure staffing requirements can be met. In addition, the applicant shall document that necessary staffing is

available by providing letters of interest from prospective staff members, completed applications for employment, or a narrative explanation of how the proposed staffing will be achieved.

g) Emergency Surgical Backup – Review Criterion
The applicant shall document that either:

1) The birth center will operate under a hospital license and will be *located within 30 minutes ground travel time from the hospital to allow for an emergency caesarian delivery to be started within 30 minutes* after *the decision that a caesarian delivery is necessary*; or

2) A contractual agreement has been signed with a licensed hospital for the referral and transfer of patients in need of an emergency caesarian delivery. *Birth centers shall be located within 30 minutes ground travel time from the licensed hospital to allow for an emergency caesarian delivery to be started within 30 minutes* after *the decision that a caesarian delivery is necessary*. [210 ILCS 3/35]

h) Education – Review Criterion
A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community. [210 ILCS 3/35] Documentation shall consist of signed and dated agreements with community health care services that will provide specified education services to birth center patients.

i) Inclusion in Perinatal System – Review Criterion

1) Requirements

A) *At a minimum*, the birth center's *participation shall require a birth center to establish a letter of agreement with a hospital designated under the Perinatal System.*

B) *A hospital that operated or has a letter of agreement with a birth center shall include the birth center under its maternity service plan under the Hospital Licensing Act and shall include the birth center in the hospital's letter of agreement with its perinatal center*. [210 ILCS 3/30]

2) Documentation

A) A hospital that operated or has a letter of agreement with a birth center shall provide a copy of the hospital's letter of agreement with its perinatal center and of copy of the hospital's maternity service plan.

B) An applicant that is not a hospital shall identify the regional perinatal center that will provide neonatal intensive care services, as needed, to the applicant birth center patients. A letter of intent, signed by both the administrator of the proposed birth center and the administrator of the regional perinatal center, shall be provided.

j) Medicare/Medicaid Certification – Review Criterion
The applicant shall document that the proposed birth center will be certified to participate in the Medicare and Medicaid programs under titles XVIII and XIX, respectively, of the federal Social Security Act (42 USC 1395 and 1396).

k) Charity Care – Review Criterion
All birth centers *shall provide charitable care consistent with that provided by comparable health care providers in the geographic area.* [210 ILCS 3/30] The applicant shall provide to HFSRB a copy of the charity care policy that will be adopted by the proposed birth center.

l) Quality Assurance – Review Criterion
Each birth center *shall implement a quality assurance program with measurable benefits.* [210 ILCS 3/30] The applicant shall provide to HFSRB a copy of the quality assurance program to be adopted by the birth center.

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 250

3)

Section Numbers:	Proposed Action:
250.10	Amendment
250.20	Amendment
250.30	Amendment
250.40	Amendment
250.50	Amendment
250.60	Amendment
250.70	Amendment
250.EXHIBIT A	Amendment

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]

5) A Complete Description of the Subjects and Issues Involved: 28 CFR 35.107 requires all agencies of State government employing at least 50 persons to publish rules governing the grievance procedure under the Americans With Disabilities Act (ADA). The Department of Insurance is no longer a Division of the Department of Financial and Professional Regulation, so the rule is being amended for housekeeping purposes, to revise the obsolete references. In addition, several terms have been revised to be more consistent with ADA usage.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Eve Blackwell-Lewis Senior Staff Attorney Department of Insurance 320 West Washington , 4th Floor Springfield, Illinois 62767-0001 217/782-2867 217/524-9033 (fax)	or	Susan Anders Rules Coordinator Department of Insurance 320 West Washington, 4th Floor Springfield, Illinois 62767-0001 217/785-8220

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER VII: DEPARTMENT OF INSURANCE~~FINANCIAL AND PROFESSIONAL REGULATION~~

PART 250
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section
250.10 Purpose
250.20 Definitions
250.30 Procedure
250.40 ADA~~Designated~~ Coordinator Level
250.50 Final Level
250.60 Accessibility
250.70 Case-by-Case Resolution
250.EXHIBIT A Grievance Form

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 2538, effective February 7, 2006; amended at 35 Ill. Reg. _____, effective _____.

Section 250.10 Purpose

a) This Americans With Disabilities Act Grievance Procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the Act or its regulations to understand the rights, privileges and remedies afforded by it, they should contact the ADA~~Designated~~ Coordinator of the Department of ~~Financial and Professional Regulation-Division of~~ Insurance.

b) In general, the Act requires that each program, service and activity offered by the Department~~Division~~, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

c) It is the Department's~~Division's~~ intention to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department~~Division~~ encourages supervisors of programs, services and activities to respond to requests for reasonable accomodations~~modifications~~ before they become grievances.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.20 Definitions

Act means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

Complainant means an individual with a disability who files a grievance with the Department~~Division~~ pursuant to the provisions of this Part.

ADA~~Designated~~ Coordinator means the persons appointed by the Director who are responsible for the coordination of efforts of the Department~~Division~~ to comply with and carry out its responsibilities under Title II of the Act, including investigation of grievances filed by complainants.

Department means the Department of Insurance~~Financial and Professional Regulation~~.

Director means the Director of the Department of ~~Financial and Professional Regulation-Division of~~ Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

~~Division means the Department of Financial and Professional Regulation-Division of Insurance.~~

Grievance means any complaint under the Act by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department~~Division~~, and believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Department~~Division~~, or has been subject to discrimination by the Department~~Division~~.

Grievance Form means a Department~~Division~~ created form (attached as Exhibit A) that, when completed by a complainant, includes, but is not limited to, the

name, address and telephone number of the complainant; date of incidence; a short factual statement of the grievance; and the relief requested, if applicable.

Procedure means the Americans With Disabilities Act Grievance Procedure set forth in this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.30 Procedure

a) Grievances must be submitted in accordance with and follow the procedures set forth in Section 250.40 and Section 250.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA~~Designated~~ Coordinator and Final Levels.

b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's~~Division's~~ last response.

c) The Department~~Division~~ shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and provide a Grievance Form.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.40 ADA~~Designated~~ Coordinator Level

a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA~~Designated~~ Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA~~Designated~~ Coordinator.

b) Upon request, assistance shall be provided by the Department~~Division~~ to complete the Grievance Form.

c) The ADA~~Designated~~ Coordinator, or his or her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA~~Designated~~ Coordinator shall provide a written response to the complainant and the Director within 15 business days after receipt of the Grievance Form.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.50 Final Level

a) If the grievance has not been resolved at the ADA~~Designated~~ Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ADA~~Designated~~ Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason for dissatisfaction with the ADA~~Designated~~ Coordinator's written response, within 15 business days after receipt by the complainant of the ADA~~Designated~~ Coordinator's response.

b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.

c) The complainant shall be afforded an opportunity to appear before the panel. The complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the ADA~~Designated~~ Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign the recommendation.

e) Upon receipt of recommendations from the panel, the Director shall approve, disapprove or modify the panel recommendations, shall render a decision in writing, shall state the basis for the decision, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for disapproval or modification.

f) The Grievance Form, the ADA~~Designated~~ Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.60 Accessibility

The Department~~Division~~ shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 250.70 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department~~Division~~. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 250.EXHIBIT A Grievance Form

Grievance
Discrimination Based on Disability

It is the policy of the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator – Department~~IDFPR-Division~~ of Insurance
320 West Washington Street
Springfield IL 62767-0001
(217) 782-4515 (Voice) – (217) 524-4872 (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

The Best Means and Time for Contacting: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination Occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____ Date _____

Please give to the ADA Coordinator at the address listed above.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

For Office Use Only

Date Received: _____ By: _____

(BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services and activities accessible. Reasonable accomodations~~modifications~~ could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable modification requested:

The date the reasonable modification was requested:

The person to whom the request was made:

The reason for denial:

Estimated cost of modification (if an assistive device, such as a TDD or optical reader, or commodity or service to which a cost is readily known):

Why is the requested modification necessary to use or participate in the program, service or activity?

Alternative accomodations~~modifications~~ that may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance:

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Corrective Orders

2) Code Citation: 50 Ill. Adm. Code 1250

3)

Section Numbers:	Proposed Action:
1250.10	Amendment
1250.15	New Section
1250.20	Amendment
1250.30	Amendment
1250.40	Amendment

4) Statutory Authority: Implementing Section 186.1, 188 and 401.1 of the Illinois Insurance Code [215 ILCS 5/186.1 and 186.2] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments revise the present corrective order regulation so that the standards for determining whether an insurer is hazardous to policyholders and the public conform to those appearing in the NAIC Model Regulation To Define Standards And Commissioner's Authority For Companies Deemed To Be In Hazardous Financial Condition. To that end, the amendments will provide clarification that the same standards for determining hazardousness will apply whenever the Director is allowed to make such a finding. In this regard, Illinois Insurance Code Sections 5/188(6) and 5/401.1(2), respectively concerning grounds for rehabilitation/liquidation of a domestic company and cease and desist orders, will use the same standard to determine hazardousness as those used for Section 5/186.1 corrective orders. Insofar as the specificity of the revisions lend transparency to the process by making it less subjective, the Department does not anticipate resistance to amending the regulation.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

James C. Rundblom, Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/785-8559
217/524-9033 (fax)

or

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/785-8220

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: Please review the proposed amendments to Section 1250.20, 1250.30 and 1250.40.

C) Types of professional skills necessary for compliance: Accounting/ Insurance

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER q: CORRECTIVE ORDERS

PART 1250
CORRECTIVE ORDERS

Section
1250.10 Purpose
1250.15 Definitions
1250.20 Standards~~Criteria~~
1250.30 Director's Authority
1250.40 Judicial Review

AUTHORITY: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 798.1 and 798.2) [215 ILCS 5/186.1 and 186.2] and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Adopted at 18 Ill. Reg. 2231, effective February 1, 1994; amended at 35 Ill. Reg. _____, effective _____.

Section 1250.10 Purpose

a) The purpose of this Part is to set forth the standards~~criteria which~~ the Director may~~shall~~ use for identifying insurers found to be in such ~~operational or financial~~ condition as to render the continuance of their business~~that their further transaction of insurance business would be~~ hazardous to their policyholders, ~~certificateholders,~~ creditors or ~~to~~ the general public.

b) This Part shall not be interpreted to limit the powers granted the Director to enforce any laws or parts of laws of this State, nor shall this Part be interpreted to supersede any laws or parts of laws of this State.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1250.15 Definitions

Actuarial Standards of Practice means the actuarial standards promulgated by the Actuarial Standards Board (1100 Seventeenth Street, NW, Seventh Floor, Washington DC 20036) that are to be utilized by actuaries in performance of their assignments.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Insurer means any person or company subject to the Code.

NAIC means the National Association of Insurance Commissioners.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1250.20 Standards~~Criteria~~

The following standards, either singly or a combination of two or more, may be considered by the Director to~~To~~ determine whether the continued operation of any insurer transacting an insurance business in this State might be deemed to be hazardous to the policyholders, ~~certificateholders,~~ creditors or ~~to~~ the general public, the Director may consider:

a) adverse findings reported in financial and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries;

b) information from the NAIC~~National Association of Insurance Commissioners~~ Insurance Regulatory Information System and NAIC's other financial analysis solvency tools and~~its related~~ reports~~, the ratios of commission expense, general insurance expense, policy benefits and/or losses incurred to written premium or any other ratios used by the Department of Insurance to determine an insurer's financial condition~~;

c) whether the insurer has made adequate provision, according to Actuarial Standards of Practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to reserves and related actuarial items, including, but not limited to, the investment earnings on assets and the

considerations anticipated to be received and retained under the insurer's policies and contracts~~the value, liquidity, and diversity of the insurer's asset portfolio when viewed in light of current economic conditions assures the company's ability to meet its outstanding obligations as they mature~~;

d) the ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written, as well as the financial condition of the assuming reinsurer~~whether the insurer's reinsurance program provides adequate protection for the company's remaining surplus after taking into account the insurer's cash flow and the classes of business written~~;

e) whether the insurer's operating loss in the last 12 month period or any shorter period of time, including, but not limited to, net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than 50% of the insurer's remaining surplus as regards policyholders in excess of the minimum required~~the financial condition of any assuming reinsurer and its ability to meet its obligations to the insurer~~;

f) whether the insurer operating loss in the last 12 month period or any shorter period of time, excluding net capital gains, is greater than 20% of the insurer's remaining surplus as regards to policyholders in excess of the minimum required~~the insurer's operating loss in the last twelve month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and dividends paid to shareholders~~;

g) whether a reinsurer, obligor or any entity within the insurer's insurance holding company system~~affiliate, subsidiary or parent of the insurer~~ is insolvent, threatened with insolvency, or delinquent in the payment of its obligations, if, in the opinion of the Director, that condition may affect the solvency of the insurer;

h) whether contingent liabilities, pledges or guarantees that~~guaranties of the insurer~~, either individually or collectively, involve a total~~an~~ amount that, in the opinion of the Director, may~~that will~~ affect the solvency of the insurer;

i) whether any "controlling person" of an insurer~~or other affiliate of the insurer, each as defined in Article VIII½ of the Illinois Insurance Code,~~ is delinquent in the transmitting to, or payment of, net premiums ~~or any other payables~~ to the~~such~~

insurer;

j) the age and collectibility of its receivables;

k) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of the~~such~~ insurer, fails to possess and demonstrate the competence, fitness and reputation deemed necessary to serve the insurer in that~~such~~ position;

l) whether management of an insurer has failed to respond to inquiries relative to~~from the Department of Insurance concerning~~ the condition of the insurer or has furnished false and misleading information concerning an inquiry;

m) whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the Director;

n~~m~~) whether management of an insurer either has filed ~~in any state~~ a false or misleading sworn financial statement, or has released a false or misleading financial statement to lending institutions or to the general public, or~~, in the books of the insurer,~~ has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;

o~~n~~) whether the insurer has grown so rapidly and to such an~~insurer's premium volume has increased to the~~ extent that it lacks adequate financial and administrative capacity to meet its ~~contractual or statutory~~ obligations in a timely manner;

p~~o~~) whether the insurer~~company~~ has experienced or will experience in the foreseeable future cash flow and/or liquidity problems;

q~~p~~) whether management has established reserves that do not comply with minimum standards established by State insurance laws, regulations, statutory accounting standards, sound actuarial principles and Actuarial Standards of Practice;~~the adequacy of the insurer's surplus as regards policyholders relative to its outstanding liabilities and its financial needs;~~

r~~q~~) whether management persistently engages in material under reserving that results in adverse development;~~any other relevant factors.~~

s) whether transactions among affiliates, subsidiaries or controlling persons for

which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;

t) any other finding determined by the Director to be hazardous to the insurer's policyholders, creditors or general public, including those of a nonfinancial nature.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1250.30 Director's Authority

a) For purposes of making a determination of an insurer's financial condition under this Part, the Director may:

1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding~~ or which is a slow payor based on Schedule F or S of the Annual Financial Statements filed with the Department of Insurance by any Illinois licensed company having receivables due from that reinsurer~~;

2) Make adjustments, including disallowance, to asset values attributable to investments in or transactions with parents, subsidiaries~~,~~ or affiliates, consistent with the NAIC Accounting Practices and Procedures Manual (2301 McGee Street, Suite 800, Kansas City MO 64108-2662) as of March 2011 (no subsequent dates or editions), state laws and regulations;

3) Refuse to recognize the stated value of accounts receivable if the ability to collect the receivables is highly speculative in view of the age of the account or the financial condition of the debtor;

4) Increase the insurer's liability in an amount equal to~~liabilities to cover~~ any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next 12 month period;

5) Increase the company's reserves for losses, loss adjustment expenses, or unearned premium or any other liability to reflect adjustments

recommended by the Department's financial examiners or actuaries or by the person preparing the statement of actuarial opinion as required by Section 136 of the ~~Illinois Insurance~~ Code ~~(Ill. Rev. Stat. 1991, ch. 73, par. 748) [215 ILCS 5/136]~~ and the NAIC Annual Statement Instructions for Property and Casualty Insurers;

6) Make any other appropriate adjustment to the company's assets and liabilities necessary to reflect the insurer's financial condition.

b) If the Director determines that the continued operation of the insurer licensed to transact business in this State may be hazardous to its policyholders, ~~certificateholders,~~ creditors or ~~to~~ the general public, the Director may, upon a determination, issue an order requiring the insurer to take any of the actions listed in this subsection (b). If the insurer is a foreign insurer, the Director's order may be limited to the extent provided by statute. The order may require the insurer to:

1) reduce, by reinsurance, the total amount of its present and/or potential liability for policy benefits ~~and loss claims~~;

2) reduce, suspend or limit the volume of ~~direct and/or assumed~~ business being accepted or renewed;

3) reduce general insurance and commission expenses by specified methods;

4) increase the insurer's~~its~~ capital and surplus;

5) suspend or limit the declaration and payment of a dividend by an insurer~~dividends~~ to its stockholders or to its policyholders;

6) file reports, in a format acceptable to the Director, concerning~~written report indicating~~ the market value of an insurer's~~its~~ assets;

7) limit or withdraw from certain investments or discontinue certain investment practices to the extent the Director deems necessary;

8) document the adequacy of premium rates in relation to the risks insured;

9) file, in addition to regular annual statements, interim~~monthly~~ financial reports on the form adopted by NAIC or in a format promulgated by the

Director;

10) correct corporate governance practice deficiencies and adopt and utilize governance practices acceptable to the Director~~suspend or limit the repurchases of any of its own outstanding shares (i.e., treasury shares)~~;

11) provide a business plan to the Director in order to continue to transact business in this State~~seek prior approval of the Director before entering into any affiliated transactions~~;

12) notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the Director considers necessary to improve the financial condition of the insurer~~provide statement of actuarial opinion prepared by an independent actuary other than that person having prepared the opinion filed by the company in conjunction with its most recent annual financial statements~~;

13) disapprove the payment of any ordinary dividend or other distribution to shareholders;

14) take any other action ~~which~~ the Director deems to be remedial.

c) An insurer subject to an order under subsection (b) may request a hearing to review that order. The notice of hearing shall be served upon the insurer pursuant to Section 186.1(5) and (6) of the Code.~~Any insurer subject to an order under subsection (b) above may file a written request for an administrative hearing. The administrative hearing shall be conducted pursuant to the requirements of Section 186.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 798.1(5)(a) and (6)) [215 ILCS 5/186.1(5)(a) and (6)].~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1250.40 Judicial Review

Any order or decision of the Director shall be subject to review in accordance with the Administrative Review Law~~Section 3-101 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 3-101)~~ [735 ILCS 5/Art. III~~3-101~~] at the instance of any party to the proceedings whose interests are substantially affected.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Child Labor Law

2) Code Citation: 56 Ill. Adm. Code 250

3) Section Number: Proposed Action
250.270 Amended

4) Statutory Authority: Implementing the Child Labor Law [820 ILCS 205]

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions of Public Act 96-1247 that amended the Act to allow out-of-state minors wishing to procure employment in Illinois to obtain an employment certificate from the City or Regional Superintendent of Schools or from the Superintendent of Education in Illinois.

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

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Sara Meek
Illinois Department of Labor
900 South Spring Street
Springfield, Illinois 62701

217/558-1270

217/782-0596 (fax)

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

The full text of the Proposed Amendment can be found on the next page.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250
ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section
250.100 Definition of the Act
250.105 Definitions
250.110 Minor (Repealed)
250.115 Agriculture (Repealed)
250.120 Week (Repealed)
250.125 Work (Repealed)
250.130 Time Record (Repealed)
250.135 Premises (Repealed)
250.140 Suffer (Repealed)
250.145 Garage (Repealed)
250.150 Employer and All Interested Parties (Repealed)

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section
250.200 Employers Subject to the Act
250.205 Minors Assisting Employees of Tax Supported School Lunch Programs
250.210 Movie Theaters
250.215 Car Wash
250.220 Employment in or about Airfields
250.225 Office and Ice Cream Dispensing Equipment
250.230 Enclosed, Self-sealing Automatic Dishwashers
250.235 Power Driven Machinery
250.240 Exhibition Park or Place of Amusement
250.245 Employment in Establishments Selling Package Liquors
250.250 Shopping Malls and Similar Structures Containing Two or More Buildings
250.255 Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.260 Employment of Minors as Models

250.265 Parent/Guardian Required Presence at Performance
250.270 Non-Resident Minor Seeking Employment

SUBPART C: HOURS OF EMPLOYMENT

Section
250.300 Number of Days Employment Limit
250.305 Applying for a Section 8.1(b) Work Hours Waiver
250.310 Issuance of a Section 8.1(b) Work Hours Waiver
250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section
250.400 Issuing Officers are responsible for:

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section
250.500 The Employer shall:

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section
250.600 Revocation of Employment Certificates; Civil Penalty Assessments

SUBPART G: HEARING PROCESS

Section
250.700 Procedure and Time Table for Suspension or Revocation of Employment Certificates
250.705 Procedure for Child Labor Penalty Assessment
250.710 Assessing Penalties
250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER VIOLATIONS

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

Section
250.800 Minimum Age
250.805 Hours of Work
250.810 Meal Period
250.815 Posting of Hours
250.820 Time Record
250.825 Hazardous Occupations
250.830 Minor Under Sixteen Appearing in Theatrical Productions
250.835 Employment Certificate Required
250.840 Duties of Employers
250.845 Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
250.850 Parent/Guardian Not Present at Performance
250.855 Minors Under Sixteen Appearing in Television or Motion Picture Productions
250.860 Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205/16].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 20 Ill. Reg. 6449, effective April 29, 1996; emergency amendment at 24 Ill. Reg. 17850, effective November 30, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 864, effective January 5, 2001; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section 250.270 Non-Resident Minor Seeking Employment

An out-of-state minor wishing to procure employment in the State of Illinois must obtain an employment certificate from a City or Regional Superintendent of Schools or the State Superintendent of Education in Illinois. The requirement that the minor submit his or her application for a certificate in person may be waived by the individual issuing the employment certificate. ~~under the same guidelines established for minors who are residents of Illinois.~~ In addition to the conditions stated in Section 12 of the Act, an~~and~~ out-of-state minor must also, if he or she desires employment during school vacation, obtain a letter from his or her out-of-state principal attesting to the fact that he or she is indeed on vacation~~,~~ and that school is not in session

for the specified period of time. ~~Otherwise, there are no differences between and out-of-state minor seeking an employment certificate and a resident minor of Illinois seeking same~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Illinois Police Training Act

2) Code Citation: 20 Ill. Admin. Code 1720

3)

Section Numbers:	Proposed Action:
1720.300	New Section
1720.310	New Section
1720.320	New Section
1720.330	New Section
1720.340	New Section
1720.350	New Section

4) Statutory Authority 50 ILCS 705/10 and PA 96-1111

5) A complete description of the subjects and issues involved: The proposed amendments are necessary to guide implementation of PA 96-1111 that requires that the Illinois Law Enforcement Training and Standards Board (the Board) offer a course of training culminating in the certification of officers as lead investigators in death and homicide investigations.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 96-1111

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: The adoption of these rules will expand the duties and obligations of the Board to the extent that the Board will now be responsible for ensuring that a course of training for lead death and homicide investigators is offered and certification is issued for those who complete that training.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

Kevin T. McClain, Executive Director
Illinois Law Enforcement Training and Standards Board
4500 South Sixth Street Road, Room 173
Springfield, IL 62703-6617

217/782-4540

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The Board is required to offer this training. Although law enforcement agencies are not required to utilize the training, P.A. 96-1111 provides that only law enforcement officers who complete the training may be assigned as lead investigators in death and homicide investigations.

B) Reporting, bookkeeping or other procedures required for compliance: For those law enforcement agencies that choose to participate, the proposed rules require continuing education to maintain an officer's certification. This would require that law enforcement agencies track and report compliance and provide opportunities to officers to complete continuing education.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: None

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

PART 1720
ILLINOIS POLICE TRAINING ACT

SUBPART A: CERTIFICATION OF POLICE OFFICERS

Section
1720.10 Course Requirements
1720.15 Equivalency Examination
1720.20 Minimum Requirements of the Trainee
1720.25 Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.30 School Standards and Requirements
1720.35 Academy Entrance Qualifications
1720.40 Qualification of Police Instructors
1720.50 Reimbursements
1720.60 Requirements of Participating Local Agencies
1720.70 Minimum Training Requirements for Illinois Sheriffs
1720.80 Conservator of the Peace Training Course

SUBPART B: DECERTIFICATION OF POLICE OFFICERS

Section
1720.100 Purpose
1720.110 Definitions
1720.120 Submission and Review of a Complaint
1720.130 Certification Revocation
1720.140 Reporting
1720.150 Law Enforcement Training and Standards Board Costs and Attorney Fees Fund

SUBPART C: WEAPON CERTIFICATION FOR
RETIRED LAW ENFORCEMENT OFFICERS

Section
1720.200 Purpose
1720.210 Statutory Authority
1720.220 Definitions

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

1720.230 Compliance with Laws and Rules
1720.240 Eligibility Requirements
1720.245 Background Investigation
1720.250 Application Procedure
1720.260 Permits
1720.270 Denial, Suspension and Revocation
1720.280 Firearms~~Firearm~~ Certification Program − Approval
1720.290 Range Officer − Approval

SUBPART D: CERTIFICATION OF LEAD DEATH AND HOMICIDE INVESTIGATORS

Section
1720.300 Purpose
1720.310 Definitions
1720.320 Lead Death and Homicide Investigation Course
1720.330 Waiver
1720.340 Certificate
1720.350 Certificate Renewal

1720.APPENDIX A Physical Fitness Standards
1720.APPENDIX B Complaint Form
1720.APPENDIX C Firearm Qualification Course-of-Fire

AUTHORITY: Implementing 50 ILCS 705 (the Illinois Police Training Act) as amended by P.A. 96-1111.

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at 16 Ill. Reg. 4002, effective February 28, 1992; emergency amendment at 16 Ill. Reg. 727, effective January 1, 1992; amended at 16 Ill. Reg. 18811, effective November 19, 1992; emergency amendment at 28 Ill. Reg. 6479, effective April 12, 2004, for a maximum of 150 days; emergency expired September 8, 2004; amended at 28 Ill. Reg. 13537, effective September 23, 2004; emergency amendment at 29 Ill. Reg. 19708, effective November 15, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 7925, effective April 11, 2006; amended at 32 Ill. Reg. 14749, effective August 28, 2008; amended at 35 Ill. Reg. _____, effective _____.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: CERTIFICATION OF LEAD DEATH AND HOMICIDE INVESTIGATORS

Section 1720.300 Purpose

To provide training for lead death and homicide investigators.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1720.310 Definitions

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Board" means the Illinois Law Enforcement Training and Standards Board created by the Illinois Police Training Act [50 ILCS 705].

"Course" means the Lead Death and Homicide Investigation Course offered by the Board pursuant to P.A. 96-1111.

"Death and Homicide Investigations" include only those investigations that have a substantial likelihood of an individual being charged with an offense of homicide.

"Officer" means any person who, by virtue of his or her office or public employment, is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and who is employed in that capacity by any county or municipality in Illinois. The term "officer" does not include any employee of the Illinois State Police.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1720.320 Lead Death and Homicide Investigator Course

a) The content of the Course shall be determined by the Board and shall include, but not be limited to, the following topics:

1) Types of death investigations;

2) Death and homicide investigation techniques;

3) Crime scene management and preservation of evidence;

4) Interviews and interrogations.

b) The Course shall include 40 to 50 hours of content and those hours must be offered within no greater than a 7 consecutive day period.

c) The Course shall be taught by instructors approved by the Board.

d) The timing and location of Course offerings shall be determined at the discretion of the Board, but the Course shall be offered within the State of Illinois in a manner that provides reasonable access to officers in terms of time of year.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1720.330 Waiver

a) The Board may issue a waiver on a case by case basis stating that an officer has previously received training and experience that is substantially equal to that provided in the Course.

b) A waiver may be issued only upon the presentation of documentation to the Board evidencing that, at the time of application, the individual seeking the waiver:

1) Is currently employed full-time as a law enforcement officer in Illinois;

2) Has at least 3 years of experience as a full-time law enforcement officer;

3) Has completed formal training regarding death and homicide investigations; and

4) Has substantial experience in a supervisory or leadership role in homicide investigations.

c) Only a duly authorized representative of the law enforcement agency may request a waiver for its officers.

_____ d) The agency seeking a waiver must apply on a form prescribed by the Board. The form shall require disclosure of all information requested by the Board regarding the applicant, including, but not limited to, the applicant's training, experience and background.

_____ e) Any information requested by the Board and submitted by the applicant shall be considered confidential and shall not be utilized for any purpose other than that described in this Section.

_____ f) All waiver decisions by the Board are final.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1720.340 Certificate

a) Officers who complete the Course or receive a waiver shall be issued a numbered certificate by the Board.

b) The certificate issued by the Board upon completion of the Course or receipt of a waiver shall be valid for a period of 4 years and must be renewed to remain valid.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1720.350 Certificate Renewal

a) The certificate issued by the Board may be renewed if the officer completes a total of 32 hours of Board-approved death and homicide related training during the 4 year certification period, a satisfactory background investigation has been performed by the Board, and the officer is in compliance with all other requirements of the Act.

b) Any application for certification renewal must be sent from the duly authorized representative of the law enforcement agency employing the officer.

c) If the officer has not completed the 32 hours of Board-approved training within the 4 year certification period, the officer shall be required to take the Lead Death and Homicide Investigator course in order to renew his or her certificate.

d) The Board may assess a renewal fee to meet the costs of the implementation of the lead death and homicide investigator program.

(Source: Added at 35 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Solid Waste

2) Code Citation: 35 Ill. Adm. Code 807

3

Section Numbers:	Proposed Action:
807.663	Amend
807.APPENDIX A	Amend
807.ILLUSTRATION D	Amend
807.ILLUSTRATION E	Amend

4) Statutory Authority: Implementing Section 22 of the Environmental Protection Act [415 ILCS 5/22] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and authorized by Sections 22, 27, and 28 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27, 28] and Section 8 of the Illinois Groundwater Protection Act [415 ICLS 55/8]

5) A Complete Description of the Subjects and Issues Involved: This proposal incorporates technical corrections to the Board's prior rulemaking docketed as R10-9, In the Matter of: Financial Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807 Subpart F and Appendix A, 810.104 and 811 Subparts C, G and Appendix A.

6) Published studies or reports and sources of underlying data, used to compose this rulemaking: No published study or research report was used in developing the proposed amendments to 35 Ill. Adm. Code 807.

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 amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: 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].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period

of 45 days after the date of publication in the Illinois Register. Comments should refer to docket R10-09(A) 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 in R10-09(A) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Daniel Robertson at 312/814-6931 or e-mail robertsd@ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Affected sources and facilities would include those sources and facilities required to obtain financial assurance for the closure and post closure care of waste disposal sites and any sources and facilities that provide financial assurance services for waste disposal sites.

B) Reporting, bookkeeping or other procedures required for compliance: Are etailed in the rule and include submitting to the Illinois Environmental Protection Agency.

C) Types of Professional skills necessary for compliance: Professional skills held by financial advisors/planners such as accountants, bookkeepers.

14) Regulatory Agenda in which this rulemaking was summarized: January 2011.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

SUBPART A: GENERAL PROVISIONS

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807.101 Authority, Policy and Purposes
807.102 Repeals
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807.105 Relation to Other Rules

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807.201 Development Permits
807.202 Operating Permits
807.203 Experimental Permits
807.204 Former Authorization
807.205 Applications for Permit
807.206 Permit Conditions
807.207 Standards for Issuance
807.208 Permit No Defense
807.209 Permit Revision
807.210 Supplemental Permits
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807.302 Compliance with Permit
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807.306 Litter
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807.504 Amendment of Closure Plan
807.505 Notice of Closure and Final Amendment to Plan
807.506 Initiation of Closure
807.507 Partial Closure
807.508 Certification of Closure
807.509 Use of Waste Following Closure
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807.524 Implementation and Completion of Post-closure Care Plan

SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section
807.600 Purpose, Scope and Applicability
807.601 Requirement to Obtain Financial Assurance
807.602 Time for Submission of Financial Assurance

807.603 Upgrading Financial Assurance
807.604 Release of Financial Institution
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807.606 Release of the Operator
807.620 Current Cost Estimate
807.621 Cost Estimate for Closure
807.622 Cost Estimate for Post-closure Care
807.623 Biennial Revision of Cost Estimate
807.624 Interim Formula for Cost Estimate
807.640 Mechanisms for Financial Assurance
807.641 Use of Multiple Financial Mechanisms
807.642 Use of Financial Mechanism for Multiple Sites
807.643 Trust Fund for Unrelated Sites
807.644 RCRA Financial Assurance
807.661 Trust Fund
807.662 Surety Bond Guaranteeing Payment
807.663 Surety Bond Guaranteeing Performance
807.664 Letter of Credit
807.665 Closure Insurance
807.666 Self-insurance for Non-Commercial Sites

SUBPART G: SITE-SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section
807.700 Cretex Pressure Pipe, Inc. Concrete Waste Disposal Site

807.APPENDIX A Financial Assurance Forms
807.ILLUSTRATION A Trust Agreement
807.ILLUSTRATION B Certificate of Acknowledgment
807.ILLUSTRATION C Forfeiture Bond
807.ILLUSTRATION D Performance Bond
807.ILLUSTRATION E Irrevocable Standby Letter of Credit
807.ILLUSTRATION F Certificate of Insurance for Closure and/or Post-closure Care
807.ILLUSTRATION G Owner's or Operator's Bond Without Surety
807.ILLUSTRATION H Owner's or Operator's Bond With Parent Surety
807.ILLUSTRATION I Letter from Chief Financial Officer
807.APPENDIX B Old Rule Numbers Referenced

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21.1, 22, and 27].

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 20 Ill. Reg. 12459, effective August 15, 1996; amended in R10-9 at 35 Ill. Reg. 10784, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. _____, effective _____.

SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section 807.663 Surety Bond Guaranteeing Performance

a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond that conforms to the requirements of this Section and submitting the bond to the Agency.

b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance, pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety.

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the form specified in Appendix A, Illustration D.

d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund within the State Treasury.

e) Conditions:

1) The bond must guarantee that the operator will:

A) Provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit; and

B) Provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction;

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or

E) Fails to provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

3) Upon the failure of the operator to perform as guaranteed by the bond, the surety shall have the option of providing closure and post-closure care in accordance with the closure and post-closure care plans, or of paying the penal sum.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or obtain other financial assurance, as specified in this Subpart, ~~to cover the increase~~ and submit evidence of the alternate financial assurance to the Agency.

g) Term:

1) The bond shall be issued for a term of at least one year and shall not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the operator and the Agency have received the notice, as evidenced by the return receipts.

3) The Agency shall release the surety by providing written authorization for termination of the bond to the operator and the surety when either of the following occurs:

A) An operator substitutes alternate financial assurance, as specified in this Subpart; or

B) The Agency releases the operator from the requirements of this Subpart in accordance with Section 807.606(b) of this Part.

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money that was paid to the Agency by the surety subject to appropriation of funds by the Illinois General Assembly.

i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

_____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure care; ~~and~~

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states; and

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care in accordance with the closure and post-closure care plans for the site if, during the term of the bond, the Principal fails to provide closure or post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;

d) Notifies the IEPA that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-

closure care plans; or

e) Fails to provide alternate financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and post-closure care in accordance with the closure and post-closure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has met one or more of the conditions described above~~failed to fulfill one or more of the conditions described above~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure Fund.

If the Surety notifies the IEPA that it intends to provide closure and post-closure care, then the Surety must initiate closure and post-closure care within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above. The Surety must complete closure and post-closure care in accordance with the closure and post-closure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____ [date]; but such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 807.604.

In Witness Whereof, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration D as such regulation was constituted on the date this bond was executed.

Principal	Corporate Surety
Signature	Name
Typed Name	Address
Title	State of Incorporation
Date	Signature
	Typed Name
	Title
Corporate seal	Corporate seal
	Bond premium: $ _____

(Source: Amended at 35 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars ($_____), available upon presentation of:

1. your sight draft, bearing reference to this letter of credit No. _____; and

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 807.664(e)."

This letter of credit is effective as of _____ [date] and shall expire on _____[date at least one year later], but, such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date when both_____[owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit shall be available upon

presentation of your sight draft for 120 days after the date of receipt by both you and _____ [owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure Fund in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration E as such regulations were constituted on the date shown below.

_____

Signature

_____

Typed Name

_____

Title

_____

Date

_____

Name and address of issuing institution

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(Source: Amended at 35 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3)

Section Numbers:	Proposed Action:
811.712	Amend
811.APPENDIX A.ILLUSTRATION D	Amend

4) Statutory Authority: Implementing Section 22 of the Environmental Protection Act [415 ILCS 5/22] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and authorized by Sections 22, 27, and 28 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27, 28] and Section 8 of the Illinois Groundwater Protection Act [415 ICLS 55/8]

5) A Complete Description of the Subjects and Issues Involved: This proposal incorporates technical corrections to the Board's prior rulemaking docketed as R10-9, In the Matter of: Financial Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807 Subpart F and Appendix A, 810.104 and 811 Subparts C, G and Appendix A.

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 amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: 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].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the Illinois Register. Comments should refer to docket R10-09(A) and be addressed to:

Clerk's Office

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 in R10-09(A) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Daniel Robertson at 312/814-6931 or e-mail robertsd@ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Affected sources and facilities would include those sources and facilities required to obtain financial assurance for the closure and post closure care of waste disposal sites and any sources and facilities that provide financial assurance services for waste disposal sites.

B) Reporting, bookkeeping or other procedures required for compliance: Are detailed in the rule and include submitting to the Illinois Environmental Protection Agency.

C) Types of Professional skills necessary for compliance: Professional skills held by financial advisors/planners such as accountants, bookkeepers.

14) Regulatory Agenda in which this rulemaking was summarized: January 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
811.111 Postclosure Maintenance
811.112 Recordkeeping Requirements for MSWLF Units
811.113 Electronic Reporting

SUBPART B: INERT WASTE LANDFILLS

Section
811.201 Scope and Applicability
811.202 Determination of Contaminated Leachate
811.203 Design Period
811.204 Final Cover
811.205 Final Slope and Stabilization
811.206 Leachate Sampling
811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

811.301 Scope and Applicability
811.302 Facility Location
811.303 Design Period
811.304 Foundation and Mass Stability Analysis
811.305 Foundation Construction
811.306 Liner Systems
811.307 Leachate Drainage System
811.308 Leachate Collection System
811.309 Leachate Treatment and Disposal System
811.310 Landfill Gas Monitoring
811.311 Landfill Gas Management System
811.312 Landfill Gas Processing and Disposal System
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeologic Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program
811.324 Corrective Action Measures for MSWLF Units
811.325 Selection of remedy for MSWLF Units
811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section
811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section
811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Post-Closure Care Cost Estimates
811.705 Revision of Cost Estimate
811.706 Mechanisms for Financial Assurance
811.707 Use of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Bond Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-Commercial Sites
811.716 Local Government Financial Test
811.717 Local Government Guarantee
811.718 Discounting
811.719 Corporate Financial Test
811.720 Corporate Guarantee

811.APPENDIX A Financial Assurance Forms
811.ILLUSTRATION A Trust Agreement
811.ILLUSTRATION B Certificate of Acknowledgment

811.ILLUSTRATION C	Forfeiture Bond
811.ILLUSTRATION D	Performance Bond
811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-Closure Care or Corrective Action
811.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
811.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
811.ILLUSTRATION I	Letter from Chief Financial Officer
811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.
811.APPENDIX C	List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. _____, effective _____.

SUBPART G: FINANCIAL ASSURANCE

Section 811.712 Surety Bond Guaranteeing Performance

a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an

MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

b) The surety company issuing the bond shall be *licensed to transact the business of insurance by the Department of Insurance,* pursuant to the Illinois Insurance Code [215 ILCS 5]*, or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states,* and approved by the U.S. Department of the Treasury as an acceptable surety. [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the forms specified in Appendix A, Illustration D.

d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund within the State Treasury.

e) Conditions:

1) The bond must guarantee that the owner or operator will:

A) Provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit and, if the bond is a corrective action bond, provide corrective action in accordance with Section 811.326; and

B) Provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by

the bond. The owner or operator fails to perform when the owner or operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care or corrective action when ordered to do so by the Board pursuant to Title VIII of the Act, or when ordered to do so by a court of competent jurisdiction;

D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans.

E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326; or

F) Fails to provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

3) Upon failure of the owner or operator to perform as guaranteed by the bond, the surety shall have the option of:

A) providing closure and post-closure care in accordance with the closure and post-closure care plans; or

B) carrying out corrective action in accordance with the corrective action plan; or

C) paying the penal sum.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, ~~to cover the increase~~ and submit evidence of the alternative financial assurance to the Agency.

g) Term:

1) The bond must be issued for a term of at least one year and must not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the owner or operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

3) The Agency shall release the surety by providing written authorization for termination of the bond to the owner or operator and the surety when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Subpart; or

B) The Agency releases the owner or operator from the requirements of this Subpart in accordance with 35 Ill. Adm. Code 813.403(b).

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and post-closure care of the site or corrective action at an MSWLF unit, unless the Agency determines that the closure or post-closure care plan, corrective action at an MSWLF unit, or the amount of substituted financial assurance is inadequate to provide closure and post-closure care or implement corrective action at an MSWLF unit in compliance with this Part.

2) After closure and post-closure care have been completed in accordance with the closure and post-closure care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Post-Closure Fund" by the surety, subject to appropriation of funds by the Illinois General Assembly.

i) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Subpart.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure care or corrective action for each site in accordance with the closure and post-closure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation.

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure care or corrective action.

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois.

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans for the site if, during the term of the bond, the Principal fails to provide closure or post-closure care or corrective action for any site in accordance with the closure and post-closure care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care or corrective action when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;

d) Notifies the IEPA that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans;

e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326; or

f) Fails to provide alternative financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal met one or more of the conditions described above~~has failed to fulfill one or more of the conditions described in this document~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure Fund.

If the Surety notifies the IEPA that it intends to provide closure and post-closure care or corrective action, then the Surety must initiate closure and post-closure care or corrective action within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above. The Surety must complete closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the ____ day of _____, _____ [date], but that expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

811.702.

In Witness Whereof, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration D as that regulation was constituted on the date this bond was executed.

PRINCIPAL	SURETY
_____	_____
Signature	Name
_____	_____
Typed Name	Address
_____	_____
Title	State of Incorporation
_____	_____
Date	Signature
	_____
	Typed Name
Corporate Seal	_____
	Title
	Corporate Seal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Bond Premium: $ _____

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Emergency Medical Services and Trauma Center Code

2) Code Citation: 77 Ill. Adm. Code 515

3)

Section Numbers:	Proposed Action:
515.100	Amend
515.125	Amend
515.445	Amend
515.825	Amend
515.830	Amend
515.3090	New
515.4000	Amend
515.4010	Amend
515.4020	New
515.APPENDIX D	Amend
515.APPENDIX K	Amend
515.APPENDIX L	Amend
515.APPENDIX M	Amend
515.APPENDIX N	New
515.APPENDIX O	New
515.APPENDIX P	New

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: Sections of the Emergency Medical Services and Trauma Center Code are being amended to ensure consistency with current standards of care and health care practices as well as current federal mandates. Definitions have been added for the pediatric facility recognition levels (Emergency Department Approved for Pediatrics (EDAP), Pediatric Critical Care Center (PCCC) and Standby Emergency Department Approved for Pediatrics (SEDP)) and for new terminology, such as child life specialist and hospitalists, and the definition of pediatric trauma patient has been extended to include all pediatric patients. The composition of the Illinois Emergency Medical Services for Children (EMSC) Advisory Board has been amended to reflect current existent health care organizations as well as to ensure consistency with State board membership as outlined in the Federal EMSC/HRSA(Health Resources and Services Administration) performance measures [www.childrensnational.org]. Equipment requirements for ambulance and alternate response vehicles are amended to further address the pediatric population and assure compliance with the Federal EMSC/HRSA mandated performance measures. The

pediatric facility recognition requirements are amended as follows: pediatric standardized courses (Advanced Pediatric Life Support (APLS), Emergency Nursing Pediatric Course (ENPC) and Pediatric Advanced Life Support (PALS)) being used to meet continuing education requirements must include both cognitive and practical skills evaluation; individual waivers for physicians and nurse practitioners must be submitted each renewal cycle (as applicable); the names of specific accrediting agencies for physician assistant continuing education hours have been eliminated; specific components that need to be contained in inter-facility transfer guidelines are outlined as mandated by the Federal EMSC/HRSA performance measures; medical audit/quality improvement monitors are afforded the same status as outlined in the Code of Civil Procedure; each hospital participating in pediatric facility recognition will be required to appoint a pediatric physician champion; and the title of the Pediatric CQI Liaison has been changed to Pediatric Quality Coordinator. Pediatric pre-hospital protocols need to address use of an automated external defibrillator (AED) in the pediatric patient and address environmental hyperthermia in the pediatric patient. Equipment requirements for the emergency department are amended to ensure consistency with the American Academy of Pediatrics Joint Policy Statement – Guidelines for Care of Children in the Emergency Department [www.pediatrics.org].

New Sections are being added related to the pediatric facility recognition to assure compliance with current health care standards and federal EMSC/HRSA performance measures. Section 515.3090 and Appendix N outline processes related to pediatric facility recognition initial application, renewal application, termination of recognition and violation of SEDP, EDAP and Pediatric Critical Care Center (PCCC) requirements. Section 515.4020 contains the PCCC requirements, which outline criteria that hospitals must meet to be recognized by the Department for their pediatric intensive/critical care and pediatric specialty services. Section 515. Appendix O provides the application guide that hospital must follow to apply for PCCC recognition. Appendix P contains requirements for equipment, supplies, and medication.

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

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking. Federal Emergency Medical Services for Children performance measures mandated through the Maternal & Child Health Bureau, Health Resources & Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Administration (HRSA) [www.hrsa.gov]; and the American Academy of Pediatrics "Joint Policy Statement - Guidelines for Care of Children in the Emergency Department", October 2009 [www.pediatrics.org].

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? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
515.100	Amend	35 Ill. Reg. 7926; May 20, 2011
515.160	Amend	35 Ill. Reg. 6309; April 15, 2011
515.330	Amend	35 Ill. Reg. 7271; May 6, 2011
515.455	New	35 Ill. Reg. 7271; May 6, 2011
515.460	New	35 Ill. Reg. 6309; April 15, 2011
515.470	New	35 Ill. Reg. 7926; May 20, 2011
515.530	Amend	35 Ill. Reg. 6309; April 15, 2011
515.630	New	35 Ill. Reg. 7926; May 20, 2011
515.640	New	35 Ill. Reg. 6309; April 15, 2011
515.845	New	35 Ill. Reg. 7926; May 20, 2011
515.835	New	35 Ill. Reg. 7926; May 20, 2011
515.800	Amend	35 Ill. Reg. 6309; April 15, 2011
515.850	New	35 Ill. Reg. 7271; May 6, 2011
515.Appendix D	Amend`	35 Ill. Reg. 7271; May 6, 2011

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62761

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: EMS agencies and hospitals

B) Reporting, bookkeeping or other procedures required for compliance: Policies, procedures, tracking of compliance with pediatric continuing education, quality improvement and equipment/supplies.

C) Types of professional skills necessary for compliance: Licensed healthcare professionals, i.e. EMT, RN, MD/DO

14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section
515.100 Definitions
515.125 Incorporated and Referenced Materials
515.150 Waiver Provisions
515.160 Violations, Hearings and Fines
515.170 Employer Responsibility

SUBPART B: EMS REGIONS

Section
515.200 Emergency Medical Services Regions
515.210 EMS Regional Plan Development
515.220 EMS Regional Plan Content
515.230 Resolution of Disputes Concerning the EMS Regional Plan
515.240 Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section
515.300 Approval of New EMS Systems
515.310 Approval and Renewal of EMS Systems
515.315 Bypass Status Review
515.320 Scope of EMS Service
515.330 EMS System Program Plan
515.340 EMS Medical Director's Course
515.350 Data Collection and Submission
515.360 Approval of Additional Drugs and Equipment
515.370 Automated Defibrillation (Repealed)
515.380 Do Not Resuscitate (DNR) Policy
515.390 Minimum Standards for Continuing Operation
515.400 General Communications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.410 EMS System Communications
515.420 System Participation Suspensions
515.430 Suspension, Revocation and Denial of Licensure of EMTs
515.440 State Emergency Medical Services Disciplinary Review Board
515.445 Pediatric Care
515.450 Complaints

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section
515.500 Emergency Medical Technician-Basic Training
515.510 Emergency Medical Technician-Intermediate Training
515.520 Emergency Medical Technician-Paramedic Training
515.530 EMT Testing and Fees
515.540 EMT Licensure
515.550 Scope of Practice – Licensed EMT
515.560 EMT-B Continuing Education
515.570 EMT-I Continuing Education
515.580 EMT-P Continuing Education
515.590 EMT License Renewals
515.600 EMT Inactive Status
515.610 EMT Reciprocity
515.620 Felony Convictions

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section
515.700 EMS Lead Instructor
515.710 Emergency Medical Dispatcher
515.720 First Responder
515.725 First Responder – AED
515.730 Pre-Hospital Registered Nurse
515.740 Emergency Communications Registered Nurse
515.750 Trauma Nurse Specialist
515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

DEPARTMENT OF PUBLIC HEALTH

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Section
515.800 Vehicle Service Provider Licensure
515.810 EMS Vehicle System Participation
515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.830 Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section
515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications
515.940 Aeromedical Crew Member Training Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation
515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section
515.2000 Trauma Center Designation
515.2010 Denial of Application for Designation or Request for Renewal
515.2020 Inspection and Revocation of Designation
515.2030 Level I Trauma Center Designation Criteria

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515.2035 Level I Pediatric Trauma Center
515.2040 Level II Trauma Center Designation Criteria
515.2045 Level II Pediatric Trauma Center
515.2050 Trauma Center Uniform Reporting Requirements
515.2060 Trauma Patient Evaluation and Transfer
515.2070 Trauma Center Designation Delegation to Local Health Departments
515.2080 Trauma Center Confidentiality and Immunity
515.2090 Trauma Center Fund
515.2100 Pediatric Care (Renumbered)
515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section
515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section
515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

515.APPENDIX A A Request for Designation (RFD) Trauma Center
515.APPENDIX B A Request for Renewal of Trauma Center Designation
515.APPENDIX C Minimum Trauma Field Triage Criteria
515.APPENDIX D Standing Medical Orders
515.APPENDIX E Minimum Prescribed Data Elements
515.APPENDIX F Template for In-House Triage for Trauma Centers
515.APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J Credentials of Emergency Department Physicians Level I and

	Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Inter-facility~~Interfacility~~ Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N	Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O	Pediatric Critical Care Center Plan
515.APPENDIX P	Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 515.100 Definitions

For the purposes of this Part:

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Advanced Life Support ~~(ALS)~~ Services or ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMSMD – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital

shall~~must~~ have a basic or comprehensive emergency department~~Emergency Department~~ with 24-hour physician coverage. It shall~~must~~ have a functioning Intensive Care Unit ~~and/~~or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, ILS or BLS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department~~Emergency Department~~ where at least one physician is available in the emergency department~~Emergency Department~~ at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Basic Life Support ~~(BLS)~~ Services or BLS Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation; who has~~, and~~ passed the certifying exam given by the National Council on Certification;~~,~~ and who, by participating in 40 hours of continuing education every two years, has been recertified by the National

Council on Recertification.

Channel, Half-Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3].

Child Life Specialist – A person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

CME – continuing medical education.

Comprehensive Emergency Department – a classification of a hospital emergency department~~Emergency Department~~ where at least one licensed physician is available in the emergency department~~Emergency Department~~ at all times; physician specialists shall be available in minutes; and ancillary services including laboratory and x-ray are staffed at all times; and pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport – A Specialty Care Transport (SCT) level of inter-facility or 911 service that uses paramedic, PHRN and, on occasion, specialized nursing staff to perform skills and interventions at levels above the usual and customary scope of paramedic practice within the State of Illinois. Advanced education, continuing education and special certifications are required. All Critical Care Transport Programs shall be under the direction of a Department-approved ALS EMS System.

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power or (ERP) – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram or (EKG) – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65], *who has successfully completed supplemental education in accordance with* this Part *and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols.* (Section 3.80 of the Act) These individuals were formerly called MICNsMICNS.

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatcher – a person who has successfully completed a training course in emergency medical dispatching meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, *who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles.* (Section 3.70 of the Act)

Emergency Medical Dispatch Priority Reference System~~medical dispatch priority reference system~~ or ~~(~~EMDPRS~~)~~ – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services ~~(EMS)~~ System or EMS System or System – *an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located.* (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the *Act and* this Part *and practices within an EMS System.* (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the *Act and* this Part *and practices within an Intermediate or Advanced Life Support EMS System.* (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the *Act and* this Part *and practices within an Advanced Life Support EMS System.* (Section 3.50 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource Hospital with the approval of the EMS Medical Director, responsible for the

administration of the EMS System.

EMS Medical Director or EMSMD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, *and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with* this Part. (Section 3.65 of the Act)

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder – a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours, four days a week.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the *Act* and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital – *has the meaning ascribed to that term in* Section 3 of the *Hospital Licensing Act* [210 ILCS 85]. (Section 3.5 of the Act)

Hospitalist – a pediatrician who primarily provides unit-based/in-hospital services.

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or (IMC) – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support (ILS) Services or ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to

provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the *Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by* the *Act* and this Part. (Section 3.10 of the Act)

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing

optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric ~~Trauma~~ Patient – ~~trauma~~ patient from birth through~~to~~ 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60~~90~~].

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN or PHRN *– a registered professional nurse, licensed under the Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act, who has successfully completed supplemental education in accordance with* this Part *and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports.* (Section 3.80 of the Act) This individual was formerly called a Field RN.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors

Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an emergency department~~Emergency Department~~ within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis.* (Section 3.25 of the Act)

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each Trauma Center within the Region, one EMT

representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65].

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using~~utilizing~~ specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or

conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the *Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads.* (Section 3.85 of the Act) "Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., ~~e.g.,~~ in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department~~Emergency Department~~ where at least one of the registered nurses on duty in the hospital is available for emergency services at all times,~~;~~ and a licensed physician is "on-call" to the emergency department~~Emergency Department~~ at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department, pursuant to Section 515.4010 of this Part, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment – a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the *Act.* (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed *of the Region's Trauma Center Medical Directors.* (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator or (TNSCC) – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide

emergency or non-emergency medical services in compliance with the *Act* and this Part *and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).* (Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.125 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) Glasgow Coma Scale
Champion HR, Sacco WJ, Carnazzo AJ et al.:
CritCare Med 9(9): 672-676 (1981)

B) Revised Trauma Score, 1999
from Resources for the Optimal Care of the Injured Patient
American College of Surgeons
633 North Saint Clair Street~~55 East Erie St.~~
Chicago, Illinois 60611-3211~~2797~~

C) Abbreviated Injury Score, 2005~~1990~~
American Association for the Advancement
of Automotive Medicine
Des Plaines, Illinois 60008

D) Injury Severity Score
Baker SP, O'Neil B, Hadon W et al.:
Journal of Trauma 14: 187-196 (1974)

E) International Classification of Diseases,
9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes),
Second Printing (2010~~1980~~)

World Health Organization, Geneva, Switzerland and
National Center for Health Statistics
Published by Edwards Brothers, Inc. Ann Arbor, Michigan

F) Resources for Optimal Care of the Injured Patient (2006~~1999~~)
American College of Surgeons
633 North Saint Clair Street~~55 East Erie St.~~
Chicago, Illinois 60611-3211~~2797~~

G) Pediatric Advanced Life Support (2005~~1995~~)
American Heart Association National Center
7272 Greenville Center
Dallas, Texas 75231

2) Federal government publications:

A) Federal Specifications for Ambulance, KKK-A-1822F~~D~~ (August 2007~~November, 1994~~), United States General Services Administration, Specifications Section, 2200 Crystal Drive, Suite 1006, Arlington VA 22202

~~Room 6654, 7th and D Streets, S.W., Washington, D.C. 20407~~

B) United States Department of Transportation, Emergency Medical Technician-Basic: National Standard Curriculum (1998~~1994~~), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

C) United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum (1998~~1985~~), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

D) United States Department of Transportation, Emergency Medical Technician-Paramedic: National Standard Curriculum (1998~~1985~~), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (See Sections 515.215(a); 515.500(c) and (e); 515.510(a)

and (d); 515.530(c); 515.532(b); 515.810(b) and (c); and 515.850(a) and (b).)

E) United States Department of Transportation, First Responder: National Standard Curriculum (1997~~1995~~), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

F) United States Department of Transportation, EMS Instructor Training Program: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

G) United States Department of Transportation, Emergency Medical Dispatcher: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

3) Federal regulations:

A) 47 CFR 90 (October 1, 2008~~1998~~) − Private Land Mobile Radio Services

B) Air Taxi Operations and Commercial Operators (14 CFR 135 (January 1, 2009~~1998~~), Subparts A, Sections 135.1 through 135.43; B, Sections 135.61 through 135.125; C, Sections 135.141 through 135.185; D, Sections 135.201 through 135.229; E, Sections 135.241 through 135.247; F, Section 135.261; J, Sections 135.411 through 135.443)

C) 42 CFR 2A (October 1, 2009~~1998~~) − Confidentiality of Alcohol and Drug Abuse Patient Records

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

~~A) U.S. Code 42, the Public Health and Welfare, 42 USC 300 L-1(a)~~
~~B)~~Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 USC 731)

2) State of Illinois statutes:

A) Hospital Emergency Services Act [210 ILCS 80]

B) Hospital Licensing Act [210 ILCS 85]

C) Medical Practice Act of 1987 [225 ILCS 60]

D) Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65]

E) Code of Civil Procedure [735 ILCS 5]

F) Emergency Telephone System Act [50 ILCS 750]

G) Boat Registration and Safety Act [625 ILCS 45]

H) Open Meetings Act [5 ILCS 120]

I) Illinois Administrative Procedure Act [5 ILCS 100]

J) Head and Spinal Cord Injury Act [410 ILCS 515]

K) Freedom of Information Act [5 ILCS 140]

L) State Records Act [5 ILCS 160]

M) Coal Mine Medical Emergencies Act [410 ILCS 15]

N) Abused and Neglected Child Reporting Act [325 ILCS 5]

3) State of Illinois regulations:

A) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

B) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

C) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: EMS SYSTEMS

Section 515.445 Pediatric Care

a) Upon the availability of federal funds for development of an emergency medical services for children (EMSC) program, the Department shall appoint an Advisory Board to advise the Department on all matters concerning emergency medical service for children and to develop and implement a plan to address identified pediatric areas of need. The Advisory Board shall assist in the formulation of policy to effect the purposes of the Act and this Part. The Advisory Board shall consist of 26~~25~~ members to be appointed by the Director for a term of three years. Membership of the Advisory Board shall include:

1) One practicing pediatrician, one pediatric critical care physician and~~,~~ one board certified pediatric emergency physician, ~~neonatologist, and one pediatric rehabilitation physician,~~ to be recommended by the Illinois Chapter of the American Academy of Pediatrics ~~and the Chicago Chapter of the American Academy of Pediatrics~~;

2) One pediatric surgeon, to be recommended by the Illinois Chapter of the American College of Surgeons, or a trauma nurse manager/coordinator recommended by the Illinois Trauma Coordinators Coalition;

3) Two emergency physicians, one to be recommended by the Illinois Chapter of the American College of Emergency Physicians and one to be recommended by the National Association of EMS Physicians;

4) One family practice physician, to be recommended by the Illinois Chapter of the American Academy of Family Physicians;

5) Two registered nurses, one to be appointed upon recommendation of the Illinois Nurses Association and one to be appointed upon recommendation of the Illinois Chapter of the Emergency Nurses Association;

6) Two emergency medical technicians of differing levels, to be appointed, one each, upon recommendation of the Illinois EMT Association and Illinois Fire Fighters Association;

7) An EMS Coordinator recommended by the Northern Illinois and Southern Illinois EMS Coordinators Association;

8) A representative from each of the following~~ agencies~~: Division of Specialized Care for Children; Illinois State Police; Illinois Fire Chiefs Association; Illinois State Ambulance Association; Illinois State Medical Society; Illinois Department of Transportation; SAFEKIDS Coalition; Illinois Hospital Association; Metropolitan Chicago Healthcare Council; Illinois Department of Children and Family Services; ~~Illinois Kiwanis Association; health policy representative; and~~ a pediatric rehabiliation representative; a community organization; a child advocate group; and a parent representative;

9) A non-voting member from the Department's Division of Emergency Medical Systems~~Services~~ and Highway Safety and the Department of Human Services' Division of Family Health~~ (IDPH)~~. EMS Regional representation shall be through board members who serve as representatives of other designated constituencies. Such members shall have dual representation status in advising the ~~Illinois~~ Department~~ of Public Health~~, but shall retain one vote. The Department shall consider~~take into consideration~~ Regional representation when making advisory board appointments.

b) The Advisory Board members with medical backgrounds shall have expertise and interest in emergency or critical care medical services for children. Vacancies on the Advisory Board~~Council~~ shall be filled for the unexpired term by appointment of the Director in the same manner as originally filled. The members of the Advisory Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, including travel expenses. A majority of the members of the Advisory Board shall constitute a quorum for the conduct of business of the advisory committee. A majority vote

of the members present at a meeting at which a quorum is established shall be necessary to validate any action of the committee.

c) A majority of the members of the Advisory Board shall constitute a quorum for the conduct of the Board's business. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action.

d) The Advisory Board shall act pursuant to bylaws that it adopts, which shall include the annual election of a Chair and Vice-Chair.

e)~~c)~~ The Department, with the advice of the Advisory Board, shall address and establish through the EMSC program at least the following:

1) Initial and continuing education programs for emergency medical services personnel which shall include training in the emergency care of infants and children;

2) Guidelines for referring children to the appropriate emergency or critical care medical facilities;

3) Guidelines for pre-hospital, hospital and other pediatric emergency or critical care medical service equipment;

4) Guidelines and protocols for pre-hospital and hospital facilities encompassing all levels of pediatric emergency medical services, hospital and pediatric critical care services, including, but not limited to, triage, stabilization, treatment, transfers and referrals;

5) Guidelines for hospital-based emergency departments appropriate for pediatric care to assess, stabilize, and treat critically ill infants and children and if necessary to prepare the child for transfer to a pediatric intensive care unit or pediatric trauma center;

6) Guidelines for pediatric intensive care units, pediatric trauma centers and intermediate care units fully equipped and staffed by appropriately trained critical care pediatric physicians, surgeons, nurses and therapists;

7) An inter-facility transfer system for critically ill or injured children;

8) Guidelines for pediatric rehabilitation units to ensure staffing by rehabilitation specialists and capabilities to provide any service required to assure maximum recovery from the physical, emotional and cognitive effects of critical illness and severe trauma;

9) Guidelines for the implementation of public education and injury prevention programs throughout the State in conjunction with local fire, public safety and school personnel;

10) Guidelines for the collection, analysis and dissemination of pediatric quality improvement information regarding ongoing improvements in the EMSC program; ~~and~~

11) Guidelines and protocols for pre-hospital providers and hospital facilities for the treatment, documentation, reporting and professional interactions with family members, and for referrals to social, psychological and rehabilitation services in suspected cases of child maltreatment; and~~.~~

12) Guidelines addressing pediatric disaster/all-hazards preparedness.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.825 Alternate Response Vehicle

a) Ambulance assistance vehicles
Ambulance assistance vehicles are dispatched simultaneously with an ambulance and assist with patient care prior to the arrival of the ambulance. These assistance vehicles include fire engines, trucks, squad cars or chief's cars that contain the staff and equipment required by this Section. These vehicles shall not function as assist vehicles if staff and equipment required by this Section are not available. The agency shall identify these~~These~~ vehicles ~~shall be identified by the agency~~ as a program plan amendment outlining the type and level of response that is planned. The vehicle shall not transport or be a primary response vehicle but a supplementary vehicle to support EMS services. The vehicle shall be dispatched only if needed. Ambulance assistance vehicles shall be classified as either:

1) Advanced ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-P and shall have all of the required equipment; or

2) Intermediate ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-I and shall have all of the required equipment; or

3) Basic ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-B and shall have all of the required equipment; or

4) First Responder assistance vehicles. These vehicles shall be staffed with a minimum of one First Responder and shall have all of the required equipment.

b) Non-transport vehicles
Non-transport vehicles are dispatched prior to dispatch of a transporting ambulance. These vehicles include ambulances and fire engines that contain the staff and equipment required by this Section. The vehicle service provider shall identify these~~These~~ vehicles ~~shall be identified by the agency~~ as a program plan amendment outlining the type and level of response that is planned. These vehicles shall be staffed 24 hours per day, every day of the year.

1) ALS/ILS non-transport vehicles. These vehicles shall have a minimum of either one EMT-P, or one EMT-I and one other EMT-B, and shall have all of the required equipment.

2) BLS non-transport vehicles. These vehicles shall have a minimum of two EMT-Bs and have all of the required equipment.

c) Equipment requirements
Each vehicle used as an alternate response vehicle shall meet the following equipment requirements, as determined by the Department by an inspection.

1) Full portable oxygen cylinder, with a capacity of not less than 350 liters

2) Dial flowmeter/regulator for 15 liters per minute

3) Delivery tubes

4) Adult, child and infant masks

5) Adult squeeze bag and valve, with adult and child masks

6) Child squeeze bag and valve, with child, ~~and~~ infant and newborn size masks

7) Airways, oropharyngeal − adult, child and infant (sizes 00-5)

8) Airways, nasopharyngeal with lubrication (sizes 12-30F)

9) Manually operated suction device

10) Triangular bandages or slings

11) Roller bandages, self-adhering (4" by 5 yds)

12) Trauma dressings

13) Sterile gauze pads (4" by 4")

14) Vaseline gauze (3" by 8")

15) Bandage shears

16) Adhesive tape rolls

17) Blanket

18) Long backboard

19) Cervical collars − adult, child and infant

20) Extremity splints − adult/child, long/short

21) Adult/child/infant blood pressure cuffs and gauge

22) Stethoscope

23) Burn sheet, individually wrapped

24) Sterile saline or water solution (1,000ml~~cc~~), plastic bottles or bags

25) Obstetrical kit, sterile – minimum one, pre-packaged with instruments, bulb syringe and cord clamps ~~with head cover~~

26) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

27~~26~~) Cold packs

28~~27~~) EMS run reports

29~~28~~) Nonporous disposable gloves

30~~29~~) Eye/nose/mouth protection or face shields

31~~30~~) Flashlight

32~~31~~) Equipment to allow reliable communications~~communication~~ with hospital

33~~32~~) ILS/ALS System-approved equipment

A) Drug box

B) Airway equipment, including laryngoscope and assorted blades

C) Monitor/defibrillator, equipped with pediatric size defibrillation pads or paddles

e) Registration of non-transport agencies
Each non-transport provider shall complete and submit to the Department one of the following: the First Responder Provider Initial EMS System Application (Form First 10/97), the Non-Transport Provider EMS System Application (Form NT 5/97), or the Non-Transport Provider Application (Form NT 6/99).

f) Inspection of non-transport EMS providers

TheIntial inspections will be completed by the Regional EMS Coordinator will perform initial inspections. Thereafter, non-transport ambulance assist providers shall perform annual self-inspections, using forms provided by the Department, and shall submit the form to the Department upon completion of the inspection. The Regional EMS Coordinator will perform inspections randomly or as the result of a complaint.

g) Issuance and renewal of license
Upon payment of the appropriate fee, qualifying non-transportNon-transport providers shall be issued a provider license that lists a number for each level of care approved. Licenses will not be issued for individual non-transport vehicles. Providers shall inform the EMS System and the Department of any modifications to the application, using the System Modification forms (sys-mod). Licenses will be issued for one year and will be renewed upon completion of the self-inspection.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.830 Ambulance Licensing Requirements

a) Vehicle Design

1) Each new vehicle used as an ambulance shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822FE), with the exception of Section 3.16.2, Color, Paint and Finish.

2) *A licensed vehicle* shall be exempt *from subsequent vehicle design standards or specifications required by the Department* in this Part, *as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred*. (Section 3.85(b)(8) of the Act)

3) The following requirements listed in Specification KKK-A-1822FE shall be considered mandatory in Illinois even though they are listed as optional in that publication:

A) 3.7.7.1 Each vehicle will be equipped with either a battery charger

or battery conditioner (see 3.15.3 item 7).

B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).

C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).

D) 3.15.4M3 Electric clock with sweep second hand will be provided.

b) Equipment Requirements – Basic Life Support Vehicles
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

1) Stretchers, Cots, and Litters

A) Primary Patient Cot
Shall~~Must~~ meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F~~E~~.

B) Secondary Patient Stretcher
Shall~~Must~~ meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F~~E~~.

2) Oxygen, portable
Shall~~Must~~ meet the operational requirements of section 3.12.2 of KKK-A-1822-F~~E~~.

3) Suction, portable

A) Shall~~Must~~ meet the operational requirements of section 3.12.4 of KKK-A-1822F~~E~~.

B) A manually operated suction device is acceptable if approved by the Department.

4) Medical Equipment

A) Squeeze bag-valve-mask ventilation unit with adult size

transparent mask and child size bag-valve-mask ventilation unit with child, ~~and~~ infant and newborn size transparent masks

B) Lower-extremity traction splint, adult and pediatric sizes

C) Blood pressure cuff, one each, adult, child and infant sizes and gauge

D) Stethoscopes, two per vehicle~~each~~

E) Pneumatic counterpressure trouser kit, adult size, optional

F) Long spine board with three sets of torso straps, 72" x 16" minimum

G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one ~~each~~ chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional

H) Airway, oropharyngeal – adult, child, and infant, sizes 00-5

I) Airway, nasopharyngeal with lubrication, sizes 12-34~~30~~F

J) One adult, child and infant sized non-rebreather oxygen masks per vehicle

K) Three nasal cannulas, adult and child size, per vehicle

L~~J~~) Bandage shears, one per vehicle~~each~~

M~~K~~) Extremity splints, adult, two ~~each~~ long and short per vehicle

N~~L~~) Extremity splints~~splint~~, pediatric, two ~~each~~ long and short per vehicle

O~~M~~) Rigid cervical collars – one ~~each,~~ pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion~~flexation~~, extension, and lateral rotation of the head and cervical spine when spine injury is

suspected

P~~N~~) Patient restraints, arm and leg, sets

Q) Pulse oximeter with pediatric and adult probes

R) AED or defibrillator that includes pediatric capability

5) Medical Supplies

A) Trauma dressing – six per vehicle~~each~~

B) Sterile gauze pads – 20 per vehicle~~each~~, 4 inches by 4 inches

C) Bandages, soft roller, self-adhering type, 10 per vehicle~~ten each~~, 4 inches by 5 yards

D) Vaseline gauze – two per vehicle~~each~~, 3 inches by 8 inches

E) Adhesive tape rolls – two per vehicle~~each~~

F) Triangular bandages or slings – five per vehicle~~each~~

G) Burn sheets – two per vehicle~~each~~, clean, individually wrapped

H) Sterile solution (normal saline) – four per vehicle~~each~~, 500 cc or two per vehicle~~each~~, 1,000 cc plastic bottles or bags

I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one ~~Aluminum foil roll or Silver Swaddler – one each with head cover~~

J) Obstetrical kit, sterile – minimum one ~~each~~, pre-packaged with instruments and bulb syringe

K) Cold packs, three per vehicle~~each~~

L) Hot packs, three per vehicle~~each~~, optional

M) Emesis basin – one per vehicle~~each~~

N) Drinking water – 1 quart, in nonbreakable container; sterile water may be substituted

O) Ambulance emergency run reports – 10 per vehicle~~ten each~~, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E of this Part

P) Pillows – two per vehicle~~each~~, for ambulance cot

Q) Pillowcases – two per vehicle~~each~~, for ambulance cot

R) Sheets – two per vehicle~~each~~, for ambulance cot

S) Blankets – two per vehicle~~each~~, for ambulance cot

T) CPR mask – one per vehicle~~each~~, with safety valve to prevent backflow of expired air and secretions

U) Urinal

V) Bedpan

W) Remains bag, optional

X) Nonporous disposable gloves

Y) Impermeable red biohazard-labeled isolation bag

Z) Face protection through any combination of masks and~~/or~~ eye protection and~~/or~~ field shields

AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three ~~each~~ tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall~~must~~ have a thumb suction control port

BB) Child and infant or convertible car seats~~Child/infant car seat~~

CC) Current equipment~~Equipment~~/drug dosage sizing tape or pediatric equipment/drug age/weight chart

~~DD) Poison Control Resource Phone Number~~

~~EE) Plastic baby bottle with nipple for glucose feeding~~

DD~~FF~~) Flashlight, two per vehicle~~one each~~, for patient assessment

~~GG) One each adult, child and neonate sized oxygen masks that are semi-open, valveless, transparent and disposable~~

~~HH) Three each nasal cannulas~~

c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) of this Section and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.

d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall~~will~~ be carried on the ambulance, unless the ambulance~~it~~ is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"

2) Goggles for eye safety

3) Flashlight – one per vehicle~~each~~, portable, battery operated

4) Fire Extinguisher – two per vehicle~~2 each~~, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability
Each ambulance shall~~must~~ have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 of this Part.

f) Equipment Requirements – Epinephrine
A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) *with him or her* in the ambulance or drug box *as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician,* within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each basic life support ambulance shall be staffed by a minimum of two EMTs, intermediate, paramedic, Pre-Hospital RNs or physicians or a combination thereof on all emergency calls.

2) Each Basic Life Support vehicle using automated defibrillation shall be staffed by a minimum of one EMT-B approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.

3) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one EMT-I, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ILS vehicle using automated defibrillation shall be staffed by a minimum of one EMT-I approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.

4) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS System that the agency providing emergency care at the scene and enroute to a hospital meets the requirements of this Subpart.

h) Operational Requirements

1) An~~Any operation of an~~ ambulance that is~~while~~ transporting a patient to a hospital shall be operated~~done~~ in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required below, each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS or BLS level, and such coverage will meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted, which lists the EMTs, Pre-Hospital RNs and/or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, and daytime telephone number, and shall state whether such person is generally scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall be required to obtain the EMS Medical Director's approval of their vehicles' hours of operation prior to submitting an application~~submission~~ to the Department. An EMS Medical Director may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A licensee that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in the~~such~~ advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515.Appendix E.

4) A licensee shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for such service.

5) A licensee shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h) of this Part.)

6) A licensee shall not operate its ambulance at a level ~~not~~ exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless such vehicle is operated pursuant to an EMS System-approved in-field service level upgrade.

7) The Department shall relicense qualifying ambulances each year. If the licensee has attained 90 percent compliance with the requirements of this Section on inspections for the previous five years and has no substantiated complaints against it, the Department shall inspect the licensee's ambulances in alternate years, and the licensee shall self-inspect its ambulances in the other years. The licensee shall use the Department's inspection form ~~shall be used~~ for self-inspection~~ by the licensee~~.

i) A licensee may use a replacement vehicle for up to 10~~ten~~ days without a Department inspection provided that the Department is notified of the use of the vehicle by the second working day.

j) *Patients, individuals who accompany a patient, and emergency services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public*

Health shall *impose a civil penalty on an individual who violates this subsection in the amount of $100.* (Section 3.155(h) of the Act)

k) ~~AGENCY NOTE:~~ Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section 515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services

a) Any hospital seeking recognition as a Standby Emergency Department Approved for Pediatrics (SEDP), Emergency Department Approved for Pediatrics (EDAP) or Pediatric Critical Care Center (PCCC) shall submit an application as outlined by the Department in Appendix K and Appendix N of this Part.

b) All EMS Resource Hospitals are required to receive recognition as a SEDP, EDAP or PCCC. All Illinois hospitals are encouraged to obtain and maintain SEDP or EDAP status.

c) The Department shall recognize applicant hospitals as an SEDP, EDAP or PCCC if they meet all of the requirements established by this Part.

d) Hospitals applying for PCCC recognition shall also meet all of the EDAP requirements.

e) Recognition as a SEDP, EDAP or PCCC shall be for three years.

f) All requests for renewal of SEDP, EDAP or PCCC recognition shall be filed in writing with the Department before the recognition expiration date, along with submission of a Department-approved renewal application.

g) The Department shall deny an application for recognition or a request for renewal of recognition when its findings show failure to comply with this Part.

h) The Department shall provide written notice, via certified mail, of its decision to deny an application for recognition or request for renewal of recognition.

Hospitals may appeal the denial by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

i) Any SEDP, EDAP or PCCC may voluntarily terminate recognition prior to the expiration date by notifying the Department in writing. The hospital shall notify the Illinois Department of Public Health, Division of EMS & Highway Safety at least 60 days prior to termination and shall identify how area pre-hospital provider agencies, area hospitals, and the Illinois EMSC Office will be notified.

j) The Department shall inspect recognized hospitals to assure compliance with the provisions of this Part.

k) The Department shall take the following action, as appropriate, after determining that an SEDP, EDAP or PCCC is in violation of this Part.

1) If the Director determines that the violation presents an immediate threat of death or serious physical harm to a patient, and if the SEDP, EDAP or PCCC fails to eliminate the violation immediately or within a fixed period of time, not exceeding 10 days, as determined by the Director, the Director shall immediately revoke the recognition.

2) If the Director determines that the violation does not present an immediate threat of death or serious physical harm to a patient, the Director shall issue a notice of violation and request a plan of correction, which shall be subject to the Department's approval.

l) No hospital shall use the recognition levels of SEDP, EDAP or PCCC in relation to itself or hold itself out as an SEDP, EDAP or PCCC without first obtaining recognition pursuant to this Part.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)

a) Professional Staff: Physicians

1) Qualifications
Twenty-four hour coverage of the emergency department shall be

provided by at least one physician responsible for the care of critically ill or injured children who holds one of the following qualifications:

A) Certification in emergency medicine by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) or residency trained/board eligible in emergency medicine and in the first cycle of the board certification process; or

B) Sub-board Certification~~Certification~~ in pediatric emergency medicine by the American Board of Pediatrics or the ~~/American Board of Emergency Medicine (ABP/~~ABEM~~)~~ or residency trained/board eligible in pediatric emergency medicine and in the first cycle of the board certification process; or

C) Certification by one of the following boards and current American Heart Association – American Academy of Pediatrics (AHA-AAP) Pediatric Advanced Life Support (PALS) recognition or American College of Emergency Physicians – American Academy of Pediatrics (ACEP-AAP) Advanced Pediatric Life Support (APLS) recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation ~~or equivalent course~~.

i) Certification in family practice by the American Board of Family Practice (ABFP) or American Osteopathic Board of Family Practice (AOBFP); or

ii) Certification in pediatrics by the ABP or American Osteopathic Board of Pediatrics (AOBP); or

iii) Residency trained/board eligible in either family practice or pediatrics and in the first cycle of the board certification process; or

D) A physician who has received a waiver from the ~~Illinois~~ Department ~~of Public Health~~ based on one of the following criteria. Physicians shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements.~~:~~

i) An emergency department physician who has already received a waiver in accordance with Section 515.2030(e) or Section 515.2040(f) of this Part and has current AHA-AAP PALS or ACEP-AAP APLS recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation; or

ii) Completion of 12 months of internship followed by at least 7000 hours of hospital-based emergency medicine, including pediatric patients, over the last 60-month period (including 2800 hours within one 24-month period), verified in writing by the hospitals at which the internship and subsequent hours were completed and current AHA-AAP PALS or ACEP-AAP APLS recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation; or

iii) Completion of professional activities spent in the practice of pediatric emergency medicine (PEM), over the last 60-month period and totaling a minimum of 6000 hours, focused on the care of pediatric patients ~~in the pediatric age group (<21 years)~~ in the emergency department, and current AHA-AAP PALS or ACEP-AAP APLS recognition (PALS and APLS courses shall include both cognitive and practical skills evaluation). Of the 6000 hours, 2800 hours shall~~must~~ have been accrued in a 24-month (maximum) consecutive period of time. A minimum of 4000 of the 6000 hours shall~~must~~ have been spent in the clinical practice of PEM. (If practiced in general ED, only time spent exclusively in pediatric practice can be used for credit.) The remaining 2000 hours may be spent in either clinical care or a mixture of related non-clinical activities clearly focused on PEM, including administration, teaching, pre-hospital~~prehospital~~ care, quality improvement, research or other academic activities.

2) Continuing Medical Education
All full- or part-time emergency physicians caring for children in the

emergency department or fast track/urgent care area shall have documentation of completion of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years.~~within a 2-year period.~~ CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.

3) Physician Coverage
At least one physician meeting the requirements of subsection (a)(1) shall be on duty in the emergency department 24 hours a day.

4) Consultation
Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation can be with an on-staff physician or in accordance with Appendix M of this Part.

5) Physician Backup
A backup physician whose qualifications and training are equivalent to subsection (a)(1) shall be available to the EDAP within one~~1~~ hour after notification to assist with critical situations, increased surge capacity or disasters.

6) On-Call Physicians
Guidelines~~Protocols~~ shall be established that address on-site~~maximum~~ response time for on-call physicians.

b) Professional Staff: Mid-Level Practitioners
A mid-level practitioner is a nurse practitioner or physician assistant working under the supervision of a physician who meets the qualifications of subsection (a)(1) of this Section.

1) Qualifications

A) Nurse practitioners shall have:

i) Completed a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program, or the Department will grant a waiver based on the following criteria: has completed 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of the pediatric patient (nurse practitioners shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements; and

ii) Current~~An~~ Illinois advanced practice nursing license ~~within one year after employment~~; and

iii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient.

B) Physician assistants shall have:

i) Current Illinois licensure ~~(permanent or temporary)~~; and

ii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient.

C) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP ~~Pediatric Advanced Life Support (~~PALS~~)~~ course, the ACEP-AAP ~~Advanced Pediatric Life Support (~~APLS~~)~~ course or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric course (ENPC). PALS, APLS and ENPC courses shall include both cognitive and practical skills evaluation.

2) Continuing Education

A) All full- or part-time nurse practitioners shall have documentation of a minimum of 16 hours of ~~approved~~ continuing education units in pediatric emergency topics every two years that are approved by an accrediting agency~~within a 2-year period~~.

B) All full- or part-time physician assistants shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I) in pediatric emergency topics every two years~~within a 2-year period~~. Credit for CME shall be approved by an accrediting agency.~~the Accreditation Council on Continuing Medical Education (ACCME), American Osteopathic Association Council on Continuing Medical Education (AOCCME), American Academy of Family Physicians (AAFP) or American Academy of Physicians Assistants (AAPA).~~

c) Professional Staff: Nursing

1) Qualifications

A) At least one registered nurse (RN) on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current recognition in one of the following courses in pediatric emergency care:

i) AHA-AAP ~~Pediatric Advanced Life Support (~~PALS~~)~~ course;

ii) ACEP-AAP ~~Advanced Pediatric Life Support (~~APLS~~)~~ course; or

iii) ENA ~~Emergency Nursing Pediatric course (~~ENPC~~)~~.

B) All emergency department nurses shall successfully complete and maintain current recognition in one of the above educational requirements within 24 months after employment. PALS, APLS and ENPC courses shall include both cognitive and practical skills evaluation.

2) Continuing Education
All nurses assigned to the emergency department shall have documentation of a minimum of eight~~8~~ hours of pediatric emergency/critical care continuing education every two years.~~hours within a 2-year period.~~ Continuing education may include, but is not limited to, PALS, APLS or ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; and/or publications. These continuing education hours can be integrated with other existing continuing education requirements, provided that the content is pediatric specific.

d) Guidelines, Policies and Procedures

1) Inter-facility~~Interfacility~~ Transfer

A) The hospital~~facility~~ shall have current transfer agreements that cover pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.~~with Pediatric Critical Care Centers (PCCC)~~

B) The hospital shall have written pediatric inter-facility transfer guidelines and policies/procedures concerning transfer of critically ill and injured patients, which include a defined process for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family.~~to PCCCs.~~ Incorporating the components of Appendix M of this Part into the emergency department transfer policy/procedure will meet this requirement.

2) Suspected Child Abuse and Neglect~~Child Abuse~~
The hospital~~facility~~ shall have policies/procedures addressing child abuse

and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to the Department of Children and Family Services (DCFS) of victims of suspected child abuse and neglect~~child abuse~~ in accordance with State law.

3) Treatment Guidelines~~Protocols~~
The hospital~~facility~~ shall have guidelines or policies addressing initial response and assessment for its high-volume and high-risk pediatric population~~protocols addressing appropriate stabilization measures in response to critically ill or injured pediatric patients~~ (i.e., fever, trauma, respiratory distress, seizures).

4) Latex-Allergy~~free~~ Policy
The hospital~~facility~~ shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.

5) Disaster Preparedness
The hospital shall integrate pediatric components into its hospital Disaster/Emergency Operations Plan.

e) Quality Improvement

1) Multidisciplinary Quality Activities~~Committee~~

A) Pediatric emergency medical care shall be included in the EDAP's emergency department or section quality improvement (QI) program and reported to the hospital Quality Committee.~~QI committee.~~

B) Multidisciplinary ~~continuous~~ quality improvement (~~C~~QI) processes/activities shall be established (e.g., committee, task force).

C) Quality~~with documented CQI~~ monitors shall be documented that address~~addressing~~ pediatric care within the emergency department, with identified clinical indicators and/or outcomes for care. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all pediatric

emergency department deaths, inter-facility~~resuscitations, and interfacility~~ transfers, child abuse and neglect cases, critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure) and pediatric strategic priorities of the institution.

D) *All information contained in or relating to any medical audit*/quality improvement monitor *performed of a* PCCC's, EDAP's or SEDP's pediatric services pursuant to this Section *shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3-110(a) of the Act)

2) Pediatric Physician Champion
The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.

3~~2~~) Pediatric Quality Coordinator~~CQI Liaison~~
A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator. The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital.~~and supported by the hospital as the pediatric liaison.~~ This individual may be employed in an area other than the emergency department and shall have a minimum of two~~2~~ years of pediatric critical care or emergency department experience. The responsibilities of the pediatric quality coordinator, working with the pediatric physician champion,~~liaison~~ shall include:

A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department staff in accordance with subsections (a), (b), and (c) of this Section.

B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C) of this Section). ~~Maintaining a~~

~~data summary and working in conjunction with the multidisciplinary CQI committee to coordinate criteria-based review and followup of sample pediatric emergency department visits.~~

C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System. ~~Coordinating a review of pre-hospital provider transported pediatric cases and providing feedback to the EMS System Coordinator and the EMS Regional Advisory Board.~~

D) Participating in regional QI activities, including preparing~~Preparing~~ a written ~~C~~QI report and attending the ~~EMS~~ Regional ~~C~~QI subcommittee. These~~, which~~ activities shall be supported by the hospital. One representative from the Regional ~~C~~QI subcommittee shall report to the EMS Regional Advisory Board.

E) Providing ~~C~~QI information to the ~~Illinois~~ Department ~~of Public Health~~ upon request. (See Section 3.110(a) of the Act.)

f) Equipment, Trays, and Supplies
See Appendix L of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)

a) Professional Staff: Physicians

1) Qualifications

A) All physicians shall have training in the care of pediatric patients through residency training, clinical training, or practice.

B) All physicians shall successfully complete and maintain current recognition in the ~~American Heart Association – American Academy of Pediatrics (AHA-AAP) Pediatric Advanced Life~~

~~Support (~~PALS~~)~~ course, or the ~~American College of Emergency Physicians – American Academy of Pediatrics (~~ACEP-AAP~~)~~ ~~Advanced Pediatric Life Support (~~APLS~~)~~ course~~ or equivalent course~~. ~~(~~Physicians who are board certified or eligible in emergency medicine (ABEM or AOBEM) or in pediatric emergency medicine (ABP/ABEM) are excluded from this requirement.~~)~~ PALS and APLS courses shall include both cognitive and practical skills evaluation.

2) Continuing Medical Education

All full~~-~~ and ~~or~~ part-time emergency physicians caring for children in the emergency department or fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years~~within a 2-year period~~. CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.

3) Coverage

At least one physician meeting the requirements of subsection (a)(1), ~~(~~or a physician assistant or nurse practitioner meeting the requirements of subsection (b)(1),~~)~~ shall be on duty in the emergency department 24 hours a day or immediately available. A policy shall define~~be available that defines~~ when a physician is to be consulted/called in at times when the emergency department is covered by a mid-level provider.

4) Consultation

Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation may be with an on-call physician or in accordance with Appendix M of this Part.

5) Physician Backup
A backup physician whose qualifications and training are equivalent to subsection (a)(1) of this Section shall be available to the SEDP within one~~1~~ hour after notification to assist with critical situations, increased surge capacity or disasters.

6) On-Call Physicians
Guidelines~~Protocols~~ shall ~~be available that~~ address ~~maximum~~ response time for on-call physicians.

b) Professional Staff: Mid-level Practitioners
A mid-level practitioner is a nurse practitioner or physician assistant working under the supervision of a physician who meets the qualifications of subsection (a)(1) of this Section.

1) Qualifications

A) Nurse practitioners shall have:

i) Completed a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program, or the Department will grant a waiver based on the following criteria: completion of~~has completed~~ 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of the pediatric patient. Nurse practitioners shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements; and

ii) A current~~An~~ Illinois advanced practice nursing license ~~within one year after employment~~; and

iii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient.

B) Physician assistants shall have:

i) Current Illinois physician assistant licensure ~~(permanent or temporary)~~; and

ii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient.

C) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP ~~Pediatric Advanced Life Support (~~PALS~~)~~ course, the ACEP-AAP ~~Advanced Pediatric Life Support (~~APLS~~)~~ course or the ENA ~~Emergency Nursing course (~~ENPC~~)~~. PALS, APLS and ENPC courses shall include both cognitive and practical skills evaluation.

2) Continuing Education

A) All full- or part-time nurse practitioners shall have documentation of a minimum of 16~~20~~ hours of ~~approved~~ continuing education ~~units~~ in pediatric emergency topics every two years. Credit for continuing education shall be approved by an accrediting agency.~~within a 2-year period.~~

B) All full- or part-time physician assistants shall have documentation of a minimum of 16~~20~~ hours of continuing medical education (AMA Category I) in pediatric emergency topics every two years.~~within a 2-year period.~~ Credit for CME shall be approved by an accrediting agency.~~the Accreditation Council on Continuing Medical Education (ACCME), American Osteopathic Association Council on Continuing Medical Education (AOCCME), American Academy of Family Physicians (AAFP) or American Academy of Physician Assistants (AAPA).~~

c) Professional Staff: Nursing

1) Qualifications

At least one ~~registered nurse (~~RN~~)~~ on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current recognition in one of the

following courses in pediatric emergency care:

A) AHA-AAP ~~Pediatric Advanced Life Support (~~PALS~~)~~ course;

B) ACEP-AAP ~~Advanced Pediatric Life Support (~~APLS~~)~~ course; or

C) ENA ~~Emergency Nursing Pediatric Course (~~ENPC~~)~~.

2) Continuing Education
At least one ~~registered nurse (~~RN~~)~~ on duty on each shift who is responsible for the direct care of the child in the emergency department shall have documentation of a minimum of eight~~8~~ hours of pediatric emergency/critical care continuing education every two years~~hours within a 2-year period~~. Continuing education may include, but is not limited to, PALS, APLS OR ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; ~~and/~~or publications. The continuing education hours may be integrated with other existing continuing education requirements, provided that the content is pediatric specific. PALS, APLS and ENPC courses shall include both cognitive and practical skills evaluation.

d) Policies and Procedures

1) Inter-facility~~Interfacility~~ Transfer

A) The hospital~~facility~~ shall have current transfer agreements that cover pediatric patients. The transfer agreements shall address communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.

B) The hospital shall have written pediatric inter-facility transfer guidelines/~~with Pediatric Critical Care Centers (PCCC) and~~ policies/procedures concerning transfer of critically ill and injured patients that include a defined process for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer

(including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family.~~to PCCCs.~~ Incorporating the components of Appendix M of this Part into the emergency department transfer policy/procedure will meet this requirement.

2) Suspected Child Abuse and Neglect~~Abuse~~
The hospital~~facility~~ shall have policies/procedures addressing child abuse and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to DCFS of victims of suspected child abuse and neglect~~child abuse~~ in accordance with State law.

3) Treatment Guidelines~~Protocols~~
The hospital~~facility~~ shall have guidelines or policies addressing initial response and assessment for its high-volume and high-risk pediatric population ~~protocols addressing appropriate stabilization measures in response to critically ill or injured pediatric patients~~ (i.e., fever, trauma, respiratory distress, seizures).

4) Latex-Allergy~~free~~ Policy
The hospital~~facility~~ shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.

5) Disaster Preparedness
The hospital shall integrate pediatric components into its Disaster/Emergency Operations Plan.

e) Quality Improvement

1) Multidisciplinary Quality Activities~~Committee~~

A) Pediatric emergency medical care shall be included in the SEDP's emergency department or section ~~quality improvement (~~QI~~)~~ program and reported to the hospital Quality Committee~~QI committee~~.

B) Multidisciplinary ~~continuous~~ quality improvement processes/~~(CQI)~~

activities shall be established (e.g., committee, task force).

C) Quality~~with documented CQI~~ monitors shall be documented that address~~addressing~~ pediatric care within the emergency department~~Emergency Department~~, with identified clinical indicators and~~/or~~ outcomes for care. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all pediatric emergency department deaths, inter-facility~~resuscitations, and interfacility~~ transfers, child abuse and neglect cases, critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure) and pediatric strategic priorities of the hospital.

D) *All information contained in or relating to any medical audit/quality improvement monitor performed of a* PCCC's, EDAP's or SEDP's pediatric services *pursuant to* this Section *shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3.110(a) of the Act)

2) Pediatric Physician Champion
The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.

3) Pediatric Quality Coordinator~~CQI Liaison~~
A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator.~~and~~ The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital.~~supported by the hospital as the pediatric liaison.~~ This individual may be employed in an area other than the emergency department and shall have a minimum of two~~2~~ years of pediatric critical care or emergency department experience. Working with the pediatric physician champion, the~~The~~ responsibilities of the pediatric quality coordinator~~liaison~~ shall include:

A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department professional staff in accordance with subsections (a), (b), and (c) of this Section.

B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C) of this Section). ~~Maintaining a data summary and working in conjunction with the multidisciplinary CQI committee to coordinate criteria-based review and follow-up of sample pediatric emergency department visits.~~

C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System. ~~Coordinating review of prehospital provider transported pediatric cases and providing feedback to the EMS System Coordinator and the EMS Regional Advisory Board.~~

D) Participating in regional QI activities, including preparing~~Preparing~~ a written ~~C~~QI report and attending the ~~EMS~~ Regional ~~C~~QI subcommittee meetings. These~~, which~~ activities shall be supported by the hospital. One representative from the Regional ~~C~~QI subcommittee shall report to the EMS Regional Advisory Board.

E) Providing ~~C~~QI information to the ~~Illinois~~ Department ~~of Public Health~~ upon request. (See Section 3.110(a) of the Act.)

f) Equipment, Trays, and Supplies
See Appendix L of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

Any facility seeking PCCC level recognition shall meet requirements for both the EDAP and PCCC levels.

a) Facility Requirements
A facility recognized as a PCCC Center shall provide the following:

1) An EDAP-recognized emergency department;

2) A distinct Pediatric Intensive Care Unit (PICU);

3) A PICU Committee established as a standing (interdisciplinary) committee within the hospital with membership including, but not limited to, physicians, nurses, respiratory therapists, and others directly involved in PICU activities;

4) Helicopter landing capabilities approved by State and federal authorities;

5) Computerized axial tomography (CAT) scan availability 24 hours a day;

6) Laboratory 24 hours a day in-house, providing:

A) Standard analysis of blood, urine and body fluids;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or an agreement with a community central blood bank;

E) Blood gases and pH determinations;

F) Microbiology, including the ability to initiate aerobic and anaerobic cultures on site; and

G) Drug and alcohol screening;

7) Hemodialysis capabilities or a transfer agreement;

8) Staff, including a child life specialist, occupational therapy, speech therapy, physical therapy, social work, dietary, psychiatry and child protective services;

9) Hospital support staff to act as a resource and participate in multidisciplinary regional pediatric critical care education;

10) A plan for implementing a program of public information/education concerning emergency care services for pediatrics; and

11) Support for active institutional and collaborative regional research.

b) PICU Medical Director Requirements
A Medical Director shall be appointed, and a record of appointment and acceptance shall be in writing.

1) Qualifications
The PICU shall have a dedicated Medical Director who is:

A) Board certified in Pediatrics by the ABP or the AOBP, and Board certified or in the process of certification in Pediatric Critical Care Medicine by ABP, or Pediatric Intensive Care by AOBP; or

B) Board certified in Pediatrics by the ABP or the AOBP, and Board certified in a pediatric subspecialty with at least 50% practice in pediatric critical care. In this situation, a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director; or

C) Board certified in Anesthesiology by the American Board of Anesthesiology (ABA), or the American Osteopathic Board of Anesthesiology (AOBA), with practice limited to infants and children and with a subspecialty certification in Critical Care Medicine. In this situation, a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director; or

D) Board-certified in Pediatric Surgery by the American Board of Surgery (ABS) with a subspecialty certification in Surgical Critical Care Medicine by the ABS. In this situation (ABS), a physician

who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director.

2) The Medical Director and/or Co-Director shall achieve certification within five years after his/her initial acceptance into the certification process for pediatric critical care or intensive care medicine, and shall maintain certification.

c) PICU Medical Staff Requirements

1) Qualifications

A) The PICU shall have 24-hour in-hospital coverage provided by a Board-certified pediatric intensivist, certified by ABP or AOBP, or Board-eligible pediatric intensivist in the process of certification by ABP or AOBP, who is responsible for the supervision of the physicians listed in subsections (c)(1)(A)(i) and (ii), and who is available within 30 minutes in-house after the determination is made that he or she is needed. If the intensivist is not in-house, then one of the following shall be available in-house:

i) Board-certified pediatrician certified by ABP or AOBP, or Board-eligible in pediatrics and in the process of Board certification; or

ii) A resident of PGY-2 or greater under the auspices of a Pediatric Training Program, in the unit, with a PGY-3 in-house.

B) All physicians listed in subsection (c)(1)(A) shall successfully complete and maintain current recognition in either the ACEP-AAP PALS course or the APLS course.

2) Physician Specialist Availability
If the applying hospital is a Pediatric Trauma Center, the applicable requirements for physician response times that meet Sections 515.2035 and 515.2045 shall be followed.

A) Attending level physician specialists shall be on staff and are required to have the following:

i) Pediatric proficiency as defined by the hospital credentialing process;

ii) Board/sub-board certification in their specialty. If residency trained/board prepared in their specialty, physicians shall achieve certification within five years after initial acceptance into the board/sub-board certification process, and maintain certification; and

iii) 10 hours per year of pediatric CME (category I or II) in his/her specialty.

B) The following on-call surgeons with pediatric proficiency shall be available in-house within 60 minutes after the determination is made that they are needed:

i) Surgeon; and

ii) Neurosurgeon, or transfer agreement with another facility.

C) On-call attending anesthesiologists with pediatric proficiency shall be available in-house within 60 minutes after the determination is made that they are needed. CRNAs with pediatric proficiency may initiate appropriate procedures as identified in hospital by-laws.

D) On-staff subspecialists with the following pediatric proficiency shall be available to the institution or by phone for consultation within 60 minutes after the determination is made that they are needed:

i) Cardiologist;

ii) Neonatologist;

iii) Nephrologist;

iv) Neurologist;

v) Orthopedic surgeon;

vi) Otolaryngologist; and

vii) Radiologist.

E) The following physician specialists shall be available in the hospital or by consultation or transfer agreement with another hospital:

i) Allergist or immunologist;

ii) Cardiothoracic surgeon;

iii) Craniofacial (plastic) surgeon;

iv) Endocrinologist;

v) Gastroenterologist;

vi) Hand surgeon;

vii) Hematologist-oncologist;

viii) Infectious disease;

ix) Micro-vascular surgeon;

x) Obstetrics/gynecology;

xi) Ophthalmologist;

xii) Oral surgeon;

xiii) Physiatrist (physical medicine & rehabilitation);

xiv) Psychiatrist/psychologist;

xv) Pulmonologist; and

xvi) Urologist.

d) PICU Mid-level Providers Qualifications

1) Nurse practitioner shall have credentialing as evidenced by the following:

A) Completion of a Pediatric Nurse Practitioner program or Pediatric Critical Care Nurse Practitioner Program and certification as an Acute Care Nurse Pediatric Practitioner; and

B) An Illinois Advanced Practice Nurse license within one year after hire.

2) Physician assistant shall have credentialing as evidenced by the following:

A) Current Illinois Physician Assistant licensure; and

B) Completion of a documented, precepted post-graduate clinical experience in the management of critically ill pediatric patients.

3) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the ACEP-AAP PALS course, the APLS course or the ENPC.

4) All nurse practitioners and physician assistants shall have documentation of a minimum of 50 hours of CME or continuing education units in pediatric critical care topics within a two-year period.

e) PICU Nursing Staff Requirements

1) Nurse manager
The PICU shall have a designated nurse manager who shall:

A) Be licensed as an RN under the Nurse Practice Act;

B) Have three years of clinical critical care experience, with a minimum of one year in clinical pediatric care; and

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course, the ACEP-AAP APLS course or the ENA ENPC.

2) Advanced practice nurse
Clinical nurse specialist (CNS), nurse practitioner (NP): The PICU shall have a designated pediatric CNS or pediatric NP who is available to provide clinical leadership in the nursing management of patients. Certified advanced practice nurses shall:

A) Have completed a documented, precepted post-graduate clinical experience in the management of critically ill pediatric patients;

B) Have an Illinois Advanced Practice Nurse License within one year after hire;

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course, the ACEP-AAP APLS course or the ENC ENPC; and

D) Have documentation of a minimum of 50 hours of CME or continuing education units in pediatric critical care topics within a two-year period.

3) Nursing patient care services
All nurses engaged in direct patient care activities shall:

A) Successfully complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;

B) Complete a yearly competency review of high-risk, low-frequency therapies;

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course, the ACEP-AAP APLS course or the ENA ENPC; and

D) Complete a minimum of 16 hours of pediatric emergency/critical care continuing education hours within a two-year period. Continuing education may include, but is not limited to, CEU offerings, case presentations, competency testing, teaching courses related to pediatrics or publications.

f) PICU Policies, Procedures, and Treatment Protocols
The PICU will include, but not be limited to, having the following age-specific policies/protocols in place:

1) Admission and discharge criteria;

2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;

3) A policy for managing the psychiatric needs of the PICU patient; and

4) Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses.

g) Inter-facility Transfer/Transport Requirements
A PCCC shall:

1) Provide necessary consultation to those hospitals with which a transfer agreement is established; accept pediatric transfers from those hospitals; provide feedback as well as quality review to those hospitals on the transfer and management process;

2) Have or be affiliated with a transport system and team to assist referral hospitals in arranging safe pediatric patient transport; and

3) Have a transfer/transport policy that addresses the special needs of the pediatric population during transport.

h) Quality Improvement Requirements

1) Each PCCC shall have members from the PICU, including the Medical Director, and from the Pediatric Department who serve on the Multidisciplinary Pediatric Quality Improvement Committee, which will include, but not be limited to: emergency department, pediatric department, respiratory, laboratory, social service and radiology staff.

2) The Multidisciplinary Pediatric Quality Improvement Committee shall perform focused outcome analyses of its PICU services on a quarterly basis that consist of a review of at least the following:

A) All pediatric deaths;

B) All pediatric inter-facility transfers;

C) All pediatric morbidities or negative outcomes that are a result of treatment rendered or omitted;

D) Pediatric audit filters. An audit filter is a clinical and internal resource indicator used to examine the process of care and to identify potential patient care and internal resource problems;

E) Child abuse and neglect cases unless review is performed by another committee in the hospital;

F) All re-admissions within 48 hours after discharge from the emergency department or inpatient care that result in admission to the PICU; and

G) Review of all potential and unanticipated adverse outcomes.

i) PICU Equipment (See Appendix O of this Part)
The PCCC shall meet all equipment requirements as outlined in Appendix O of this Part. In addition, a specialized pediatric resuscitation cart with measuring device shall be readily available on each pediatric unit, containing the required equipment.

j) Pediatric Inpatient Care Service Requirements

1) Physician requirements

A) The Chair of Pediatrics or the Pediatric Inpatient Director shall have certification in pediatrics by the ABP or the AOBP.

B) All hospitalists, credentialed by their hospital to provide pediatric unit care, shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course or the ACEP-AAP APLS course.

C) The Medical Director of the PICU, or his/her designee, shall be available on call and for consultation for all pediatric in-house patients who may require critical care.

2) Nurse manager requirements
The nurse manager shall:

A) Be licensed as an RN under the Nurse Practice Act;

B) Have three years of pediatric experience; and

C) Complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course, the ACEP-AAP APLS course or the ENA ENPC.

3) Nursing patient care services
All nurses engaged in direct patient care activities shall:

A) Complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;

B) Complete a yearly competency review of high-risk, low-frequency therapies based on patient population;

C) Complete and maintain current recognition in one of the following courses: the AHA-AAP PALS course, the ACEP-AAP APLS course or the ENA ENPC; and

D) Complete a minimum of 16 hours of pediatric continuing education hours within a two-year period. Continuing education may include, but is not limited to, CEU offerings, case presentations, competency testing, teaching courses related to pediatrics and/or publications.

k) Hospital General Pediatric Department Policies, Procedures and Treatment Protocols
The pediatric department shall have, but not be limited to:

1) A policy or scope of services that outlines the pediatric department services, ages of patients served, and admission guidelines;

2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;

3) A safety and security policy for the patient in the unit;

4) An inter-facility transport policy that addresses safety and acuity;

5) An intra-facility transport policy that addresses safety and acuity;

6) A latex allergy policy;

7) A pediatric organ procurement/donation policy;

8) An isolation precautions policy that incorporates appropriate infection control measures;

9) A disaster/terrorism policy that addresses the specific medical and psychosocial needs of the pediatric population;

10) Protocols, order sets, pathways or guidelines for management of high-risk and low-frequency diagnoses;

11) A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family and appropriate social work referral for the following indicators:

A) Child death;

B) Child has been a victim of or witness to violence;

C) Family needs assistance in obtaining resources to take the child home;

D) Family needs a payment resource for their child's health needs;

E) Family needs to be linked back to their primary health, social service or educational system;

F) Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health conditions; and

G) Family needs additional education related to the child's care needs to care for the child at home.

12) A discharge planning policy or protocol that includes the following:

A) Documentation of appropriate primary care/specialty follow-up provisions;

B) Mechanism to access a primary care resource for children who do not have a provider;

C) Discharge summary provision to appropriate medical care provider, parent/guardian, which includes the following:

i) Information on the child's hospital course;

ii) Discharge instructions and education; and

iii) Follow-up arrangements;

D) Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:

i) Require the assistance of medical technology;

ii) Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral, or social/emotional realms;

iii) Additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health, or speech/language services;

iv) Brain injury – mild, moderate or severe;

v) Spinal cord injury;

vi) Seizure behavior exhibited during acute care or a history of seizure disorder and is not currently linked with specialty follow up;

vii) Submersion injury, such as a near drowning;

viii) Burn (other than a superficial burn);

ix) Pre-existing condition that experiences a change in health or functional status;

x) Neurological, musculoskeletal or developmental disability; or

xi) Sudden onset of behavioral change, for example, in cognition, language or affect.

l) Quality Improvement Requirements
Representatives from the pediatric unit shall participate in the multidisciplinary Pediatric Quality Improvement Committee (see subsection (h)).

m) Equipment Requirements (See Appendix O of this Part.)
The PCCC shall meet all equipment requirements as outlined in Appendix O of this Part. In addition, a specialized pediatric resuscitation cart with measuring

device shall be readily available on each pediatric unit, containing the required equipment.

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX D Standing Medical Orders

1. STANDING MEDICAL ORDERS/CARDIAC PROTOCOLS shall include at a minimum:

   Routine Cardiac Care
   Cardiac Arrest
   Cardiogenic Shock
   Ventricular Fibrillation
   Ventricular Tachycardia
   Ventricular Ectopy
   Electromechanical dissociation/pulseless electrical activity (EMD/PEA)
   Paroxysmal supraventricular tachycardia (PVST)
   Bradycardia
   Asystole

2. STANDING MEDICAL ORDERS/TRAUMA PROTOCOLS shall include at a minimum:

   Field Triage Protocols
   Shock (Hypovolemia)
   Spinal Cord
   Head Trauma
   Load and Go Situations
   Traumatic Arrest
   Amputated Parts
   Burns

3. STANDING MEDICAL ORDERS/PROTOCOLS FOR MEDICAL EMERGENCIES shall include at a minimum:

   Asthma
   Anaphylactic Shock
   Diabetic Emergencies
   Drug Overdose
   Coma, Origin Unknown
   Status Epilepticus
   Seizures
   Heat Emergencies

Cold Emergencies
Poisoning
Radiation Injuries
Renal Protocols (care of patients with shunts and fistulas)
Near Drowning

4. STANDARD MEDICAL ORDERS/OBSTETRIC/GYNECOLOGICAL PROTOCOLS shall include at a minimum:

Normal Deliveries
Hemorrhage, including third trimester bleeding
Abnormal Deliveries (i.e., cord or breech presentation)
Resuscitation of the Newborn
Rape/Sexual Assault

5. STANDING MEDICAL ORDERS/PEDIATRIC PROTOCOLS shall include at a minimum:

PEDIATRIC INITIAL ASSESSMENT/MEDICAL CARE − A foundation for all pediatric patient interactions, this protocol shall reinforce the need for consistent, methodical patient assessment. Commonly referred to as "routine medical care" in adult protocols, the protocol shall reinforce the following: Importance of rapid BLS interventions (i.e., CPR), specifically airway support; age-appropriate signs and symptoms of pediatric respiratory distress; age-appropriate airway interventions, including the use of "blow-by" oxygen administration; indicators of adequate ventilation and perfusion; age-appropriate immobilization of the pediatric trauma patient; recognition of and monitoring for imminent life threats; unique assessment considerations and emergent care requirements of children with special health care needs (CSHN), including those who are technologically dependent. The protocol shall emphasize the appropriate inclusion of parents/primary caregivers.

NEONATAL RESUSCITATION − Shall incorporate the specific heart rate parameters and requisite interventions according to the American Heart Association recommendations.

PEDIATRIC AED – Treatment shall be in accordance with the Department approved Pediatric AED protocol and in accordance with American Heart

Association guidelines. AEDs can be used in children age one to eight years. Use of pediatric pads and cables is preferable.

PEDIATRIC ALLERGIC REACTION/ANAPHYLAXIS − Special attention to the differentiation between local reaction (hives), mild respiratory distress and severe cardio-respiratory compromise.

PEDIATRIC ALTERED LEVEL OF CONSCIOUSNESS – Emphasis on the importance of recognizing etiology, aggressive airway maintenance, glucose monitoring and naloxone administration.

PEDIATRIC BRADYCARDIA − Treatment in accordance with the American Heart Association recommendations.

PEDIATRIC BURNS − Special emphasis on the pediatric "rule of nines" for burn size estimation, aggressive airway management and triage to the appropriate facility. Differentiation shall be made between thermal injuries, chemical injuries and electrical injuries.

PEDIATRIC ENVIRONMENTAL HYPERTHERMIA – Emphasis on appropriate assessment, cooling techniques and fluid replacement considerations of children presenting with environmental hyperthermia.

PEDIATRIC HYPOTHERMIA – Emphasis on the pediatric population at high risk for hypothermia: neonates and infants. Aggressive airway management, warming techniques and recognition of frostbite injury shall be addressed. Interventions for associated arrhythmias in accordance with the American Heart Association recommendations.

PEDIATRIC NEAR DROWNING – Emphasis on aggressive airway management and the potential for associated cervical spine injury and hypothermia.

PEDIATRIC PULSELESS ARREST – Treatment and recognition of the following dysrhythmias: asystole, pulseless electrical activity, ventricular fibrillation, ventricular fibrillation or pulseless ventricular tachycardia. Treatment modalities should be consistent with guidelines set forth by the American Heart Association's Pediatric Advanced Life Support. Appropriateness for intraosseous access should be included.

PEDIATRIC RESPIRATORY ARREST − Treatment shall be in accordance with the American Heart Association Pediatric Advanced Life Support guidelines.

PEDIATRIC RESPIRATORY DISTRESS − Differentiation shall be made between "upper airway obstruction" (i.e., croup, epiglottitis and foreign body) and lower airway disease (i.e., asthma, bronchiolitis, pneumonia). The potential for invasive airway interventions shall also be identified. Respiratory distress in children with a tracheostomy tube or on a ventilator shall also be addressed.

PEDIATRIC SEIZURE − Shall include the identification of rapid blood glucose monitoring in the field, considerations for febrile seizures and administration of rectal benzodiazepines (specifically in children less than three years old).

PEDIATRIC SHOCK − Differentiation should be made between hypovolemic (dehydration, hemorrhagic), cardiogenic and distributive (sepsis).

PEDIATRIC TACHYCARDIA − Interventions for both wide and narrow complex tachycardias in accordance with the American Heart Association guidelines.

PEDIATRIC TOXIC EXPOSURES/INGESTIONS − Accidental/ environmental toxic exposure or ingestion events commonly encountered in the pediatric population shall be incorporated.

PEDIATRIC TRAUMA – Emphasis on mechanism of injury, limited on-scene time, aggressive airway maintenance and field triage to the appropriate facility and addressing the unique needs of the head-injured child.

SUSPECTED CHILD ABUSE/NEGLECT − Special emphasis shall be on careful documentation of physical findings, discrepancy between history of injury and physical findings, interaction between child and parent/caregiver, and characteristics of the environment. The pre-hospital provider's responsibility as a mandated reporter and reporting suspicions to the emergency room staff shall be discussed. Directions for responding to parent/caregiver refusal to allow transport shall be included.

~~PEDIATRIC PRIMARY ASSESSMENT - A foundation for all pediatric patient interactions, this protocol should reinforce the need for consistent, methodical patient assessment. Commonly referred to as "routine medical care" in adult~~

~~protocols, the protocol should reinforce the following:~~

~~Importance of rapid BLS interventions (i.e., CPR) specifically airway support~~
~~Age appropriate signs and symptoms of pediatric respiratory distress~~
~~Age appropriate airway interventions including the use of "blow-by" oxygen administration~~
~~Indicators of adequate ventilation and perfusion~~
~~Age appropriate immobilization of the pediatric trauma patient~~
~~Recognition of and monitoring for imminent life threats~~
~~Unique assessment considerations and emergent care requirements of children with special health care needs (CSHN), including those who are technologically dependent. Emphasize the appropriate inclusion of parents/primary caregivers~~

~~TREATMENT AND RECOGNITION OF THE FOLLOWING DYSRHYTHMIA:~~

~~Asystole~~
~~Pulseless Electrical Activity~~
~~Ventricular Fibrillation or Pulseless Ventricular Tachycardia~~
~~Ventricular Tachycardia~~

~~Treatment modalities/algorithms should be consistent with the guidelines set forth by the American Heart Association's "Pediatric Advanced Life Support" algorithms. The use of intraosseous access should be taught to all ALS providers.~~

~~NEONATAL RESUSCITATION - Must incorporate the specific heart rate parameters and requisite interventions according to the American Heart Association recommendations.~~

~~PEDIATRIC RESPIRATORY ARREST - Treatment must be in accordance with the American Heart Association "Pediatric Advanced Life Support" guidelines.~~

~~PEDIATRIC RESPIRATORY DISTRESS - Differentiation should be made between "upper airway obstruction" (i.e., croup, epiglottitis and foreign body) and other "non-obstructive" causes of respiratory insufficiency (i.e., asthma, bronthiolitis, pneumonia). The potential for invasive airway interventions must also be identified.~~

~~PEDIATRIC BRADYCARDIA - Treatment in accordance with the American Heart Association recommendations.~~

~~PEDIATRIC TACHYCARDIA - Interventions for both wide and narrow complex tachycardias in accordance with the American Heart Association recommendations.~~

~~PEDIATRIC SHOCK - Differentiation should be made between "hypovolemic" (dehydration, hemorrhagic) and "distributive" (sepsis).~~

~~PEDIATRIC ALLERGIC REACTION/ANAPHYLAXIS - Special attention to the differentiation between symptomatic (hives), mild respiratory distress and severe respiratory distress.~~

~~PEDIATRIC SEIZURE - Must include the identification of rapid blood glucose monitoring in the field, considerations for febrile seizures and administration of rectal benzodiazepines (specifically in children less than 3 years old).~~

~~PEDIATRIC ALTERED LEVEL OF CONSCIOUSNESS - Emphasize the importance of recognizing etiology, aggressive airway maintenance, glucose monitoring and naloxone administration.~~

~~PEDIATRIC TOXIC EXPOSURES/INGESTIONS - Incorporate accidental/ environmental events commonly encountered in the pediatric population. Special consideration should be made to the susceptibility of children to environmental events such as hyperthermia.~~

~~PEDIATRIC HYPOTHERMIA - Emphasize the pediatric population at high risk for hypothermia: neonates and infants. Address aggressive airway management, warming techniques and recognition of frostbite injury. Interventions for arrhythmias in accordance with the American Heart Association recommendations.~~

~~PEDIATRIC NEAR DROWNING - Emphasize aggressive airway management and the potential for associated cervical spine injury and hypothermia.~~

~~PEDIATRIC BURNS - Special emphasis on the pediatric "rule of nines" for burn size estimation, aggressive airway management and triage to the appropriate~~

~~facility. Differentiation should be made between thermal injuries, chemical injuries and electrical injuries.~~

~~PEDIATRIC TRAUMA - Emphasis should be made on mechanism of injury, limited on-scene time, aggressive airway maintenance and field triage to the appropriate facility and addressing the unique needs of the head-injured child.~~

~~SUSPECTED CHILD ABUSE/NEGLECT - Special emphasis should be made on careful documentation of physical findings, discrepancy between history of injury and physical findings, interaction between child and parent/caregiver, and characteristics of the environment. Discuss the pre-hospital provider's responsibility as a mandated reporter, and to report suspicions to the emergency room staff. Include directions for responding to parent/caregiver refusal to allow transport.~~

6. STANDING MEDICAL ORDERS/PROTOCOLS FOR SPECIAL SITUATIONS shall include at a minimum:

   Psychological Emergencies
   Spousal Abuse
   Geriatric Abuse
   Child Abuse

7. STANDING MEDICAL ORDERS/PROTOCOLS FOR THE PROCEDURES LISTED as well as any others that~~which~~ may be System specific:

   Adult Intubation Procedure
   Pediatric Intubation Procedure
   Defibrillation
   Transtracheal Ventilation-Cricothyrotomy
   Chest Decompression
   Cardioversion
   Medication Administration-IV/ett

8. Standing medical orders may be organized as assessment based versus diagnostic, such as, altered mental status, abnormal vital signs, dysrhythmias and/or blocks, respiratory distress, chest pain.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities

FACILITY RECOGNITION
Emergency Department with Pediatric Capabilities

Application Instructions~~Instruction~~

Follow these instructions to initiate the process to obtain recognition as an Emergency Department Approved for Pediatrics (EDAP) or Standby Emergency Department for Pediatrics (SEDP)~~complete the application process~~:

~~1) Carefully review the application process in this Appendix K.~~

1~~2~~) Complete the application form and obtain the appropriate signatures.

2~~3~~) Using the Emergency Department Pediatric Plan Guideline and the EDAP or SEDP requirements~~Facility Recognition Application Criteria~~, complete an Emergency Department Pediatric Plan. Attach all requested~~Appendix any appropriate~~ supporting documentation (credentialing forms, schedules, policies, procedures, protocols, guidelines, plans, etc.).

3~~4~~) Submit the original signed application form plus three~~3~~ additional copies of the signed application form and four copies of the Emergency Department Pediatric Plan (including supporting documentation) to:

~~Leslee Stein-Spencer, RN, MS~~
Chief, Division of EMS & Highway Safety
Illinois Department of Public Health
422 S. 5th Street~~525 West Jefferson Street~~
Springfield IL 62701~~62761~~

4) The Emergency Department Pediatric Plan shall follow the format outlined in the Emergency Department Pediatric Plan Guideline in this Appendix K and include all required documentation. The plan shall also address how each of the EDAP/SEDP requirements is currently being or will be met. The Pediatric Plan shall be developed through interaction and collaboration with all other appropriate disciplines.

5) Any submitted requests to waive any of the requirements shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.

6~~5~~) The application should be submitted in a single-sided format and unstapled.

7~~6~~) Appendix M of this Part provides~~Please note that the attached appendix to this application is to provide~~ additional resource information ~~for your facility~~ related to pediatric inter-facility~~interfacility~~ transfer and consultation and can be used~~utilized~~ in the development of the Emergency Department Pediatrics Plan.

8~~7~~) For questions regarding the application process, specific requirements~~criteria items~~, ~~and/~~or supporting documentation, please contact the Division of EMS & Highway Safety at 217-785-2080~~Illinois Emergency Medical Services for Children (EMSC) Office at 708-327-3672~~.

~~ILLINOIS EMSC~~
~~APPLICATION PROCESS FOR RECOGNITION OF~~
~~EMERGENCY DEPARTMENTS WITH PEDIATRIC CAPABILITIES*~~

~~Application Process~~

~~To initiate the process to obtain recognition as an Emergency Department Approved for Pediatrics (EDAP) or Standby Emergency Department for Pediatrics (SEDP), the facility shall submit all documents to:~~

~~Leslee Stein-Spencer, RN, MS~~
~~Chief, EMS & Highway Safety~~
~~Illinois Department of Public Health~~
~~525 W. Jefferson Street~~
~~Springfield IL 62761~~

~~Facilities requesting to participate in the Facility Recognition process must submit:~~

~~1)~~ ~~A signed application form~~

~~2)~~ ~~An Emergency Department Pediatric Plan. This plan must follow the format provided and include all required documentation as outlined in the Pediatric Plan Guideline in this~~

~~Appendix K. The plan must also address how each of the EDAP/SEDP requirements are currently or will be met. Please note that the Pediatric Plan should be developed through interaction and collaboration with all other appropriate disciplines.~~

~~3) Any supporting documentation, which shall include but is not limited to scope of services/care, policies (both administrative and department specific), procedures, protocols, guidelines, flow charts, rosters, calendars, schedules, etc.~~

~~4) The plan should be submitted in the order listed in this application.~~

~~Please note that the original and 3 additional copies of the plan and any supporting documentation must be submitted.~~

~~Any submitted requests to waive any of the requirements must include the criteria by which compliance is considered to be a hardship and demonstrate how there will be no reduction in the provision of medical care.~~

~~The Emergency Department Pediatric Plan Guideline can be utilized as a resource in completing the Emergency Department Pediatric Plan.~~

~~*Note: The term "pediatric" throughout this document refers to all children age 15 and younger.~~

~~Site Survey Procedure~~

~~1) Within 4 to 6 weeks following receipt of the Application Form and supporting documents (schedules, policies, procedures, protocols, guidelines, etc.), the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.~~

~~2) The site visit will include a survey of the emergency department, pediatric unit (including intensive care, if applicable), and a meeting with the following individuals:~~

~~a) The Hospital's Chief Administrative/Executive Officer or designee.~~

~~b) The Chief of Pediatrics or, if the hospital does not have a pediatric department, the designated pediatric consultant.~~

~~c) The Medical Director of Emergency Services.~~

~~d) The Nursing Director or Nursing Manager of Emergency Services.~~

~~e) The Administrator of Emergency Services.~~

~~f) The pediatric liaison (a member of the professional staff who has ongoing involvement in the care of the pediatric patient and development of pediatric emergency medical services).~~

~~g) Mid-level provider, i.e., nurse practitioner or physician assistant for those facilities that utilize mid-level providers in their emergency department.~~

~~h) For EMS Resource or Association Hospitals only: the EMS Medical Director and EMS Coordinator.~~

~~3) In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the facility recognition requirements.~~

~~Site Survey Team~~

~~The survey team will be appointed by the Chief of EMS & Highway Safety, in coordination with the Illinois EMSC Advisory Board. Site survey teams will be composed of a physician/nurse (or nurse/nurse) team along with a representative from the Illinois Department of Public Health. All team members shall have attended formal training in the responsibilities, expectations, process and assessment of facility recognition.~~

~~Following the Site Survey~~

~~1) Within 4 to 6 weeks following the site visit, the hospital shall receive results of the survey. Those facilities meeting all requirements will receive a formal "recognition" for their emergency department pediatric capabilities. Signed copies of the recognition shall be forwarded to the Chief of EMS & Highway Safety and the Illinois EMSC office.~~

~~2) Hospitals may appeal the results of the survey by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.~~

~~3) Rerecognition shall occur every 3 years, with site visits scheduled as necessary.~~

~~4) Withdrawal of recognition status may occur at any time, should a hospital fail to meet any of the requirements. In this situation, the hospital shall notify the Illinois Department~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~of Public Health, Division of EMS & Highway Safety at least 60 days prior to withdrawal and identify how area prehospital provider agencies, area hospitals, and the Illinois EMSC Office will be notified.~~

RECOGNITION OF EMERGENCY DEPARTMENT
PEDIATRIC CAPABILITIES
APPLICATION FORM

1) Name and address of hospital (typed)

_____

_____

_____

2) Specify the recognition level for which your hospital is applying:

a) Emergency Department Approved for Pediatrics (EDAP) _____

b) Standby Emergency Department Approved for Pediatrics (SEDP) _____

3) The above-named hospital~~facility~~ certifies that each requirement in this Request for Recognition is met and will be in operation by the date of recognition.

_____
Typed name – CEO/Administrator

_____
Signature – CEO/Administrator Date

_____
Typed name – Medical Director of Emergency Services

_____
Signature – Medical Director of Emergency Services Date

_____
Contact person – Typed name, credentials and title~~phone number, and fax number~~

EMERGENCY DEPARTMENT PEDIATRIC PLAN
GUIDELINE

Emergency Department Pediatric Plan (Please follow this guideline carefully. It provides information on the components that must be included in the submitted plan. Please include any applicable supplemental documentation.)

A. Emergency Department Organizational Structure

1. Provide a hospital~~an~~ Organizational Table identifying the administrative relationships among all departments in the hospital, especially as they relate to the emergency department. The table must include, but is not limited to, the following:

   a. Board of Directors

   b. Chief Executive Officers

   c. Emergency Department

   d. Department of Pediatrics

   e. Trauma Service (if applicable)

   f. Department of Radiology

2. In addition, provide a separate table showing the organization structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the ED Medical Director (to whom~~who~~ he/she reports ~~to~~).

   ~~a.~~Emergency Department Organizational Structure (Table)

B. Emergency Department Services

1. Description of the emergency department services
   - Provide a scope of services or policy outlining emergency department services, emergency department level, a description of the population served, types of pediatric patients seen, and annual emergency department visits that involve the pediatric patient.

- Identify the age range that the hospital uses~~your facility utilizes~~ to define the pediatric patient, i.e., 0-15.
- Provide information on participation/status in EMS system and trauma system as appropriate.

2. Description of the emergency department patient flow
   - Provide a narrative description or~~of~~ algorithm of~~or~~ patient path/flow from point of entry through disposition.
   - Provide any policies/guidelines that identify triaging/urgency categorization of patients.
   - Identify whether pediatric patients are seen in the general emergency department~~ED~~ or in a separate area/bed space allocated for the pediatric patient.
   - If an emergency department fast-track area exists, provide triage criteria for this area and information on physician and nursing staffing/qualifications for assignment to the fast-track area.

3. Description of emergency medical services communication with identification of dedicated phone line, radio, and telemetry capabilities
   - Provide a policy or narrative description of the emergency services dedicated phone/telemetry radio communication capabilities.
   - Provide a policy outlining staffing qualifications to access and use~~utilize~~ such equipment.

4. Description of social service availability and capabilities
   - Provide a scope of services or policy that defines the services, capabilities and availability of social service department/personnel to the emergency department.
   - Describe typical mechanism and response by social worker to emergency department~~ED~~ requests (i.e., handle~~handled~~ over the phone, respond directly to the emergency department~~ED~~, follow-up consult/appointment made).

C. Pediatric Department Services

1. Description of the pediatric department services
   - Identify whether there is a dedicated pediatric inpatient unit, dedicated pediatric inpatient beds and pediatric intensive care unit.
   - Provide a scope of services/policy outlining pediatric department services.

2. Description of the pediatric staffing and availability
   - Provide policy or scope of services outlining pediatric unit shift nursing staffing patterns based on patient acuity and any pediatric continuing education requirements/competencies verification.
   - If pediatric patients are admitted for care to an adult inpatient unit, provide documentation that identifies unit pediatrician staffing/coverage for such patients and how nurses are assigned to the inpatient pediatric patient, i.e., only nurses who have completed the PALS course.

3. Description/documentation of pediatric inpatient capabilities with identification of PICU and/or pediatric general floor bed availability and unit resources
   - Provide policy or scope of services that identifies what types of pediatric patients are typically admitted, i.e., types of conditions/diagnoses. Are ~~Can all ages (from birth to 18 years) be admitted or are~~ there guidelines in place that define~~outline~~ pediatric patients specifically by age parameters and/or diagnoses?
   - If a PICU is present, then a description of services, unit resources, and capabilities is needed. If a PICU is not present, then a description of where patients requiring such care are transferred, established relationships with pediatric tertiary care center, etc., is needed.

D. Professional Staff

1. Emergency Department Director

   a. Copy of curriculum vitae
      - Provide a printed curriculum vitae.

   b. Documentation of board certification (as identified in Facility Recognition Criteria)
      - Provide a copy of board certification or verification of board certification.

2. Emergency Department Physicians

   Documentation of the ability to meet ~~facility recognition~~ requirements in Section 515.4000 or Section 515.4010 of this Part.

HospitalFacility Recognition Requirement – Section 515.4000(a)(1) or 515.4010(a)(1)

- Provide a policy or description of emergency department physician staffing, coverage and availability (including fast track/urgent care area).
- Provide a complete list/roster of emergency department physician staff, including fast track/urgent care area (may use the Department-approved credentialing form).
- Provide a one-month staffing schedule/calendar, including fast track/urgent care area (schedule should be from within the three3 month time period previous to the application submission).
- Provide copies of physician current board certification or verification of board certification (or copies of CVs for SEDP level applications).
- Provide copies of PALS or APLS course completion certificates for physician staff or a documented plan to complete such courses. within the specified timeframe. Provide documentation of a plan to maintain PALS or APLS recognition.
- Provide a policy that incorporates Section 515.4000(a)(1) or 515.4010(a)(1).

HospitalFacility Recognition Requirement – Section 515.4000(a)(2) or 515.4010(a)(2)

- Provide a copy of the emergency department physician continuing education policy.
- Provide a description of how physician continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into the overall CME tracking process).
- Provide a policy that incorporates Section 515.4000(a)(2) or 515.4010(a)(2).

HospitalFacility Recognition Requirement – Section 515.4000(a)(3) or 515.4010(a)(3)

- Provide a staffing policy that incorporates Section 515.4000(a)(3) or 515.4010(a)(3).

HospitalFacility Recognition Requirement – Section 515.4000(a)(4) or 515.4010(a)(4)

- Provide a one-month on-call schedule that identifies availability of a board

certified/prepared pediatrician or pediatric emergency medicine physician for telephone consultation (schedule should be from within the three~~3-~~ month time period previous to the application submission).

Hospital~~Facility~~ Recognition Requirement – Section 515.4000(a)(5) or 515.4010(a)(5)

- Provide a copy of a ~~disaster~~ policy that identifies physician back-up~~on-call~~ availability to assist with critical situations, increased surge capacity or disasters.

Hospital~~Facility~~ Recognition Requirement – Section 515.4000(a)(6) or 515.4010(a)(6)

- Provide a protocol/policy/bylaws that identifies maximum response time of on-call physicians.

3. Emergency Department Mid-Level Providers (Physician Assistant or Nurse Practitioner)
Note – Complete this section only if physician assistants and/or nurse practitioners practice in the emergency department and participate in the care of pediatric patients.

Provide documentation of the ability to meet hospital~~facility~~ recognition requirements in Section 515.4000(b) or 515.4010(b) of this Part.

Requirement – Section 515.4000(b)(1) or 515.4010(b)(1)

- Provide a policy of emergency department physician assistant and/or nurse practitioner staffing, coverage, availability, responsibilities and credentialing process.
- Provide a list/roster of all emergency department physician assistant and nurse practitioner staff (may use Department-approved credentialing form).
- Provide a copy of a one-month staffing schedule/calendar (schedule should be from within the three ~~3-~~month time period previous to the application submission).
- Provide a copy of printed licenses and curriculum vitaes.
- Provide copies of PALS, APLS or ENPC course completion certificates or a documented plan to complete such courses. ~~within the specified timeframe.~~ Provide documentation of a plan to maintain PALS, APLS, or ENPC recognition.

- Provide a policy that incorporates Section 515.4000(b)(1) or 515.4010(b)(1) of this Part.

Requirement – Section 515.4000(b)(2) or 515.4010(b)(2)

- Provide a copy of the emergency department physician assistant/nurse practitioner continuing education policy.
- Provide a description of how physician assistant/nurse practitioner continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into overall continuing education tracking process).
- Provide a policy that incorporates Section 515.4000(b)(2) or 515.4010(b)(2) of this Part.

4. Emergency Department Registered Nurses

Provide documentation of the ability to meet hospital~~facility~~ recognition requirements in Section 515.4000(c) or 515.4010(c) of this Part.

Requirement – Section 515.4000(c)(1) or 515.4010(c)(1)

- Provide a policy/documentation outlining current nursing shift staffing plan/patterns.
- Provide a list/roster of all emergency department nursing staff (may use Department approved credentialing form).
- Provide a copy of a one-month nursing staffing schedule/calendar (schedule should be from within the three~~3~~ month time period previous to the application submission).
- Provide copies of PALS, APLS or ENPC course completion certificates or a documented plan to complete such courses.~~Provide copies of current course completion cards for nursing staff who have completed PALS, APLS, or ENPC courses.~~
- Provide a policy that incorporates Section 515.4000(c)(1) or 515.4010(c)(1).

Requirement – Section 515.4000(c)(2) or 515.4010(c)(2)

- Provide a policy identifying continuing education requirements and competency testing for emergency department nursing staff.
- Provide a description of how continuing education is currently

tracked.

- Provide documentation of an~~a feasible~~ implementation plan for attaining and tracking of pediatric specific continuing education hours.
- Provide a policy that incorporates Section 515.4000(c)(2) or 515.4010(c)(2) of this Part.

E. Policies and Procedures

1. Policy/procedure for inter-facility~~interfacility~~ transfer as identified in Section 515.4000(d)(1) or 515.4010(d)(1) of this Part.
   - Provide a transfer agreement with a Pediatric Critical Care Center and identification of facilities to which the hospital typically transfers pediatric patients.

   - Provide~~and~~ a transfer policy that incorporates the physiologic/other criteria identified in Appendix M: EMSC Inter-facility~~Interfacility~~ Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline.

2. Policy/procedure for suspected child abuse and neglect as identified in Section 515.4000(d)(2) or 515.4010(d)(2) of this Part.
   - Provide a policy that includes age-specific identification, assessment, evaluation and management measures for the suspected child abuse and neglect patient.

3. Treatment guidelines~~protocols~~ as identified in Section 515.4000(d)(3) or 515.4010(d)(3) of this Part.
   - Provide copies of pediatric treatment guidelines~~protocols~~ as described.
   - ~~If limited pediatric-specific treatment protocols are available, submit a letter of commitment to the development and implementation of additional pediatric-specific treatment protocols. (~~It is recommended that guidelines ~~protocols~~ be based on high volume/high risk diagnoses (i.e., fever, trauma, respiratory distress, seizures) and~~with inclusion of age-specific stabilization measures. It is recommended~~ that guidelines~~protocols~~ include desired outcomes in order to facilitate quality improvement monitoring.~~)~~

4. Policy for latex allergy~~ free supplies~~ as identified in Section 515.4000(d)(4) or

515.4010(d)(4) of this Part.

- Provide a policy that addresses assessment of latex allergies and the availability of latex-free equipment and supplies.

F. Quality Improvement

1. Describe and document the emergency department program for conducting outcome analysis or quality improvement and how pediatrics is integrated into the process.
   - Provide a policy/guideline that outlines the emergency department quality improvement program, i.e., describe the quality improvement process, clinical indicators and/or outcome analysis and follow-up mechanisms, i.e., "loop closure" and target time frames~~timeframes~~ for closure of issues.
   - Provide documentation outlining current and planned pediatric monitoring activities.

2. Document the ability to meet facility recognition requirements in Section 515.4000(e) or 515.4010(e) of this Part.

   Requirement – Section 515.4000(e)(1) or 515.4010(e)(1)
   - Define the~~Please define~~ composition of the multidisciplinary ~~C~~QI committee (recommend broadening composition of committee beyond physician/nursing to include other essential disciplines such as pediatric, social services, respiratory therapy), frequency of committee meetings and reporting structure.
   - Provide a copy of the emergency department quality improvement plan, including QI policy, pediatric indicators, feedback loop and target time frames for closure of issues.~~copies of current pediatric monitor tools and outcome criteria.~~ If implementation of pediatric monitoring activities is pending, define implementation plan and time frame~~timeframe~~.

   Requirement – Section 515.4000(e)(2) or 515.4010(e)(2)
   - Provide a curriculum vitae for the physician who will assume the pediatric physician champion role.
   - Provide the name and title of the individual who will assume the pediatric quality coordinator~~CQI liaison~~ role.
   - Provide~~Identify in~~ a job description~~policy format~~ that addresses allocation of time and resources to the role and includes each of the requirements outlined in Section 515.4000(e)(2) or 515.4010(e)(2) that will be carried

out by the pediatric quality coordinator~~CQI liaison~~.

G. Equipment

Using the equipment list provided in Appendix L, place an "X" next to each equipment item that is currently available (as appropriate for the level applied for). If equipment/supply items are not available, a plan for securing the items shall~~must~~ be identified, i.e., submission of a purchase order to assure that the item is on order, or a waiver shall~~must~~ be submitted for each item.

Requests for waiver shall~~must~~ include the criteria by which compliance is considered to be a hardship and shall~~must~~ demonstrate that~~how~~ there will be no reduction in the provision of medical care.

Site Survey Procedure

1) Within four to six weeks following receipt of the Application Form and supporting documents (schedules, policies, procedures, protocols, guidelines, etc.), the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.

2) The site visit will include a survey of the emergency department and pediatric unit (including intensive care, if applicable), and a meeting with the following individuals:

a) The hospital's chief administrative/executive officer or designee

b) The chief nursing executive/director of nursing or designee

c) The chief of pediatrics or, if the hospital does not have a pediatric department, the designated pediatric consultant

d) The nursing director or nursing manager of the pediatric unit, if applicable

e) The emergency department medical director or pediatric emergency department medical director

f) The emergency department nursing director or nursing manager

g) The administrator of emergency services

h) The administrator of pediatric services, if applicable

i) The pediatric quality coordinator

j) The hospital quality improvement director or designee

k) The hospital emergency management/disaster preparedness coordinator

l) Mid-level provider, i.e., nurse practitioner or physician assistant, for those hospitals that use mid-level providers in their emergency department

m) For EMS Resource or Associate Hospitals only: the EMS Medical Director and EMS Coordinator

3) In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the hospital recognition requirements.

Site Survey Team

The Chief of EMS & Highway Safety, in coordination with the Illinois EMSC Advisory Board, will appoint the survey team. Site survey teams will be composed of a physician/nurse (or nurse/nurse) team along with a representative from the Illinois Department of Public Health. All team members shall have attended formal training in the responsibilities, expectations, process and assessment of facility recognition.

Following the Site Survey

1) Within four to six weeks following the site visit, the Department will provide the hospital with the results of the survey. Those hospitals meeting all requirements will receive a formal "recognition" for their emergency department pediatric capabilities.

2) Hospitals may appeal the results of the survey by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

3) Re-recognition shall occur every three years, with site visits scheduled as necessary.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX L Pediatric Equipment Recommendations for Emergency Departments

The following list identifies pediatric equipment items that are recommended for the two~~2~~ emergency department facility recognition levels. Equipment items are classified as "essential" (E) and "need to be stocked in the emergency department" (ED).

	EDAP	SEDP
Monitoring Devices		
Blood glucose measurement device (i.e., chemistry strip or glucometer)	E (ED)	E (ED)
Doppler ultrasound blood pressure device (neonatal-adult thigh cuffs)	E (ED)	E (ED)
ECG monitor-defibrillator~~defribillator~~/cardioverter with pediatric and adult sized paddles, with pediatric dosage settings ~~(0-400 joules)~~ and pediatric-adult pacing~~packing~~ electrodes	E (ED)	E (ED)
Pediatric monitor electrodes	E (ED)	E (ED)
Continuous end~~End~~-tidal ~~pediatric~~ PCO_2 monitor and~~/or~~ pediatric CO_2 colorimetric detector (disposable units may be substituted)	E (ED)	E (ED)
Otoscope/opthalmoscope/stethoscope	E (ED)	E (ED)
Pulse oximeter with pediatric and adult probes~~adapter~~	E (ED)	E (ED)
Sphygmomanometer with cuffs (neonatal-adult thigh)	E (ED)	E (ED)
Hypothermia Thermometer (Note: with a range of ~~(hypothermia), rectal probe (~~28-42°C)	E (ED)	E (ED)
Vascular Access Supplies and Equipment		
Arm boards (sized infant through adult)	E (ED)	E (ED)

Blood gas kits	E (ED)	E (ED)
Butterfly-type needles (19-25 g)*	E (ED)	E (ED)
Catheter-over-needle devices (16-24 g)*	E (ED)	E (ED)
Infusion pumps, drip or volumetric, with microinfusion capability, appropriate tubing & connectors	E (ED)	E (ED)
Intraosseous needles or bone marrow needles (13-18 g size range;~~)~~ stock one large/one small bore) or IO device (pediatric and adult sizes)	E (ED)	E (ED)
IV extension tubing, stopcocks, and T-connectors~~IV administration sets with calibrated chambers, extension tubing, stopcocks, and T-connectors~~	E (ED)	E (ED)
IV fluid/blood warmer	E (ED)	E (ED)
IV solutions: standard crystalloid and colloid solutions (D10W, D5/0.2 NS, D5/0.45 NS, D5/0.9 NS and 0.9 NS)	E (ED)	E (ED)
Central venous catheters (stock one small and one large size)		
Syringes (~~TB, Insulin U100,~~ 1ml through -20 ml)	E (ED)	E (ED)
Tourniquets	E (ED)	E (ED)
Umbilical vein catheters (3.5 and 5 Fr; the same size feeding tube may be used for 5 Fr)*	E (ED)	E (ED)
~~Single lumen vascular access supplies utilizing the Seldinger technique (5 and 8 Fr)*~~	~~E (ED)~~	~~E (ED)~~

Respiratory Equipment and Supplies

Bag-valve-mask device, self-inflating infant/child~~pediatric (250 & 450 ml)~~ and adult (1000 ml) with O_2 reservoir ~~and without pop-off valve~~ and clear masks (neonatal through large adult sizes)*; PEEP valve and manometer	E (ED)	E (ED)
Bulb syringe	E (ED)	E (ED)
Supplies/kit for patients with difficult air way conditions: • LMA (sizes 1, 1.5, 2, 2.5, 3, 4 and 5); or • Cricothyrotomy kit or cricothyrotomy capabilities (i.e., 10 g needle and 3 mm ET tube adapter or 14 g needle and 3.5 mm ET tube adapter)	E (ED)	E (ED)
~~Cricothyrotomy capabilities (i.e., 10 g needle and 3 mm ET tube adapter or 14 g needle and 3.5 mm ET tube adapter) or cricothyrotomy kit~~	E (ED)	E (ED)
Endrotracheal tubes:*		
Uncuffed (sizes 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5)	E (ED)	E (ED)
Cuffed (sizes ~~5.5,~~ 6.0, 6.5, 7.0, 7.5, 8.0~~, 9.0~~)	E (ED)	E (ED)
Stylets for endotracheal tubes (pediatric and adult)	E (ED)	E (ED)
Laryngoscope handle (pediatric and adult)	E (ED)	E (ED)
Laryngoscope blades (curved 2, 3; straight or Miller 0, 1, 2, 3)*	E (ED)	E (ED)
Magill forceps (pediatric and adult)	E (ED)	E (ED)
Meconium aspirator	E (ED)	E (ED)
Nasopharyngeal airways (sizes 12, 16, 20, 24, 28, 30 Fr)*	E (ED)	E (ED)
Nebulized medication, administration set with pediatric and adult masks	E (ED)	E (ED)
Oral airways (sizes 0, 1, 2, 3, 4, 5 or size 50 mm, 60 mm, 70 mm, 80 mm, 90 mm, 100 mm)*	E (ED)	E (ED)

Oxygen delivery device with flow meter and tubing	E (ED)	E (ED)
Oxygen delivery adjuncts:		
Tracheostomy collar	E (ED)	E (ED)
Standard and~~Partial~~ non-rebreather masks, clear (pediatric and adult sizes)	E (ED)	E (ED)
Nasal cannula~~canula~~ (infant, pediatric and adult)	E (ED)	E (ED)
~~Nasal canula (infant)~~	~~E (ED)~~	~~E (ED)~~
Peak flow meter	E (ED)	E (ED)
Suction capability (wall)	E (ED)	E (ED)
Suction capability (portable)	E (ED)	E (ED)
Suction catheters (sizes 5/6, 8, 10, 12, 14, 16 Fr and Yankauer-tip catheter)*	E (ED)	E (ED)
Tracheostomy tubes~~, Shiley~~ (sizes PED* 3.0, 3.5, 4.0, 4.5, 5.0, 5.5)* (correspond to PT 00, 0, 1, 2, 3, 4, in old schematization)	E (ED)	---
Tube thoracostomy tray and water seal drainage capacity with chest tubes (sizes 12-32~~8-40~~ Fr)*	E (ED)	---

Medications (unit dose, prepackaged)

Access to the Illinois Poison Center 1-800-222-1222 through posting of phone number in ED	E (ED)	E (ED)
Activated charcoal (consider with and without Sorbitol)	E (ED)	E (ED)
Adenosine	E (ED)	E (ED)
Amiodarone	E (ED)	E (ED)
Antiemetics	E (ED)	E (ED)
Antimicrobial agents (parenteral and oral)	E (ED)	E (ED)

Antipyretics	E (ED)	E (ED)
Atropine	E (ED)	E (ED)
Barbiturates, e.g., Phenobarbital, Pentabarbital, Thiopental	E (ED)	E (ED)
Benzodiazepines~~Bensodiazepines~~, e.g., Lorazepam, Midazolam, Diazepam	E (ED)	E (ED)
Beta agonist for inhalation (Albuterol, Levalbuterol)	E (ED)	E (ED)
Beta blockers, e.g., Propranolol, Metoprolol	E (ED)	E (ED)
Calcium (chloride or gluconate)	E (ED)	E (ED)
Corticosteroids, e.g., Dexamethasone, Hydrocortisone, Methylprednisolone	E (ED)	E (ED)
Dextrose (25% and 50%)	E (ED)	E (ED)
Diphenhydramine	E (ED)	E (ED)
Dobutamine	E (ED)	---
Dopamine	E (ED)	---
Epinephrine (1:1,000 and 1:10,000)	E (ED)	E (ED)
Epinephrine (Racemic)	E (ED)	E (ED)
Fosphenytoin and/or Phenytoin	E (ED)	E (ED)
Furosemide	E (ED)	E (ED)
Glucagon or Glucose Paste	E (ED)	E (ED)
~~Hydrocortisone~~	~~E (ED)~~	~~E (ED)~~

Insulin, regular	E (ED)	E (ED)
Lidocaine 1%	E (ED)	E (ED)
Magnesium Sulfate	E (ED)	E (ED)
Mannitol	E (ED)	E (ED)
~~Methylprednisolone~~	~~E (ED)~~	~~E (ED)~~
Narcotics	E (ED)	E (ED)
Neuromuscular blocking agents (i.e., succinylcholine, rocuronium,~~pancuronium~~ vecuronium)	E (ED)	E (ED)
Ocular anesthetics	E (ED)	E (ED)
~~Phenytoin and/or Phosphenytoin~~	~~E (ED)~~	~~E (ED)~~
Poison Specific Antidotes		
Cyanide kit ~~(amyl nitrate, sodium nitrate and sodium thiosulfate)~~	E (ED)	E (ED)
Flumazenil	E (ED)	E (ED)
Naloxone	E (ED)	E (ED)
Procainamide	E (ED)	E (ED)
Sodium bicarbonate – 8.4% and 4.2%	E (ED)	E (ED)
Sedative/Hypnotic (e.g.,~~i.e., Thiopental,~~ Ketamine, Etomidate~~, Midazolam~~)	E (ED)	E (ED)
Tetanus Immune Globulin (Human~~human~~)	E (ED)	E (ED)
Tetanus Vaccines (single or in combination with other vaccines)	E (ED)	E (ED)

Miscellaneous Equipment

Dosing device – length or weight based system for dosing and equipment	E (ED)	E (ED)
Dosing/equipment chart by weight	E (ED)	E (ED)
EMS communication equipment (i.e., telemetry, MERCI, cellular or dedicated phone)	E (ED)	E (ED)
Examination gloves, disposable	E (ED)	E (ED)
~~Feeding tubes (5-8)*~~	~~E (ED)~~	~~E (ED)~~
Fluorescein (eye strips)	E (ED)	E (ED)
Gastric lavage equipment	E (ED)	E (ED)
Infant formulas, dextrose in water with various nipple sizes	E (ED)	E (ED)
Lubricant, water soluble	E (ED)	E (ED)
Nasogastric tubes ~~(~~8 through~~6~~-18 Fr~~)~~* (may substitute feeding tubes 5F and 8F)	E (ED)	E (ED)
Oral rehydrating solution	E (ED)	E (ED)
Pain scale assessment tools appropriate for age		
Pediatric emergency/crash cart or bag with defined list of contents attached to bag/cart	E (ED)	E (ED)
Restraining device, pediatric (papoose)	E (ED)	E (ED)
Resuscitation board	E (ED)	E (ED)
Urinary catheters (8-22 Fr)*	E (ED)	E (ED)
Warming devices, age appropriate	E (ED)	E (ED)

Weighing scales (in kilograms) for infant and children~~adult~~	E (ED)	E (ED)
Woods lamp (blue light)	E (ED)	E (ED)
Specialized Pediatric Trays		
Lumbar puncture tray, including a selection of needle sizes (size 18-22 g, 1½ -3 inch needle)~~capability (20-25 g, 1½ inch needle)~~	E (ED)	E (ED)
Minor surgical instruments and sutures	E (ED)	E (ED)
Newborn kit/OB kit (including umbilical clamp, bulb syringe, towel)~~with umbilical vessel cannulation supplies and meconium aspirator~~	E (ED)	E (ED)
Initial newborn resuscitation equipment (can include warming device, feeding tubes, neonatal mask)	E (ED)	E (ED)
Fracture Management Devices		
Extremity splints	E (ED)	E (ED)
Femur splint (child and adult)	E (ED)	E (ED)
Semi-rigid neck collars (child through adult) or cervical immobilization equipment suitable for children	E (ED)	E (ED)
Spinal immobilization board (child and adult)	E (ED)	E (ED)

* Shall~~Must~~ minimally stock a~~the full~~ range of each commonly available size noted or comparable sizes.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX M Inter-facility~~Interfacility~~ Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

Introduction
Most ill and injured children can be successfully managed by pediatricians, emergency physicians, and other community physicians in local hospitals. However, certain types of severely ill or injured children may require specialized pediatric critical care services or specialized trauma services that are not generally available in local hospitals.

Referral centers that provide specialized pediatric critical care services or specialized trauma services for pediatric patients should be identified by community hospitals and local EMS agencies and included as integral components of their pediatric emergency and critical care systems and trauma care systems. The specialized referral centers provide 24-hour telephone consultation to assist community physicians in the evaluation and management of critically ill and injured children. In addition, most of these referral centers provide pediatric inter-facility~~interfacility~~ transport services to facilitate the transport of critically ill or injured children to specialized centers when indicated.

Decisions on when to seek consultation or to transfer pediatric patients need to be individualized, based on local needs and resources. However, children with certain categories of critical illness and injury are at high risk of death and disability. Early consultation with appropriate pediatric critical care or trauma specialists and rapid transport to specialized referral centers, when indicated, can improve the outcomes for these children. In particular, consultation shall~~should~~ be sought for pediatric medical, surgical, and trauma patients who require intensive care when it is not locally available.

The attached guidelines are intended for use in a number of ways:

- They can be used by physicians and hospitals to identify the types of critically ill or injured children who might benefit from consultation with critical care or trauma specialists or transfer to specialized referral centers. It is recommended that hospitals and their medical staffs develop appropriate policies, procedures and staff education programs based on these guidelines. This will help to promote consultation, minimize delays, and facilitate appropriate, rapid and efficient transport of critically ill and injured children to specialty centers, when indicated.

- It is recommended that these guidelines also be used by local EMS agencies as a basis for the development of pediatric consultation and transfer guidelines based on the local needs and resources. Consultation and transfer guidelines should be integrated into local EMS

agency plans for pediatric emergency, critical care, and trauma care in each region. These guidelines should become specific EMS policies and procedures in order to promote appropriate consultation and transfer of children who require specialized pediatric critical care and/or trauma services.

The following guidelines are intended to assist physicians and hospitals to identify the types of critically ill and injured children who might benefit from consultation with pediatric critical care specialists or trauma specialists and transfer to specialized pediatric critical care or trauma centers, when indicated. If an inter-facility~~interfacility~~ transport is required, the referring physician, in consultation with the receiving physician, should determine the method of transport and appropriate personnel to accompany the child. The hospital shall have written pediatric inter-facility transfer guidelines/policies/procedures concerning transfer of critically ill and injured patients that include a defined process for initiation of transfer, including the roles and responsibilities of the referring facility and referral center; process for selecting the appropriate care facility; process for selecting the appropriately staffed transport service to match the patient's acuity level; process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral institution information to family.

Consultation with pediatric medical and surgical specialists at a pediatric tertiary care center or trauma specialists at a trauma center should occur as soon as possible after evaluation of the patient. It is recommended that each hospital and its medical staff develop appropriate emergency department and inpatient guidelines, policies and procedures for obtaining consultation and arranging transport, when indicated, for the following types of pediatric medical and trauma patients.

I. Guidelines for Inter-facility~~Interfacility~~ Consultation and/or Transfer for Evaluation of Pediatric Medical Patients (Non-trauma)

A. Physiologic Criteria

1. Depressed or deteriorating neurologic status

2. Severe respiratory distress responding inadequately to treatment and accompanied by any one of the following:

a. Cyanosis

b. Retractions (moderate to severe)

c. Apnea

d. Stridor (moderate to severe)

e. Grunting or gasping respirations

f. Status asthmaticus

g. Respiratory failure

3. Children requiring endotrachael intubation and/or ventilatory support

4. Serious cardiac rhythm disturbances

5. Status post cardiopulmonary arrest

6. Heart failure

7. Shock responding inadequately to treatment

8. Children requiring any one of the following:

a. Arterial pressure monitoring

b. Central venous pressure or pulmonary artery monitoring

c. Intracranial pressure monitoring

d. Vasoactive medications

9. Severe hypothermia or hyperthermia

10. Hepatic failure

11. Renal failure, acute or chronic requiring immediate dialysis

B. Other Criteria

1. Near drowning with any history of loss of consciousness, unstable vital signs or respiratory problems

2. Status epilepticus

3. Potentially dangerous envenomation

4. Potentially life-threatening ingestion of, or exposure to, a toxic substance

5. Severe electrolyte imbalances

6. Severe metabolic disturbances

7. Severe dehydration

8. Potentially life-threatening infections, including sepsis

9. Children requiring intensive care

10. Any child who may benefit from consultation with, or transfer to, a pediatric critical care center

II. Guidelines for Interfacility Consultation and/or Transfer for Evaluations of Pediatric Trauma Patients

A. Physiologic Criteria

1. Depressed or deteriorating neurologic status

2. Respiratory distress or failure

3. Children requiring endotracheal intubation and/or ventilatory support

4. Shock, compensated or uncompensated

5. Injuries requiring any blood transfusion

6. Children requiring any one of the following:

a. Arterial pressure monitoring

b. Central venous pressure or pulmonary artery monitoring

c. Intracranial pressure monitoring

d. Vasoactive medications

B. Anatomic Criteria

1. Fractures and deep penetrating wounds to an extremity complicated by neurovascular or compartment injury

2. Fracture of two~~2~~ or more major long bones (i.e., femur, humerus)

3. Fracture of the axial skeleton

4. Spinal cord or column injuries

5. Traumatic amputation of an extremity with potential for replantation~~replanation~~

6. Head injury when accompanied by any of the following:

a. Cerebrospinal fluid leaks

b. Open head injuries (excluding simple scalp injuries)

c. Depressed skull fractures

d. Decreased level of consciousness

7. Significant penetrating wounds to the head, neck, thorax, abdomen or pelvis

8. Major pelvic fractures

9. Significant blunt injury to the chest or abdomen

C. Other Criteria

1. Children requiring intensive care

2. Any child who may benefit from consultation with, or transfer to, a trauma center or a pediatric critical care center

D. Burn Criteria ~~(Thermal or Chemical)~~ – Contact should be made with a burn center for children who meet any one of the following criteria:

1. Partial thickness burns of greater than 10% total body surface area (TBSA)

2. Third degree burns in any age group

3. Burns involving:

a. Signs or symptoms of inhalation injury

b. Respiratory distress

c. The face

d. The ears (serious full-thickness burns or burns involving the ear canal or drums)

e. The mouth and throat

f. The hands, feet, genitalia, major joints or perineum

4. Electrical burns (including lightning injury)

5. Chemical burns

6. Burns associated with trauma or complicating medical conditions

7. Burned children in hospitals without qualified personnel or equipment for the care of children

8. Burn injury in patients who will require special social, emotional, or long-term rehabilitative intervention~~information~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application

Application Instructions

Follow these instructions to initiate the process to request recognition as a Pediatric Critical Care Center (PCCC) and Emergency Department Approved for Pediatrics (EDAP). The Pediatric Plan shall be developed through interaction and collaboration with all appropriate disciplines:

1. Complete the Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form and obtain the appropriate signatures.

2. Using the Pediatric Critical Care Center Plan Application Guideline and the PCCC/EDAP requirements, complete a PCCC and EDAP Pediatric Plan. The Pediatric Plan should follow the Pediatric Critical Care Center Plan Application Guideline checklist format provided in this application and include all requested supporting documentation, including, but not limited to, scope of services/care, credentialing forms, policies (both administrative and department specific), procedures, protocols, guidelines, flow charts, rosters, calendars, schedules, etc.

3. Complete and obtain signatures on the Department-approved physician, mid-level provider and nursing credentialing forms.

4. Complete the EDAP, PICU and Pediatric Unit Equipment Checklists.

5. Submit four copies of the hospital's Pediatric Plan (an original signed copy plus three additional copies) that each contain the following:

    a. Signed Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form;

    b. Completed PCCC Plan and EDAP Plan (including supporting documentation);

    c. Completed physician, mid-level provider and nursing credentialing forms;

    d. Completed EDAP, PICU and Pediatric Inpatient Unit Equipment Checklists.

6. Submit these documents (including all supporting documentation) in the order listed in this application to: Division of EMS & Highway Safety, Illinois Department of Public Health, 422 S. 5th Street, Springfield IL 62701.

7. The Pediatric Plan shall be submitted in a single-sided format and unstapled.

8. Any submitted requests to waive any of the EDAP or PCCC requirements shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

Site Survey Procedure

1. Within four to six weeks following the Department's receipt of the PCCC Pediatric Plan and supporting documents, the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.

2. In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the facility recognition requirements.

3. The site visit will include a survey of the Emergency Department, Pediatric Intensive Care Unit, Pediatric Units and a meeting with the following individuals:

   a. chief administrative/executive officer or designee

   b. chief of pediatrics

   c. medical director of the pediatric intensive care services

   d. medical directors of the pediatric units

   e. medical director of pediatric ambulatory care

   f. nursing director or nurse manager of the pediatric intensive care services

   g. nursing director or nurse manager of the pediatric units

   h. administrator of pediatric services

   i. administrator of emergency services

j. pediatric quality coordinator

k. hospital quality improvement department director or designee

l. emergency department medical director and the pediatric emergency department medical director

m. emergency department nurse manager and the pediatric emergency department nurse manager

n. hospital emergency management/disaster preparedness coordinator

o. transport team medical director

p. transport team nurse coordinator

q. mid-level provider, i.e., nurse practitioner or physician assistant for those facilities that use mid-level providers in their emergency department or on their pediatric units

r. For EMS Resource or Associate Hospitals: The EMSMD and EMS coordinator

Site Survey Team

The Director or the Chief, Division of EMS & Highway Safety, in coordination with the Illinois EMSC Advisory Board, will appoint the site survey team. Site survey teams will be composed of a physician/nurse team along with a representative from the Illinois Department of Public Health. All team members will attend formal training in the site survey responsibilities, expectations and process.

Following the Site Survey

1. Within four to six weeks following the site visit, the hospital shall receive the results of the survey from the Department. Those hospitals meeting all requirements will receive a formal recognition of their Pediatric Critical Care capabilities.

2. Hospitals that do not meet the requirements will receive a letter from the Illinois Department of Public Health outlining the areas of non-compliance. The Department

shall deny a request for recognition if findings show failure to substantially comply with the EDAP and/or PCCC requirements. Hospitals may appeal the denial by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

3. Re-recognition shall occur every three years, with site visits scheduled as necessary.

ILLINOIS EMSC
FACILITY RECOGNITION

Request for Recognition of Pediatric Critical Care Center (PCCC) and
Emergency Department Approved for Pediatrics (EDAP) Status

Application Form

Name of hospital and address (typed)

_____

_____

_____

The above-named hospital is requesting PCCC and EDAP recognition. In addition, the above-named hospital certifies that each requirement in this Request for Recognition is met.

_____
Typed name – CEO/Administrator

_____
Signature – CEO/Administrator Date

_____
Typed name – Chairman of the Department of Pediatrics

_____
Signature – Chairman of the Department of Pediatrics Date

_____
Typed name – Medical Director of Emergency Services

Signature – Medical Director of Emergency Services Date

Contact Person – Typed name, credentials and title

Contact Person – Phone number, fax number and email

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

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Section 515.Appendix O Pediatric Critical Care Center Plan

I. PEDIATRIC CRITICAL CARE CENTER PLAN

Application Checklist
Instructions: Please follow and complete this checklist carefully. It outlines the components that must be included in the submitted plan. Please include any applicable supplemental documentation.

A. Organizational Structure

1. Enclosed is an organizational table identifying the administrative relationships among all departments in the hospital, especially as they relate to the pediatrics department. The table shall include, but is not limited to, the following:

- ☐ board of directors
- ☐ chief executive officers
- ☐ emergency department
- ☐ department of pediatrics
- ☐ pediatric ambulatory care
- ☐ trauma service
- ☐ department of radiology
- ☐ laboratory services
- ☐ transport service team
- ☐ social services

2. Enclosed is an organizational table showing the organizational structure of the department of pediatrics, including the relationship of the physician, nursing and ancillary services for both the PICU and pediatric units. Include the reporting structure for the pediatric chairman (to whom he/she reports).

☐ Department of Pediatrics Organizational Structure (Table)

3. Enclosed is an organizational table showing the organizational structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the emergency department director (to whom he/she reports).

☐ Emergency Department Organizational Structure (Table)

EDAP Checklist

Review the criteria in Section 515.4000(a)(1) and (2) for the physician staff qualifications and continuing medical education and submit each of the following:

- ☐ A policy or medical staff bylaws that incorporate the physician qualifications and CME requirements.
- ☐ A completed Credentials of Emergency Department Physicians form
- ☐ The curriculum vitae for the ED medical director
- ☐ A current one-month physician schedule for the ED

Review the criteria in Section 515.4000(a)(3) for the ED physician coverage and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(4) for ED consultation and submit a one-month on-call schedule identifying availability of board certified/board prepared pediatricians or pediatric emergency medicine physicians.

Review the criteria in Section 515.4000(a)(5) for ED physician back-up and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(6) for on-call specialty physician response time and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(b)(1) and (2) for mid-level provider qualifications and continuing medical education and submit the following (as applicable):

- ☐ A policy(s) that incorporates the mid-level provider qualifications and continuing education requirements
- ☐ A completed Credentials of Emergency Department Mid-level Providers form
- ☐ A current one-month mid-level provider schedule

Review the criteria in Section 515.4000(c)(1) and (2) for nursing qualifications and continuing education and submit the following:

- ☐ A policy that incorporates the nursing qualifications and CE requirements
- ☐ A completed Credentials of Emergency Department Nursing Staff form
- ☐ A one-month nurse staffing schedule for the emergency department

Review the criteria in Section 515.4000(d)(1) for inter-facility transfer and submit the following:

- ☐ An inter-facility transfer policy that addresses pediatric transfers
- ☐ A copy of current pediatric-specific transfer agreements with hospitals that provide pediatric specialty services, pediatric intensive care and burn care not available at your facility

Review the criteria in Section 515.4000(d)(2) for suspected child abuse and neglect and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(d)(3) for treatment protocols and submit all pediatric treatment protocols.

Review the criteria in Section 515.4000(d)(4) for latex allergy policy and submit a policy that addresses latex allergies and the availability of latex-free equipment and supplies.

Review the criteria in Section 515.4000(e)(1) for quality improvement activities and the multidisciplinary quality improvement committee and submit both of the following:

- ☐ A quality improvement plan, including a QI policy, pediatric indicators, feedback loop and target time frames for closure of issues
- ☐ The composition of the multidisciplinary QI committee

Review the criteria in Section 515.4000(e)(2) for the pediatric quality coordinator responsibilities and submit both of the following:

- ☐ A curriculum vitae for the pediatric quality coordinator
- ☐ Documentation detailing the participation of the pediatric quality coordinator in regional QI activities and how that has affected pediatric quality care in the ED

Review the criteria in Section 515.4000(f) for the list of emergency department equipment requirements and submit a completed checklist indicating the availability of all equipment.

Indicate in the pediatric plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order) or a waiver request shall be submitted for each item. Requests for waiver shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment or supply items in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

B. PCCC Checklist

1. Hospital Requirements

Review the criteria in Section 515.4020(a) of the PCCC requirements as related to hospital resources and submit documentation identifying the ability to meet each of the following:

- ☐ A scope of services/policy outlining PICU services, unit resources and capabilities. Include any guidelines that outline pediatric admission criteria based on age parameters and/or diagnoses
- ☐ A list of the members of the PICU Committee, as well as their disciplines, to meet subsection (a)(3)
- ☐ Documentation to substantiate that Section 515.4020(a)(4) (Helicopter landing) is met
- ☐ A statement regarding 24-hour availability to meet Section 515.4020(a)(5) (CAT scan)
- ☐ A statement regarding the ability to meet Section 515.4020(a)(6) (Laboratory)
- ☐ A statement of availability or transfer agreement to meet Section 515.4020(a)(7) (Hemodialysis capabilities)
- ☐ A statement or scope of service from each program identifying the availability of staff as required in Section 515.4020(a)(8) (Other staffing/services)
- ☐ A list of professional pediatric critical care educational trainings that staff have provided in the past year to meet Section 515.4020(a)(9) (include information on trainings held within the facility, within the region or surrounding geographic area)
- ☐ A list of pediatric emergency care classes that staff have provided in the past year to meet Section 515.4020(a)(10) (i.e., CPR, first aid, health fairs, etc., conducted for the patient population and the community, region or surrounding geographic area)
- ☐ Documentation of any pediatric research the facility has been engaged in during the past year to meet Section 515.4020(a)(11) (include the research project abstract, summary of projects or listing of research activities)

II. PICU SERVICE REQUIREMENTS

DEPARTMENT OF PUBLIC HEALTH

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A. Professional Staff

1. ICU Medical Director

Review the criteria in Section 515.4020(b) for the Medical Director and Co-Director requirements and submit each of the following:

- ☐ A curriculum vitae for the appointed PICU medical director
- ☐ A copy of board certification or verification of board certification
- ☐ A curriculum vitae and board certification for the co-director (as applicable – see Section 515.4020(b)(1)

2. PICU Medical Staff Requirements

Review the criteria in Section 515.4020(c) and submit each of the following:

PICU Medical Staff

- ☐ A policy outlining PICU physician staffing, coverage, availability, and CME requirements that incorporates Section 515.4020(c)(1)(A) and (B)
- ☐ A completed Credentials of PICU Physicians form that includes the medical director (and co-director as applicable)
- ☐ A one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)

Physician Specialist Availability (Section 515.4020(c)(2))

- ☐ A policy or by-laws that address the response time and on-call scheduling of pediatric surgeons
- ☐ A policy/process outlining board or sub-board certification or board preparedness for all specialist physicians
- ☐ A policy/process outlining how pediatric proficiency is defined and assuring that all specialist physicians maintain 10 hours of pediatric CME per year
- ☐ A policy/process outlining anesthesiologist on-call staffing and response time, subspecialty training in pediatric anesthesiology or pediatric proficiency as defined by institution, and 10 hours of pediatric CME per year; for Certified Registered Nurse Anesthetists, provide a copy of the by-laws that address their responsibilities and back up
- ☐ On-call schedules from the last month that list physician availability to meet Section 515.4020(c)(2)(C) and (D)

3. PICU Mid-Level Providers (Physician Assistant or Nurse Practitioner) Requirements

NOTE – Complete this section only if physician assistants or nurse practitioners practice in the PICU.

Review the criteria in Section 515.4020(d) and submit each of the following:

Nurse Practitioner (Section 515.4020(d)(1))

- ☐ A policy outlining PICU nurse practitioner staffing, coverage, availability, responsibilities and credentialing process
- ☐ A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials of PICU Mid-Level Providers form

Physician Assistant (Section 515.4020(d)(2))

- ☐ A policy outlining PICU physician assistant staffing, coverage, availability, responsibilities and credentialing process
- ☐ A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials of PICU Mid-Level Providers form

Education (Section 515.4020(d)(3) and (4))

- ☐ A policy that incorporates APLS, PALS or ENPC (Section 515.4020(d)(3))
- ☐ A copy of the PICU physician assistant/nurse practitioner continuing education policy that incorporates Section 515.4020(d)(4)

4. PICU Nursing Staff Requirements

Review the criteria in Section 515.4020(e) and submit each of the following:

PICU Nurse Manager

- ☐ A curriculum vitae for the PICU manager
- ☐ A policy or job description that incorporates Section 515.4020(e)(1)(C)

PICU Advanced Practice Nurse

- ☐ A policy or job description of the role and responsibilities of the advanced practice nurse in the PICU

- ☐ A resume of the PICU advanced practice nurse
- ☐ A policy that incorporates Section 515.4020(e)(2)(C) and (D)

Nursing Patient Care Services

- ☐ A policy/documentation outlining current nursing shift staffing plan/patterns
- ☐ A completed Credentials of PICU Nursing Staff form that includes the PICU nurse manager and PICU advanced practice nurse
- ☐ A policy or job description for the PICU nurse that outlines the orientation process to the unit responsibilities and requirements of the Department (Section 515.4020(e)(3)(C) and (D))
- ☐ A copy of a one-month nurse staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- ☐ A policy reflecting yearly competency review requirements for the PICU staff

D. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(f) and submit each of the following:

- ☐ An admission and discharge criteria policy
- ☐ A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- ☐ A policy for managing the psychiatric needs of the PICU patient
- ☐ Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses

E. Inter-facility Transfer/Transport Requirements

Review the criteria in Section 515.4020(g) and submit each of the following:

- ☐ A copy of the last annual report containing the number of annual transfers to the facility from transferring institutions
- ☐ A policy outlining the feedback process to transferring hospitals on the status of the referral patient and the methods for quality review of the transfer process
- ☐ Documentation outlining the pediatric inter-facility transport system capabilities and resources
- ☐ A transfer policy that addresses pediatric inter-facility transfers

F. Quality Improvement Requirements

Review the criteria in Section 515.4020(h) and submit each of the following:

- ☐ A list of the members of the Multidisciplinary Pediatric Quality Improvement Committee and their respective positions/disciplines
- ☐ An institutional Quality Improvement Organizational Chart
- ☐ The PICU outcome analysis plan and pediatric monitoring activities that meet Section 515.4020(h)(2) (minutes from the past year that reflect the activities of the Multidisciplinary Pediatric Quality Improvement Committee will be requested at the time of site survey)

G. Equipment

Review the criteria in Section 515.4020(i) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, a waiver request shall be submitted for each item. Requests for waiver shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

III. PEDIATRIC INPATIENT CARE SERVICE REQUIREMENTS

A. Professional Staff

1. Pediatric Unit Physician Requirements

Review the criteria in Section 515.4020(j) and submit each of the following:

- ☐ A curriculum vitae and a copy of board certification for the pediatric inpatient director
- ☐ A policy or a scope of services for the pediatric unit that defines responsibility for medical management of care
- ☐ If pediatric hospitalists are used, documentation that defines their scope of service, including their responsibilities to other attending physicians

- ☐ A completed Credentials of Pediatric Unit Hospitalists form
- ☐ A policy that incorporates Section 515.4020(j)(1)(B)
- ☐ A policy or scope of services outlining the responsibility of the PICU medical director or his/her designee as being available on call and for consultation on all pediatric in-house patients who may require critical care

2. Pediatric Unit Nurse Manager Requirements

Review the criteria in Section 515.4020(j)(2) and submit each of the following:

- ☐ A curriculum vitae for the pediatric unit manager
- ☐ A job description or policy incorporating Section 515.4020(j)(2)(C)

3. Pediatric Unit Nursing Care Services

Review the criteria in Section 515.4020(j)(3) and submit each of the following:

- ☐ A policy/documentation outlining current nursing shift staffing plan/patterns
- ☐ A policy describing annual competency review requirements for the pediatric nursing staff (Section 515.4020(j)(3)(B))
- ☐ A policy or job description for the pediatric unit nurse that outlines the orientation process to the unit responsibilities and requirements of the Department that address Section 515.4020(j)(3)(A) through (D)
- ☐ A copy of a one-month nursing staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials for the Pediatric Unit Nursing Staff form that includes the Pediatric Unit Nurse Manager

B. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(k) and submit each of the following:

- ☐ A policy or scope of services that outlines the pediatric department services, ages of patients served and admission guidelines
- ☐ A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- ☐ A safety and security policy for the patient in the unit
- ☐ An inter-facility transport policy that addresses safety and acuity
- ☐ An intra-facility transport policy that addresses safety and acuity

- ☐ A latex allergy policy
- ☐ A pediatric organ procurement/donation policy
- ☐ An isolation precautions policy that incorporates appropriate infection control measures
- ☐ A disaster/terrorism policy that addresses the specific medical and psychosocial needs of the pediatric population
- ☐ Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses
- ☐ A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family, and appropriate social work referral for the following indicators (see Pediatric Bill of Rights in Appendix N):
  - Child death
  - Child has been a victim of or witness to violence
    Family needs assistance in obtaining resources to take the child home
  - Family needs a payment resource for their child's health needs
    Family needs to be linked back to their primary health, social service or educational system
  - Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health condition
  - Family needs additional education related to the child's care needs to care for the child at home
- ☐ A discharge planning policy or protocol that includes the following:
  1. Documentation of appropriate primary care/specialty follow-up provisions
  2. Mechanism to access a primary care resource for children who do not have a provider
  3. Discharge summary provision to appropriate medical care provider, parent/guardian, that includes:
     - Information on the child's hospital course
     - Discharge instructions and education
     - Follow-up arrangements
  4. Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:
     - Require the assistance of medical technology
     - Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral or social/emotional realms
     - Have additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health or speech/language services

- Have a brain injury – mild, moderate or severe
- Have a spinal cord injury
- Exhibit seizure behavior during an acute care episode or have a history of seizure disorder and are not currently linked with specialty follow-up
- Have a submersion injury, such as a near drowning
- Have a burn (other than a superficial burn)
- Have a pre-existing condition that experiences a change in health or functional status
- Have a neurological, musculoskeletal or developmental disability
- Have a sudden onset of behavioral change, for example, in cognition, language or affect

C. Quality Improvement Requirements

Review the criteria in Section 515.4020(l) and submit the following:

☐ The titles of the pediatric unit representatives that serve on the Multidisciplinary Pediatric Quality Improvement Committee

D. Equipment Requirements

Review the criteria in Section 515.4020(m) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, a waiver request shall be submitted for each item. Requests for waiver shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

All of the following equipment/supplies/medications shall be immediately available within the PICU and pediatric unit:

AIRWAY

Cricothyrotomy capabilities (i.e., 10 g needle and 3 mm ET tube adapter or 14 g needle and 3.5 mm ET tube adapter)
Endotracheal tubes:
- Uncuffed (sizes 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0)
- Cuffed (sizes 5.0, 5.5, 6.0, 6.5, 7.0, 7.5, 8.0, 8.5)
- Stylets for endotracheal tubes (pediatric and adult)

Laryngoscope handle (pediatric and adult); bulbs (small and large); extra batteries
Laryngoscope blades (Curved 1, 2, 3; Straight or Miller 00, 0, 1, 2, 3)
Local anesthetic (i.e., lidocaine gel, cetacaine spray)
Magill forceps (pediatric and adult)
Oral airways (sizes 00, 1, 2, 3, 4, 5)
Stylets (pediatric and adult)
Tongue blades
Tracheostomy collar
Tracheostomy tubes (sizes PED 3.0, 3.5, 4.0, 4.5, 5.0, 5.5 or ET may be substituted); trach ties; surgilube

BREATHING

Bag-valve-mask device, self-inflating infant/child and adult with O_2 reservoir and clear masks (neonatal through large adult sizes), PEEP and manometer
C-PAP
End-tidal PCO_2 monitor and/or pediatric CO_2 detector (disposable units may be substituted)
Flow meter
Masks, clear (neonatal, toddler, infant, child, medium adult)
Nasogastric tubes (sizes 6, 8, 10, 12, 14 Fr). NOTE: Cannot use feeding tubes as a substitute.
Nasopharyngeal airways (sizes 12, 16, 20, 24, 28, 30 Fr)
O_2 Tank
O_2 Blender
O_2 connectors and spare O_2 tubing

Partial non-rebreather O_2 masks (neonatal, pediatric, adult)
PEEP valves
Pulse oximeter with child, infant and neonatal probes
Stethoscope
Suction supplies (bulb syringe, suction catheters sizes 6, 8, 10, 12, 14 Fr and Yankauer-tip catheter)
Tube thoracostomy tray and water seal drainage capacity with chest tubes (sizes 8-40 Fr)
Ventilator-respirator, pediatric

CIRCULATION

Blood collection tubes, culture bottles, arterial blood gas syringe
Butterfly needles (19, 21, 23, 25 g)
Cardiac resuscitation board
Catheter over needle IV access (sizes 16, 18, 20, 22, 24 g)
CVP and arterial monitors
Doppler device
ECG monitor-defibrillator/cardioverter with pediatric and adult sized paddles (and/or pads), with pediatric dosage settings and pediatric/adult pacing electrodes
Intraosseous needles or bone-marrow aspiration needles (one large and one small bore) or IO device (pediatric and adult sizes)
IV fluid/blood warmer
IV pumps
IV tubing and extension tubing
Minidrip with metered chamber
Needles (sizes 16, 18, 20, 22/23, 25; intracardiac needle 21 g, 1½ inch; filter needle)
Non-invasive blood pressure device (neonatal through adult cuffs)
Rapid infusion pumps
Sphygmomanometer with cuffs (newborn, infant, child, small adult, adult)
Stopcocks
Syringes (TB, insulin U100, 1 ml-20 ml and catheter tip)
T-connectors
Tourniquets, arm boards, tape, alcohol wipes, skin prep, razor
Vascular access supplies using the Seldinger technique (3-8 Fr)
Warming devices, age appropriate

MEDICATIONS
Activated Charcoal
Adenosine
Albumin 5% and 25%

Amiodarone
AquaMEPHYTON
Atropine
Bacteriostatic Water, 30 ml
Beta-agonist for inhalation
Calcium Chloride 10%
Calcium Gluconate 10%
Dexamethasone
Dextrose 10%, 25% and 50%
Diazepam
Digitalis antibody
Digoxin
Diphenhydramine
Dobutamine
Dopamine
Dosing device – length or weight based system for dosing and equipment/supplies
Epinephrine (1:1000 and 1:10,000)
Factor VIII, IX concentrate (pharmacy or blood bank)
Flumazenil
Furosemide
Glucagon
Insulin
IV solutions (D5W and 0.9 NS)
IV solutions, standard crystalloid (D10W, D5/0.2 NS, D5/0.45 NS and 0.9 NS)
Kayexalate
Ketamine
Lidocaine 1% and 2%
List of resuscitation drug dosages at patient bedside (based on child's weight)
Lorazepam (may be located in unit refrigerator)
Magnesium sulfate 10% and 50%
Mannitol 25%
Methylene blue
N-acetyl cysteine
Naloxone
Narcotics
Norepinephrine
Neuromuscular blocking agents (i.e., succinylcholine, pancuronium, vecuronium) (NOTE: May be refrigerated)
Oral rehydrating solution

Phenobarbital
Phenytoin and/or fosphenytoin
Potassium
Procainamide
Propranolol
Prostaglandin E1
Sodium Bicarbonate, 8.4% and 4.2%
Sodium Chloride 10 ml (multiple)
Steroids – parenteral
Thiopental
Topical anesthetic agent
Vasopressin (DDAVP)
Whole bowel irrigation solution

MISCELLANEOUS

Lumbar puncture tray, including a selection of needles (size 18-22 g, 1½ - 3 inch needle)
Feeding tubes (8-14)
Foley catheters (sizes 6, 8, 10, 12 Fr)
Hypothermia thermometer with rectal probe (28° - 42° C)
Otoscope/ophthalmoscope
Weighing scales (in kilograms) for infants and children

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Hospital Capital Investments

2) Code Citation: 77 Ill. Adm. Code 976

3) Section Number: 976.110 — Proposed Action: Amend

4) Statutory Authority: Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will allow hospitals that apply for and receive a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of ownership to modify the letter of intent and grant application from the Hospital Capital Investment program to reflect the ownership change.

Current language in 77 Ill. Adm. Code 976.90 requires a hospital to submit both a letter of intent and a grant application to the Department within 120 days after the Notice of Grant Opportunity being published. If a hospital submits the required materials and subsequently changes ownership, there is no mechanism in place to allow the new owner to modify the application materials. The potential exists that if the hospital's previous owner applied for a capital grant and the hospital changes ownership, the new owner will be unable to receive the grant since it did not submit the application materials.

The legislative intent of the program is to provide qualifying hospitals with needed capital to address life safety code and building/structural issues, medical equipment acquisition and information technology upgrades. The lack of flexibility in the rule potentially inhibits the Department with awarding grants to address these issues. This, in turn, hinders qualifying hospitals by preventing funds to be disbursed that could assist in providing higher quality of care and improving patient safety.

The proposed rule will provide hospitals with needed flexibility to modify grant applications to reflect a new owner, while simultaneously allowing the grant application review and approval process at the Department to continue for that particular applicant.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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 a State mandate.

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Not-for-profit and public hospitals

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment for this rulemaking and begins in this issue of the Illinois Register on page 10974:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Chief Procurement Officer for the Department of Transportation Contract Procurement

2) Code Citation: 44 Ill. Adm. Code 6

3)

Section Numbers:	Proposed Action:
6.10	Amend
6.20	Amend
6.30	Amend
6.40	Amend
6.50	Amend
6.55	New
6.60	Amend
6.70	Amend
6.80	Amend
6.90	Amend
6.100	Amend
6.110	Amend
6.120	Amend
6.125	Amend
6.140	Amend
6.150	Amend
6.180	Amend
6.200	Amend
6.220	Amend
6.240	Amend
6.275	New
6.290	Amend
6.300	Amend
6.310	Repeal
6.330	Amend
6.360	Amend
6.370	Amend
6.380	Amend
6.385	New
6.388	New
6.420	Amend
6.430	Amend
6.440	Amend

6.470	Amend
6.480	Amend
6.490	Amend
6.500	Amend
6.510	Amend
6.520	Amend
6.530	Amend
6.540	Amend
6.550	Amend
6.560	Amend
6.570	Amend
6.590	Amend
6.600	Amend
6.610	Amend
6.620	Amend
6.630	Amend
6.640	Amend
6.680	Amend
6.690	Amend
6.740	Amend

4) Statutory Authority: Implementing, and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500]

5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part for consistency with recent changes made to the Illinois Procurement Code (Code) (see Public Acts 96-795 and 96-920, effective July 1, 2010) as those changes pertain to the procurement practices of the Department.

Following are summaries of the significant changes being made to this Part.

The Department is revising Section 6.10, Authority, to establish, pursuant to the Illinois Procurement Code (Code) [30 ILCS 500], that the Illinois Department of Transportation's Chief Procurement Officer (CPO) has authority over all procurements covered under this Part. Changes are being made throughout the rulemaking consistent with the CPO's authority under this Part.

At Section 6.20, Policy and Application, the Department is adding language to exclude certain contracts and agreements from the applicability of this Part.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

At Section 6.40, Definitions, the Department is adding and revising definitions for consistency with the Code.

At Section 6.50, Transportation Procurement Bulletin, the Department is adding language with respect to the timing and content of notices to be posted and published in the Transportation Procurement Bulletin (Bulletin).

At Section 6.55, Required Notices, the Department is adding a new Section on notices required to be published in the Bulletin.

At Section 6.100, Small Contracts, the Department is deleting language in subsection (c) and moving it to newly added Section 6.385.

At Section 6.110, Sole Source Contracts, the Department is deleting the provision pertaining to utility, railroad or other private property because they are not sole source contracts; rather, they are covered under cost-reimbursement agreements. The provision on change orders has been moved to Section 6.385. Finally, the Department is adding a provision, consistent with Section 20-25(c), with respect to providing sole source notices to the Procurement Policy Board (PPB) and conducting public hearings prior to the execution of a sole source contract.

At Section 6.120, Emergency Contracts, the Department is adding provisions with respect to, among other things, the term limit of an initial emergency contract, notice of an emergency contract and extension of an emergency contract.

At Section 6.140, Invitations for Bids, the Department is adding language with respect to certifications and assurances, and mandatory disclosures, which are now included in the Invitation for Bids as bid submission requirements.

At Section 6.150, Amendments to Invitations for Bids, the Department is adding language prescribing that amendments will be published in the Bulletin and that the bidder is responsible for ascertaining which addenda or revisions pertain to any project the bidder may be bidding on.

At Section 6.220, Consideration of Bids, the Department is adding failure to incorporate relevant addenda or revisions as an additional reason for rejection of any individual bids.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

At Section 6.240, Award After Bid Evaluation, the Department is adding a provision with respect to federal-aid contract awards, or proposals by the Department or CPO to reject all bids, requiring concurrence of these by the Federal Division Administrator pursuant to 23 CFR 635.114(a) and (h).

At Section 6.275, Notice of Award, the Department is adding this new Section for consistency with Section 20-10(g) of the Code.

Section 6.290, Requirement of Contract Bond for Construction Contracts, the Department is adding language, consistent with the Public Construction Bond Act [30 ILCS 550], with respect to the amount of a contract bond which, upon adoption of this rulemaking, may be an amount fixed by the Department that is conditioned on the completion of the contract for the payment of material used in the work and for all labor performed in the work.

At Section 6.300, Execution of Contract, the Department is, among other things, adding a provision with respect to the execution of a contract subject to Subpart D of this Part only after the PPB notice period has expired or the Department has received a waiver of the PPB notice period from the PPB. Additionally, provisions have been added prescribing that the Department is the sole entity having the authority to accept performance and make payments under the contract and that the CPO or the SPO will execute the contract for approval of the procurement process and the execution of the contract by the Department.

At Section 6.370, Award, the Department clarified that the State Purchasing Officer (SPO) will make the written determination of an awarding of a contract.

At Section 6.380, Execution of Contracts, the Department is adding language with respect to contracts subject to Subpart E ~ they will be executed after the PPB notice period has expired or the Department has received a waiver of the notice period from the PPB.

The Department has added a new Subpart F entitled "Contract Administration" and Sections 6.385 and 6.388 are included in this new Subpart.

The Department has added a new Section 6.385, Expenditure in Excess of Contract Price. This new Section prescribes requirements that pertain to the obligation of funds in excess of the contract price and construction contract change orders that are germane to the original contract.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

At Section 6.388, Multi-year Contracts, the Department is adding certification language pursuant to Section 50-2 of the Code.

At Subpart H, the Department added "OR SUBCONTRACTORS" to make subcontractors subject to the same suspension provisions contractors are subject to under this Subpart (which has been renumbered to "J").

At Section 6.520, the Department has added debarment as a possible consequence for acts or omissions that indicate that a contractor or subcontractor lacks integrity and honesty in the conduct of business or the performance of contracts.

At Section 6.550, Terms of Suspension, the Department has added language concerning the term of a suspension.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Mr. Bill Grunloh, Chief Procurement Officer
Executive Ethics Commission
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

217/ 558-5434

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses doing business with or seeking to do business with the Department will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Small businesses contracting with the Department are required to provide certain conflict of interest disclosures, financial interest disclosures and certifications.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION
CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section
6.10 Authority
6.20 Policy and Application
6.30 Purpose and Policy Interpretations
6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section
6.50 Transportation Procurement Bulletin
6.55 Required Notices
6.60 Subscription Fees
6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section
6.80 Competitive Sealed Bids
6.90 Competitive Sealed Proposals
6.100 Small Contracts
6.110 Sole Source Contracts
6.120 Emergency Contracts
6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

6.130 General Conditions for Use
6.140 Invitations for Bids
6.150 Amendments to Invitations for Bids
6.160 Preparation of Bids
6.170 Delivery of Bids
6.180 Change or Withdrawal of Bids
6.190 Combination Bids for Construction Contracts
6.200 Pre-Bid Conferences
6.210 Public Opening of Bids
6.220 Consideration of Bids
6.230 Mistakes
6.240 Award After Bid Evaluation
6.250 Split and Multiple Awards
6.260 Time for Award
6.270 Delay in Award
6.275 Notice of Award
6.280 Binding Contract
6.290 Requirement of Contract Bond for Construction Contracts
6.300 Execution of Contract
6.310 Publication of Contracts (Repealed)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section
6.320 General Conditions for Use
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AUTHORITY: Implementing, and authorized by, Section 5-25 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transporation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 6.10 Authority

a) The Chief Procurement Officer (CPO)~~Secretary of Transportation~~ is established in the Illinois Procurement Code (~~the~~ Code) [30 ILCS 500] as the person appointed by the Secretary of Transportation with the consent of the majority of the members of the Executive Ethics Commission~~Chief Procurement Officer~~ for all construction, ~~and~~ all construction-related services, ~~contract procurement, for procurement related to the~~ operation of any facility, and the provision of any construction or construction-related service or activity committed by law to~~under~~ the jurisdiction of the Illinois Department of Transportation (~~the~~ Department), including the direct or reimbursable expenditure of all federal funds for which the Department is responsible or accountable for the use thereof in accordance with federal law, regulations or procedure~~and for the procurement of contracts~~

~~necessary to the provision of any service or activity for which the Department is charged by law~~. The CPO~~Secretary~~ has the authority to appoint State Purchasing Officers (SPOs) to carry out the responsibility established in the ~~Illinois Procurement~~ Code. (See Sections~~Section~~ 1-15.15 and 10-10 of the Code.)

b) With respect to construction and construction-related services, the Department is charged by law with the responsibility for the construction, improvement, maintenance and operation of the State Highway System; the rehabilitation, improvement and construction of rail facilities; and the construction, improvement and maintenance of air navigation facilities either on behalf of the State or as agent for units of local government empowered to operate air navigation facilities. In addition, the Department may let contracts for highway construction on highway systems under the jurisdiction of local highway authorities as a condition of the receipt of federal-aid funds or as otherwise provided by law.

c) Procurements undertaken by~~in accordance with the authority of~~ the Department, as a construction agency and purchasing agency, and subject to the Code will be accomplished in accordance with this Part or the standard procurement rules adopted by the Chief Procurement Officer for General Services (CPO-GS) (see 44 Ill. Adm. Code 1)~~Department of Central Management Services~~ as indicated in the notice of the relevant procurement. All other procurements subject to the Code and committed to the authority of other Chief Procurement Officers therein will be conducted in accordance with the rules adopted by those Chief Procurement Officers. Procurements subject to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] will be conducted, in all aspects and procedures, including but not limited to prequalification, publication, evaluation, selection, contract formation and amendment, and performance evaluation, in accordance with the Department's rules promulgated at 44 Ill. Adm. Code 625~~rules adopted by the Department pursuant to that Act~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.20 Policy and Application

a) Policy

All Department contract procurements will be accomplished in the most economic and expeditious manner consistent with the principles and practices established in the Code. It is the policy of the CPO~~Secretary of Transportation, as Chief~~

~~Procurement Officer~~ for the Department~~,~~ that all activities of the appointed SPOs~~State Purchasing Officers~~ and other designees related to the procurement process maximize the value of the expenditure of public funds in procuring contracts, and that those appointed and designated act in a manner that maintains public trust in the integrity of the process.

b) Application
This Part does not apply to intergovernmental agreements and contracts, grants, purchase of care agreements, collective bargaining agreements, purchase of real estate, contracts necessary to prepare for anticipated litigation, enforcement actions or investigations, and utility and railroad cost reimbursement agreements. (See Section 1-10(b) of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.30 Purpose and Policy Interpretations

This Part is promulgated to guide the CPO and appointed SPOs~~Department~~ in implementing the procurement practices applicable to contract procurement established in the Code. All policy and operational interpretations will be made in a manner so as to secure the commercial needs of the State, to protect, safeguard and maintain the integrity of the procurement process, and to maximize the value of the expenditure of public funds. This Part is intended and designed to achieve practical, standard procedural uniformity for procurement undertaken by the CPO and appointed SPOs for the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.40 Definitions

As used throughout this Part, terms defined in the Illinois Procurement Code have the same meaning as in the Code and as further defined in this Section~~below~~. Each term listed in this Section has the meaning set forth as follows~~below~~ unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" – An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" – Any person or entity that in fact submits a bid.

"Change Order" – A formal, written directive issued to a contractor or an agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, design changes~~increases or decreases in quantities, additions~~ or alterations to plans, or special provisions or specifications for which no provision is included~~, and adjustments or alterations specifically provided for~~ in the original contract.

"Chief Procurement Officer" or "CPO" − The person appointed under Section 1-15.15(2) of the Code.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Construction Agency" – The Illinois Department of Transportation for construction or maintenance of roads, highways, bridges and airports as an agency that enters into construction contracts as authorized by law or by delegation from the CPO. (See Section 1-15.25 of the Code.)

"Contract" – In addition to the definition of contract set forth in Section 1-15.30 of the Code, a contract is the~~A~~ written agreement entered into at the discretion of the SPO between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.

"Contract Adjustment" – A written price adjustment that adds to or deducts from a contract in accordance with provisions included in the original contract, including but not limited to increases or decreases in quantities, incentives, changed conditions and the addition of missing pay items called for in the specifications.

"Contractor" means any person, firm, corporation, organization, partnership or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.

"Day" – A calendar day.

"Department" – The Illinois Department of Transportation.

"Emergency Affidavit" – The affidavit filed by the CPO with the Procurement Policy Board and the Auditor General setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. (See Section 20-30(c) of the Code.)

"Emergency Contract" – The initial written agreement for an emergency procurement.

"Germane" – In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Multi-year Contract" – A multi-year contract is a contract with a time of performance of more than 12 months.

"Offerors" – For purposes of this Part, the term "offerors" includes only persons or entities submitting proposals that are acceptable or potentially acceptable. The term does not include persons or entities who submitted unacceptable proposals.

"PPB" – The Procurement Policy Board created by Section 5-5 of the Code.

"Proposal" – A response to a Request for Proposals.

"Purchasing Agency" – A State agency that enters into a contract at the direction of a State purchasing officer or a chief procurement officer. (See Section 1-15.70 of the Code.)

"Renewal" – An agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract.

"Responsible" – The capability, integrity and reliability of a bidder, offeror or contractor that, in all respects, ~~that~~ will assure good faith performance~~,~~ to undertake and complete fully the requirements of a contract.

"Responsive" – In the context of bidding procedures, the compliance in all

meaningful, material respects with the Invitation for Bids.

"Special Provisions" – Additions and revisions to the Standard and Supplemental Specifications applicable to an individual contract.

"Specifications" – The body of directions, provisions, and requirements for performance of prescribed work. Specifications includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"State Purchasing Officer" or "SPO" – The person appointed under Section 10-10 of the Code.

"Subcontract" – A contractual agreement between a person or entity and a person or entity who has a contract subject to the Code and this Part, pursuant to which the subcontractor assumes obligation for performing specified work. (See Section 1-15.107 of the Code.)

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of $25,000 or more with a contractor who has a contract subject to the Code. (See Section 1-15.108 of the Code.)

"Supplemental Specifications" – Additions and revisions to the Department's Standard Specifications.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section 6.50 Transportation Procurement Bulletin

a) The Department is responsible under the Code for publication of its volume of the Illinois Procurement Bulletin. The Department volume is entitled the "Transportation Procurement Bulletin" (Bulletin). (See Section 15-1 of the Code.)

b) The ~~Transportation~~ Bulletin is the published source for all Department procurement actions, notices and other information relevant to Department procurement activities undertaken pursuant to this Part, including but not limited

to contracts offered in the Invitation for Bids, contracts awarded, change orders, emergency purchases and sole source procurements.

c) The ~~Transportation~~ Bulletin may be published in subparts designed to enhance and focus the ability of users to find information relevant to the user's interest.

d) The ~~Transportation~~ Bulletin or any subpart thereof will be published or updated at least once each month but may be updated more frequently. (See Section 15-15 of the Code.)

e) Notices of all awarded contracts, including renegotiated contracts and change orders, will be posted on the Department's website the next business day. Notice will be posted and published in the Bulletin and will include the following:

1) the name of the successful responsible bidder or offeror;

2) the contract price;

3) the number of unsuccessful responsive bidders; and

4) any other disclosures, such as emergency purchase disclosures or any disclosure required under the Code.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.55 Required Notices

a) The Department is responsible for publishing its volumes of the Bulletin pursuant to this Subpart B.

b) Notice of all awarded contracts entered into by the Department pursuant to Subpart D will be published in the Bulletin.

c) Notice of Invitations for Bids are published in the Bulletin pursuant to Subpart D.

d) Notice of contracts let are published in the Bulletin pursuant to Subpart D.

e) Notices of contract renewals and change orders are published in the Bulletin pursuant to Subpart F.

f) The CPO or SPO will provide notice of emergency contracts and any hearings to extend any emergency contract in the Bulletin pursuant to Subpart C.

g) The CPO will provide a written description of the intent to enter into a sole source contract, along with a description of the item to be procured and the intended sole source contractor, in the Bulletin prior to entering into the sole source contract. The notice will be posted at least 14 days prior to the sole source hearing pursuant to Subpart C.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.60 Subscription Fees

The Department reserves the right to charge subscription fees in accordance with Section 15-15 of the Code. The ~~Transportation~~ Bulletin will be made available without charge to prequalified bidders, registered subcontractors, and offerors, and to public libraries within Illinois expressing interest. Access to detailed information contained in the ~~Transportation~~ Bulletin or any subpart may require additional fees.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.70 Direct Solicitation

Publication of the ~~Transportation~~ Bulletin or any subpart will~~shall~~ not prohibit direct solicitation in addition to publication in order to enhance competition or interest of prospective contractors in particular procurements.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: METHODS OF PROCUREMENT

Section 6.80 Competitive Sealed Bids

Except for those circumstances and methods described in Sections 6.90, 6.100, 6.110 and 6.120~~660.90, 660.100, 660.110 and 660.120~~, all Department contracts will be procured by competitive sealed bidding in accordance with Section 20-10 of the Code and this Part. (See Section 20-5 of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.90 Competitive Sealed Proposals

a) Department contracts may be procured by competitive sealed proposals when the Department determines that competitive sealed bidding is either not practicable or not advantageous to the State. (See Section 20-15(a) of the Code.)

b) The determination to use competitive sealed proposals will be made in writing on either a contract-by-contract or a category of contracts basis.

1) "Practicable" Distinguished From "Advantageous." As used in this Subpart, the term "practicable" means that which may be accomplished or put into practical application, and "advantageous" means an assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a contract may be entered into by competitive sealed proposals, the Department will determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

2) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals may be used. The competitive sealed proposal method differs from competitive sealed bidding in two principal ways. First, it permits discussions with competing offerors and changes in their proposals, including price. Second, it allows comparative evaluations to be made when selecting among acceptable proposals for award of the contract. Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing values other than price alone, or where prior procurement experience indicates that competitive sealed proposals may result in more beneficial contracts for the State, use of competitive sealed proposals is the appropriate procurement method.

c) Contracts for professional and artistic services governed by the Competitive Selection Procedures (44 Ill. Adm. Code 2035) adopted by the CPO-GS~~Illinois Department of Central Management Services~~ are subject to those procedures for

procurement.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.100 Small Contracts

a) Individual contracts for supplies or services from any one source that do not exceed $10,000 may be made without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20(a) of the Code.) Contracts for professional and artistic services that do not exceed $20,000 for a nonrenewable term of not more than one year will be procured in accordance with this Section.

b) Construction contracts, construction supply contracts, construction-related service contracts and change orders made thereto that do not exceed $30,000 may be procured without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20 of the Code.)

~~c) Section 30-35 of the Code provides that a construction contract change order may cause the obligation or expenditure of funds in excess of the original contract price provided that the subject of the change order is germane to the original contract. Section 30-35 of the Code further establishes the manner in which the amount of additional expenditure or obligation will be determined and authorized by the Department. The Department will approve construction contract change orders authorizing the obligation or expenditure of additional funds without supplemental procurement procedures, in accordance with the following requirements and thresholds.~~

~~1) A construction contract change order that is germane and that causes the obligation or expenditure in excess of the amounts in Section 30-35(b) of the Code or of more than $30,000 in excess of the contract price, whichever is less, will not be authorized without supplemental procurement procedures unless the scope of the change order is approved as provided in Section 30-35 of the Code.~~

~~2) Determination of germaneness and the amount of additional expenditure or obligation thresholds will be determined in accordance with this Part and Section 30-35 of the Code.~~

~~3) Prior written approval or disapproval will be made by the Department in accordance with the threshold amounts established in Section 30-35 of the Code, and in all cases if the contemplated construction contract change order will cause an expenditure or obligation of funds of more than $30,000 in excess of the contract price even though the threshold levels provided in Section 30-35 of the Code do not require such action. The written approval will state the reasons for the additional obligation or expenditure and the basis for the germaneness determination.~~

~~4) For purposes of determining the scope of the change order and the value thereof that is subject to the requirements of this Section, the Department will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.~~

~~5) Notice of approved construction contract change orders in excess of $30,000 will be published in the Transportation Bulletin.~~

c~~d~~) Estimated needs shall not be divided in any manner to avoid the use of an established method of procurement. (See Section 20-20(a) of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.110 Sole Source Contracts

a) A contract may be procured from a single source ~~contractor~~ without competition or use of any other method of procurement prescribed in the Code or this Part when the single source ~~contractor~~ is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)

b) A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. Examples of circumstances that could necessitate sole source procurement include but are not limited to:

1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;

2) when trial use, testing or the development of new technology is the object of the procurement;

3) when a sole supplier's item is to be procured for commercial resale;

4) when utility services are to be procured;

5) when the surety providing a performance bond tenders a completion contractor, acceptable to the Department, to complete a defaulted contract;

6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee.~~; and~~

~~7) when utility, railroad or other private property is to be relocated or otherwise adjusted by the owner to accommodate a Department project.~~

~~e) Change Orders to existing contracts germane to the original contract that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder, may be procured under this Section.~~

c~~d~~) The CPO will provide~~Department shall~~ ~~publish~~ notice of intent to contract on a sole source basis to the PPB and publish the notice in the ~~Transportation~~ Bulletin at least 14 days prior to the public hearing required in Section 20-25(a) of the Code~~execution of the contract~~. The notice will include the sole source procurement justification form prescribed by the PPB, a description of the item to be procured, the intended sole source contractor, and the date, time and location of the public hearing. (See Section 20-25 of the Code.)

d) The CPO will hold a public hearing in accordance with Section 20-25(a) of the Code.

1) Prior to the execution of a sole source contract, the CPO will hold a public hearing and provide written justification for the sole source contract. The Department will also provide written justification for the sole source contract.

2) The PPB and members of the public may present testimony at the public hearing.

3) A copy of all procurement documents provided at the hearing will be included in the subsequent Bulletin, along with the decision of the CPO to award or not award the sole source contract.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.120 Emergency Contracts

a) A contract may be procured without the use of any other method of procurement prescribed in the Code or this Part when there exists a threat to public health or safety, or when an immediate contract is needed to repair State property in order to prevent or minimize further loss or damage to State property, or to prevent or minimize serious disruption in critical State services that affect health, safety or collection of substantial revenues, including but not limited to completion of a defaulted contract, or to ensure the integrity of State records. (See Section 20-30(a) of the Code.)

b) The term of an initial emergency contract will not exceed 90 days as the time reasonably needed for a competitive procurement. For the initial emergency contract:

1) The emergency contract will provide a written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file. (See Sections 20-30(a) and (c) of the Code.)

2) Notice of the emergency contract will be provided to the PPB and published in the Bulletin no later than 3 business days after the notice of award and the work begins.

3) Within 10 days after the work begins, the emergency affidavit will also be posted to the Bulletin and filed with both the PPB and the Auditor General. (See Section 20-30(c) of the Code.)

c) An emergency contract may be extended beyond 90 days if the CPO determines additional time is necessary and that the contract scope and duration are limited to

the emergency. The CPO will hold a public hearing in accordance with Section 20-30(a) of the Code.

1) Prior to the execution of an extension past 90 days, the CPO will hold a public hearing and provide written justification for the emergency contract. The Department may also provide written justification for the emergency contract.

2) Notice of the hearing will be posted at least 14 days prior to the emergency contract extension hearing date and prior to the expiration of the 90 day term of the initial emergency contract. The notice will include a description of the need for the emergency contract extension, the contractor, and the date, time and location of the public hearing.

3) The PPB and members of the public may present testimony at the public hearing.

4) A copy of the notice and documents provided at the hearing will be included in the subsequent Bulletin, along with the decision of the CPO to extend or not extend the emergency contract.

d~~b~~) For purposes of this Section, State property includes all property both real and personal. State records include~~includes~~ all records regardless of the form of storage. State services include, but are not limited to, all activities committed by law to the jurisdiction or responsibility of the Department, whether provided directly or indirectly by means of contract or intergovernmental agreement. ~~Change Orders to existing contracts that are necessary to complete the contract, and that can best be accomplished by the contract holder, may be procured under this Section.~~

e~~c~~) The Department will employ such competition as is practicable under the emergency circumstances to abate the emergency situation, including the use of existing contracts.

f) Emergency contracts are exempt from the requirements of Section 20-80(d) of the Code as long as notice is filed with the PPB and published in the Bulletin, as required.

~~d) Section 20-30(a) of the Code requires a written description of the basis for the~~

~~emergency and reasons for the selection of the particular contractor to be included in the contract file. Section 20-30 of the Code further requires an affidavit to be filed with the Auditor General setting forth the amount expended, the name of the contractor and the basis for the emergency. For purposes of Department emergency procurements, the Code required affidavits will serve as the Code required written descriptions retained in the contract file, and for purposes of publication notice as required by the Code.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.125 Small Business Set-Asides

a) The Department may determine categories of construction, supply, and service procurements that will be set aside for small businesses located in Illinois. The set-aside designation may be made for current and future procurements for a fair proportion of a specific construction, supply, or service, or for a class of like construction, supplies or services. A fair proportion of construction contracts means no less than 25% nor more than 40% of the annual total contracts for construction. A set-aside designation may last indefinitely or for a stated period of time, as determined by the Department. (See Section 45-45(a) and (c) of the Code.)

b) A business that meets the definition of a small business on the day of bid or proposal opening will be considered a small business for the duration of the contract. (See Section 45-45(e)(1) of the Code.)

c) If the Department wishes to make a procurement covered by a small business set-aside designation, the solicitation will note that responses are limited to those from responsible small businesses. Bids or proposals received from businesses other than small businesses will be rejected as nonresponsive. (See Section 45-45(a) of the Code.)

d) If the Department determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Department will reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification will be published in the ~~Transportation~~ Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement will be

conducted in accordance with the limitations of the Code and this Part. (See Section 45-45(d) of the Code.)

e) Unless the Department provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

1) Independently owned and operated.

2) Not dominant in its field of operations, which means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration will be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

3) With annual sales for most recently ended fiscal year no greater than:

A) $10,000,000 for wholesale business;

B) $10,000,000 for construction business; or

C) $6,000,000 for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, the annual sales for each component may not exceed the

amounts shown in subsection (e)(3) of this Section. For example, a business that is both a retailer and wholesaler may not have total sales exceeding $16,000,000; the retail component may not exceed $6,000,000; and the wholesale component may not exceed $10,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4) of this Section.

6) When computing the size of a business, the number of employees and annual sales and receipts, as applicable, of the business and all affiliates will be considered. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or, when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration will be given to all appropriate factors, including the use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship will not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure. (See Section 45-45(b) of the Code.)

f) Contractors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the contractor qualifies as a small business under the Code. The Department may establish procedures for verifying such information.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section 6.140 Invitations for Bids

a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the ~~Transportation~~ Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)

b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.

1) Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, certifications and assurances, mandatory disclosures, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.

3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions, including disclosure forms.

c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.

d) In addition, each construction contract item will include but not be limited to the following minimum information and requirements enforceable in accordance with State or federal law through the terms and conditions of the contract.

1) Information concerning the location, limits and description of the construction work and the scope thereof contemplated by the contract.

2) An estimate of the various quantities of the type of work to be performed and the materials to be furnished in the performance of the contract.

3) The manner of bid price submission for a construction contract may

include lump sum, a schedule of unit prices or a combination thereof based upon the estimate of quantities provided in the contract.

4) The manner of making changes in the quantities and such alterations in the work as necessary to satisfactorily complete the contract.

5) Provisions to assure that all work is performed in accordance with the contract requirements including but not limited to the following methods.

A) Limitations on subcontracting;

B) Qualifications and requirements for contractor supervisory personnel;

C) Engineering services to be provided by the contractor;

D) Department provided resident personnel and inspectors;

E) Performance and payment bond requirements;

F) Inspection and acceptance of the work requirements;

G) Restrictions, sources and quality requirements for all materials and testing or inspection procedures;

H) The method of determination and documentation of pay quantities and a record of the materials, supplies and labor furnished in performance of the contract;

I) The manner of determining satisfactory prosecution of the work and progress to completion of the work in accordance with the time for completion set out in the contract including, when incorporated into the contract, provisions for liquidated damages and incentive payments for early completion; and

J) Provisions for the suspension of work and the termination of the contract.

6) All labor, employment and wage requirements applicable to the contract,

and the manner of payroll recording, submission and inspection. (See the Prevailing Wage Act, 820 ILCS 130.)

7) All procurement preferences made applicable to the contract. (See Article 45 of the Code.)

8) The manner of measuring the work for payment based upon the estimated quantities provided or upon the actual quantities of material and work measured and completed including but not limited to progress payments as the work proceeds, and final payment.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.150 Amendments to Invitations for Bids

Invitations for Bids may be supplemented, by publication in the ~~Transportation~~ Bulletin, with additional contract items, amended instructions, information, or extensions of any times stated in the invitation. Contract items may be subject to amendment. Amendment to contract items may require that the bidder acknowledge receipt of all amendments issued. Each amendment will reference the contract item it amends. Amendments will be published in the Bulletin~~sent to all prospective bidders known to the Department at the time of the amendment~~. It is the bidder's responsibility to determine which, if any, addenda or revisions pertain to any project the bidder may be bidding on.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.180 Change or Withdrawal of Bids

A bidder may change or withdraw a bid if written or in-person notice of the change or withdrawal is received by the Department before the time specified for submission of bids. No change or withdrawal is allowed after bid opening except as provided in Section 6.230~~660.230~~ of this Part. Changes must be initialed in ink by the bidder. (See Section 20-10(f) of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.200 Pre-Bid Conferences

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They will be announced in the ~~Transportation~~ Bulletin. The conference should be

held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference shall be binding. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be available upon request to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.220 Consideration of Bids

a) After the bids are opened, read and recorded, the bids will be reviewed for responsiveness to the Invitation for Bids and conformity with all requirements prescribed in this Part. If unit prices are required, the bids will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices.

b) The right is reserved by the Department to reject any or all bids, to waive minor informalities or technicalities, to advertise for new bids, or to request confirmation or clarification from any bidder regarding information contained in a bid.

c) Reasons for rejection of all bids include but are not limited to:

1) The object of the contract being procured is no longer required.

2) The contract provisions require amendment.

3) The solicitation did not provide for consideration of all factors of significance to the Department.

4) The bid prices exceed available funds or the bid prices exceed the anticipated estimate of costs to the extent that, in the judgment of the Department, prices are unreasonable.

5) Evidence of collusion among bidders.

6) Actions or events beyond the control of the Department, such as strikes,

acts of God, material shortages, acts of the public enemy or litigation, would have an adverse effect on the completion of the anticipated contract.

d) Reasons for rejection of any individual bids include but are not limited to:

1) More than one bid for the same contract item from a bidder under the same or different names.

2) Evidence of collusion among bidders.

3) Unbalanced bids in which the bid prices for some items are, in the judgment of the Department, out of proportion to the bid prices for other items.

4) If the bid does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.

5) If the bid form is other than that furnished or authorized by the Department, or if the form is altered or any part thereof is detached.

6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend, in the judgment of the Department, to make the bid incomplete, indefinite, or ambiguous as to its meaning.

7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.

8) If the bid is not accompanied by the proper bid bond or substitute guaranty.

9) If the bid is prepared in any manner other than as indicated in this Part or the Invitation for Bids making the bid not responsive.

10) If the bidder failed to incorporate relevant addenda or revisions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.240 Award After Bid Evaluation

a) Unless all bids are rejected, an award notification will be made to the lowest responsible bidder whose bid is responsive to and conforms with the requirements and criteria of the invitation. Tie bids will be decided by lot. All responsibility, responsiveness, and price factors are considered so as to select the bid most advantageous to the State. An individual contract item advertised in an Invitation for Bids may state other, additional award and evaluation criteria that will be capable of objective consideration for award. (See Section 20-10(g) of the Code.)

b) Responsibility of bidders for construction contracts is determined in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.

c) For nonconstruction contracts, the responsibility of bidders will be determined based upon the following factors unless some other or additional factors or prequalification procedures are stated in the Invitation for Bids.

1) The bidder shall possess the appropriate financial, material, equipment, facility and personnel resources and expertise necessary to meet all contractual obligations.

2) The bidder shall have a satisfactory record of performance, including but not limited to a sound record of integrity and business ethics.

3) The bidder shall be under no legal disability of any kind to contract with the State.

4) The bidder shall have submitted all information requested by the Invitation for Bids concerning responsibility.

d) Federal aid contract awards, or proposals by the Department or CPO to reject all bids, are subject to the concurrence of the Federal Division Administrator. (See 23 CFR 635.114(a) and (h).)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.275 Notice of Award

a) Notice of the Department's intent to award a contract, with concurrence of the SPO, pursuant to this Subpart D will be published in the Bulletin.

b) When the SPO determines that it is not in the best interest of the State to award to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, the SPO will provide, by written explanation, for the determination that another bidder will receive the award. *The written explanation* will *be filed with the Legislative Audit Commission and the PPB.* It will also be available to the public within 30 days after the decision to award the contract. *The written explanation must include:*

1) *A description of the Department's needs;*

2) *A determination that the anticipated cost will be fair and reasonable;*

3) *A listing of all* evaluated *responsible and responsive bidders; and*

4) *The name of the bidder selected, pricing, and the reasons for selecting that bidder.* (Section 20-10(g) of the Code)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.290 Requirement of Contract Bond for Construction Contracts

The successful bidder awarded a construction contract shall furnish the Department a performance and payment bond with good and sufficient sureties in the full amount of the contract as the penal sum, or an amount fixed by the Department that is conditioned on the completion of the contract for the payment of material used in the work and for all labor performed in the work. (See the Public Construction Bond Act [30 ILCS 550].) The surety shall be acceptable to the Department, shall waive notice of any changes and extensions of time, and shall submit its bond on the form furnished by the Department. Performance security for other contracts shall be as stated in the Invitation and contract.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.300 Execution of Contract

a) No contract subject to this Subpart D will be executed until the PPB notice period has expired or the Department has received a waiver of the notice period from the PPB. (See Section 5-30 of the Code.)

b~~a~~) The bid form submitted by the bidders may be in such a form that the signature of the bidder on the form is also the signature of the bidder for purposes of contract execution. In such circumstances, the Department will, after acceptance and approval of the bid for contracting purposes, execute the contract and return a copy to the bidder.

c~~b~~) If the contract as bid requires additional execution by the bidder, the contract shall be executed by the successful bidder and returned, together with any required contract bond, within 15 days after the contract has been mailed to the bidder. Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for the cancellation of the award and the forfeiture of the proposal guaranty. If the contract is not executed by the Department within 15 days following receipt from the bidder of the properly executed contract and bond, the bidder shall have the right to withdraw the bid without penalty.

d) An Execution of Contract provision will be included in each contract in which the Department is the sole entity having the authority to accept performance and make payments under the contract. In addition, the CPO or the SPO will execute the contract for approval of the procurement process and the execution of the contract by the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.310 Publication of Contracts (Repealed)

~~Notice of contracts entered into by the Department pursuant to this Subpart D will be published in the Transportation Bulletin.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section 6.330 Request for Proposals

a) The process for procuring a contract by competitive sealed proposals begins with the issuance of a Request for Proposals by publication in the ~~Transportation~~ Bulletin not less than 14 days before the date set in the request for the opening of proposals. (See Section 20-15(b) and (c) of the Code.)

b) The Request for Proposals will include the following elements that may be adapted to accomplish the objectives of the Department.

1) A general description of the type of service needed.

2) A general description of the nature of the work and its relationship to the objectives of the Department.

3) The anticipated starting date and duration of the contract.

4) A general description of the final product to be produced or service to be rendered.

5) A detailed description of the work of the project that also discloses a summary of any preliminary work that has been done, and any special conditions affecting the performance of the work, including but not limited to location, licenses, skills required and materials to be supplied. In addition, a timetable for performing the work, including reporting requirements, may be included or instructions for the offerors to provide an acceptable timetable may be specified.

6) A description of the required format for a proposal, including some or all of, but not limited to, the following elements:

A) Technical Proposal: A document describing in detail how the work will be accomplished, including any services that would be provided through a subcontract.

B) Staffing: A summary of the qualifications of the individuals who would be assigned to the project, a general account of experience in the field of work, and a list of current and anticipated contracts that could require the involvement of the project staff during the term of the Department's contract.

C) Cost Estimate: When the project is federally-funded, a detailed estimate of direct and indirect costs of accomplishing the work. When the project is not federally-funded, the Request for Proposal will indicate when and how price will be submitted.

D) Samples of Previous Work: Copies of reports, manuals, plans, etc., that are closely related to the type of services needed.

E) A statement of any additional requirements.

7) A description of the evaluation factors that will be used to evaluate and rank the proposals, and the relative importance of price to the evaluation factors. (See Section 20-15(e) of the Code.)

8) A name and phone number of the responsible Department office, and the official mailing address, date and time for submission of the proposal and supporting documents.

9) For any federally-funded contract that is expected to exceed $50,000 in cost, a notification that fiscal information may be required prior to an award detailing the offeror's accounting system, payroll burden, fringe expenses, and general and administration overhead expense percentage rating for purposes of a pre-contract audit.

10) A statement, for nonfederally-funded contracts, of when and how price will be submitted.

11) A statement that discussions may be conducted with offerors that submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted and evaluated, and that an award may be made and contract executed without discussions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.360 Discussions with Responsible Offerors

~~a) "Offerors" Defined. For purposes of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term does not include businesses who submitted unacceptable~~

~~proposals.~~

a~~b~~) Purposes of Discussions. Discussions may be held to promote understanding of the Department's requirements and the offerors' proposals, and to facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals. (See Section 20-15(f) of the Code.)

b~~e~~) Conduct of Discussions. Offerors will be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of or change in the Request for Proposals, the Request shall be amended to incorporate such clarification or change and all offerors advised accordingly. Revealing one offeror's price to another and disclosure of any information derived from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror. (See Section 20-15(f) of the Code.)

c~~d~~) Best and Final Offers. The Department may establish a common date and time for the submission of best and final offers. The Department may conduct additional discussions or change the State's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.370 Award

a) An award will be made pursuant to a written determination by the SPO, retained in the procurement~~contract~~ file, showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals, and taking into consideration price. (See Section 20-15(g) of the Code.)

b) Nothing shall compel the award of a contract. Contract execution will be as specified in the Request for Proposals. A solicitation may be canceled at any time when such action is determined in the sole judgment of the Department to be in the best interest of the State.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.380 Execution~~Publication~~ of Contracts

No contract subject to~~Notice of contracts entered into by the Department pursuant to~~ this Subpart E will be executed until the PPB notice period has expired or the Department has received a waiver of the notice period from the PPB~~published in the Transportation Bulletin~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: CONTRACT ADMINISTRATION

Section 6.385 Expenditure in Excess of Contract Price

a) No funds in excess of the contract price may be obligated or expended by change order or contract adjustment unless the additional work to be performed or materials to be furnished are germane to the original contract.

b) A construction contract change order may cause the obligation or expenditure of funds in excess of the original contract amount provided the subject of the change order is germane to the original contract and the Department determines the additional expenditure is approved in accordance with Section 30-35 of the Code. The Department will approve construction contract change orders without supplemental procurement procedures in accordance with the following requirements and thresholds.

1) A construction contract change order that is germane and that causes the obligation or expenditure in excess of the amounts in Section 30-35(b) of the Code or of more than $30,000 in excess of the contract price, whichever is less, will not be authorized without supplemental procurement procedures unless the scope of the change order is approved as provided in Section 30-35 of the Code.

2) Determination of germaneness and the amount of additional expenditure or obligation thresholds will be determined in accordance with this Part and Section 30-35 of the Code.

3) Prior written approval or disapproval will be made by the Department in accordance with the threshold amounts established in Section 30-35 of the Code, and in all cases if the contemplated construction contract change order will cause an expenditure or obligation of funds of more than $30,000 in excess of the contract price even though the threshold levels provided in Section 30-35 of the Code do not require such action. The written approval will state the reasons for the additional obligation or expenditure and the basis for the germaneness determination.

4) For purposes of determining the scope of the change order and the value thereof that is subject to the requirements of this Section, the Department will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.

5) Notice of approved construction contract change orders in excess of $30,000 will be published in the Bulletin.

c) A construction contract adjustment is germane to the original contract. If a contract adjustment requires additional obligation or expenditure in excess of $30,000, the Department will record the provisions of the original contract in the contract payment file as authority for the addition.

d) Contract change orders and contract adjustments will be processed on Department Form BC22, Authorization of Contract Change.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.388 Multi-year Contracts

Every contractor with a multi-year contract *and every subcontractor with a multi-year subcontract shall certify by July 1 of each fiscal year covered by the contract, after the initial fiscal year*, to the CPO *whether it continues to satisfy the requirements of* Article 50 of the Code. (Section 50-2 of the Code) This obligation may require that the contractor or subcontractor submit a new financial disclosure form.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART G~~F~~: PROTESTS

Section 6.420 Filing of a Protest

a) All protests shall be in writing and filed with the CPO~~Chief Procurement Officer~~ within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 7 calendar day period will not be considered. In addition, protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans must be received by the CPO~~Chief Procurement Officer~~ no later than 14 calendar days before the date set for opening of bids.

b) The protest shall be contained in an envelope clearly labeled "Protest." The written protest shall include as a minimum the following requirements.

1) The name, address, telephone and facsimile numbers of the protester.

2) The identification of the procurement or solicitation that is the subject of the protest.

3) All information establishing that the protester is an interested party.

4) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process.

5) All information establishing the timeliness of the protest.

6) The signature of the protester.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.430 Stay of Action during Protest

When a protest has been timely filed and before an award has been made, the SPO~~Department~~ will make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State. When a protest has been filed after an award has been made, the protest will be denied.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.440 Decision

a) A decision on a protest will be made as expeditiously as possible after receiving all relevant information.

b) The protest will be sustained only if it is determined by the CPO~~Chief Procurement Officer~~ that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process.

c) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester.

d) The decision of the CPO~~Chief Procurement Officer~~ is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. (See Section 20-75 of the Code.) A copy of the decision of the CPO~~Chief Procurement Officer~~ will be transmitted to the protester within 14 days after the decision is entered.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H~~G~~: SPECIFICATIONS

Section 6.470 Specification Standards

a) Material and product specifications for construction contracts and construction-related service contracts that may require the delivery of material or products will be used that satisfy the needs of the Department and that are developed in accordance with the following standards.

1) Material and product specifications will reflect the needs of the Department and will describe the technical or performance requirements necessary to complete the contemplated work.

2) Brand-name only product specifications, including patented or proprietary products, will not be used, unless:

A) such products may be procured competitively with equally suitable nonbrand-name products; or

B) such products are necessary for compatibility with existing facilities; or

C) no equally suitable alternate exists; or

D) such products are to be used for research or for a distinctive type of application for experimental purposes.

3) When more than one product will fulfill the requirements for an item of work and the products are judged by the Department to be of satisfactory quality, and equally acceptable on the basis of engineering analysis and estimated price, the contract specifications may contain or include by reference a qualified products list.

b) For nonconstruction and nonconstruction-related services contracts, the CPO~~Department~~ adopts the standards for specifications established by the CPO-GS~~Department of Central Management Services~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I~~H~~: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section 6.480 Purpose

The purpose of this Subpart H is to establish the standards and procedures governing the administrative action of suspension that may be taken by the CPO~~Department~~ to safeguard the public interest in the solicitation, execution, administration and performance of public contracts or subcontracts. This Subpart applies to all suspension administrative actions taken by the CPO~~Department~~ regarding any contractor or subcontractor that has participated, is currently participating or may be expected to participate in any Department contract or subcontracts.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.490 Definitions

As used in this Subpart:

a) "Affiliates" means firms where one controls or has the power to control another, or a third party or parties controls or has the power to control both.

~~b) "Contract" means, in addition to the meaning set forth at Section 660.40, a written agreement between a contractor and the Department, or an agreement subject to Department approval, regardless of form or method of procurement.~~

~~c) "Contractor" means any person, firm, corporation, organization, partnership, or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.~~

b~~d~~) "Hearing Officer" means the CPO~~Secretary~~ or an attorney, licensed to practice law in this State, appointed by the CPO~~Secretary~~.

c~~e~~) "Participation" means to enter into or attempt to enter into a contract awarded or approved by the Department, irrespective of the method of procurement, or any subcontract, material supply agreement or equipment lease transaction in connection with any such contract.

d~~f~~) "Indictment" means the charge, information, or other filing by a competent authority charging a criminal offense.

~~g) "Secretary" means the Secretary of Transportation.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.500 Policy

In order to protect the public interest in the solicitation, execution and performance of contracts or subcontracts administered by the Department, it is the policy of the Department to conduct business only with contractors or subcontractors of responsible business integrity and honesty. Suspension is a discretionary action imposed in accordance with this Part to serve the public interest and to implement this policy. It may be imposed only for the causes and in accordance with the procedures set forth in this Subpart.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.510 General

The CPO~~Secretary~~ may suspend a contractor or subcontractor from participation on any contract or subcontract awarded by or requiring approval or concurrence of the Department upon a determination by the CPO~~Secretary~~ based upon adequate evidence that the contractor or subcontractor has engaged in conduct proscribed by Section 6.520~~660.520~~ of this Subpart. This determination may be predicated on evidence developed by means of an investigation conducted by the CPO and procurement compliance monitors~~Department~~ and the record of any hearing requested and conducted pursuant to this Subpart; by review of the public record containing a criminal conviction, a civil judgment, or an admission under oath of conduct evidencing proscribed conduct including a plea of nolo contendere; or the findings and decisions made in accordance with law by another public agency, or another appointed CPO, that the contractor or subcontractor has engaged in conduct proscribed by Section 6.520~~660.520~~ of this Subpart.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.520 Causes for Suspension or Debarment

A contractor or subcontractor may be suspended or debarred from participation due to acts or omissions that indicate that the contractor or subcontractor lacks integrity and honesty in the conduct of business or the performance of contracts. Acts or omissions that indicate the lack of business integrity and honesty include but are not limited to:

a) fraud, bribery, embezzlement, theft, collusion, conspiracy, anti-competitive activity or other misconduct and offenses prohibited by law whether or not any such misconduct or offense is in connection with a Department contract or subcontract or any contract or subcontract requiring Department approval;

b) making a material false statement in an application for prequalification or any forms or affidavits required as part of a prequalification process;

c) materially violating any rule or procurement procedure or making a material false statement in connection with any rules or procurement procedures of the Department;

d) making a material false statement, representation, claim or report respecting the character, quality, quantity, or cost of any work performed or materials furnished in connection with a contract or subcontract administered or supervised by the Department;

e) doing business with a suspended contractor or subcontractor in connection with a contract or subcontract of the Department or subject to approval of the Department during the period of suspension; or

f) being debarred or suspended by another agency of this State or the United States.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.530 Interim Suspension

The CPO~~Secretary~~ may immediately suspend a contractor or subcontractor prior to and during the pendency of a hearing provided by this Subpart if the CPO~~Secretary~~ finds that the facts and circumstances upon which the suspension cause is predicated are of such a nature as to require immediate action to safeguard the public interest in the solicitation, execution, administration or performance of contracts or subcontracts, whether awarded by the Department or subject to Department approval. An interim suspension may be imposed pending the completion of an investigation of the causes for suspension. Indictment upon charges evidencing a cause for suspension is a basis for an interim suspension. An interim suspension is effective immediately and will continue for a period of time established by the CPO~~Secretary~~ of up to 120 days unless terminated sooner by the CPO~~Secretary~~. The CPO~~Secretary~~ may extend the duration of an interim suspension beyond 120 days in order to allow for completion of a hearing that was scheduled for commencement during the original 120 day interim suspension period. In cases involving interim suspension based upon indictment, the interim suspension may be imposed for a period of up to one year or until conclusion of the legal proceeding.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.540 Voluntary Exclusion

A contractor or subcontractor may accept a status of nonparticipation or limited participation in Department contracts or subcontracts pursuant to the terms of an administrative settlement.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.550 Term of Suspension

Except as herein provided, the term of a suspension imposed by the CPO~~Secretary~~ will be for a period, commensurate with the seriousness of the cause or causes, of up to 10~~five~~ years. In cases

involving the inadvertent or accidental failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of no more than two years. (See Section 50-35(f) of the Code.) In cases involving the intentional, willful, or material failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of not less than two years and not more than 10~~ten~~ years with eligibility for reinstatement after two years. (See Section 50-35(g) of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.560 Coverage

a) A suspension and interim suspension applies to the contractor or subcontractor set forth in the notice of suspension.

b) If the contractor or subcontractor named in the notice of suspension is a person, the suspension also applies to any other contractor or subcontractor:

1) in which the suspended person is an officer, director, manager or in any other substantial management or supervisory position, until such time as the person is severed from such contractor or subcontractor; or

2) in which the suspended person has controlling legal or beneficial financial interest, until such time as the suspended person's interests are divested.

c) In addition to all covered entities and affiliates, the suspension also applies to any entity or affiliate that is formed or organized subsequent to the date a suspension action was entered.

d) Any suspended contractor or subcontractor, for the term of such suspension, is ineligible to participate as a contractor, subcontractor, material supplier or lessor of equipment on or in connection with contracts or subcontracts awarded or approved by the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.570 Other Agency Suspensions

Suspension under this Subpart H may be concurrent with or consecutive to any other suspension or debarment imposed by another public agency or CPO.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.590 Continuation of Executory Contracts

Suspension or voluntary exclusion pursuant to this Subpart H shall not relieve a contractor or subcontractor or its surety of any obligation to be performed in accordance with the terms of any executory contract or bond that remains in full force and effect. Executory contracts are voidable by the Department without penalty or further payment, except payment for completed and accepted work, if the facts and circumstances giving rise to the suspension are of such a nature as to require action to safeguard the public interest.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.600 Exception Provision

A suspension action is final, except that the period of time during which a contractor or subcontractor is suspended may be decreased, delayed or rescinded at any time, if, in the judgment of the CPO~~Secretary~~, the public interest warrants such action. The CPO~~Secretary~~ may grant an exception permitting a suspended or voluntarily excluded contractor or subcontractor to participate in a particular contract or subcontract or type of contracts or subcontracts if the public interest will be served by the participation. A contractor or subcontractor suspended for the intentional, willful, or material failure to make the disclosures required by Section 50-35 of the Code is not eligible for exception or reinstatement until two years of the suspension shall have passed. (See Section 50-35(g) of the Code.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.610 Notice of Suspension

a) Any contractor or subcontractor that the Department proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.

b) The notice will include the following:

1) The cause for suspension on which the proposed suspension is based.

2) A clear and concise statement of the matters asserted and acts complained

of, and the statutes, cause or rules upon which the allegations in the notice are based.

3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.

c) A notice may be amended at any time.

d) If the CPO~~Secretary~~ has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart H.

e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.620 Response and Request for Hearing

a) Any contractor or subcontractor receiving a notice of suspension may, within 30 days after receipt of a notice, file an appearance and request for a hearing. A contractor or subcontractor that does not file an appearance and request a hearing within the 30 days after receipt shall be deemed to have waived any hearing and will be subject to immediate suspension.

b) Within 30 days after receipt of a notice that imposes an interim suspension, the contractor or subcontractor may submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension. The CPO~~Secretary~~ will consider the contractor's or subcontractor's submission in light of the evidence developed in the pending investigation, and may modify or terminate the suspension or may leave it in force. The CPO's~~Secretary's~~ decision concerning imposition of an interim suspension is final without further hearing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.630 Hearing Date and Hearing Officer

a) Upon receipt of an appearance and request for hearing, the CPO~~Secretary~~ will set the matter for a hearing within 30 days, and notify the contractor or subcontractor of the place, time and date of the hearing and the designated Hearing Officer.

b) The contractor or subcontractor may file a written motion for disqualification of a Hearing Officer, setting forth reasons of personal bias or conflict of interest, within three days after appointment of the Hearing Officer.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.640 Answer

The contractor or subcontractor may file a written answer to a notice not later than twenty days prior to the hearing date, but shall not be required to file an answer. The answer may include affirmative defenses.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.680 Hearing Procedures

a) The Hearing Officer has the authority to conduct and preside over the hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements and to ensure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:

1) Administer oaths and affirmations;

2) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;

3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

4) Rule upon all motions and offers of proof and receive relevant, material

evidence admissible under the rules of evidence applied in civil cases in the circuit courts of the State, including evidence not admissible under those rules, but that is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs;

5) Direct parties to appear and confer for the simplification of issues, or presentation of evidence that may be received in written form without prejudice to the parties, and otherwise conduct pre-hearing conferences;

6) Dispose of procedural requests or similar matters;

7) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part; and

8) Enter any order that further carries out the purpose of this Part.

b) The Hearing Officer has the authority to extend the date of any hearing, provided that the Hearing Officer may condition the granting of a contractor's request for an extension on the imposition or extension of an interim suspension should the circumstances warrant such action.

c) Any party to the hearing shall have the right to direct any other party to produce for inspection, copying, reproduction or photocopying written documents relevant to the subject matter of the hearing. Such request for documents shall be in writing and served on the party from whom production of documents is sought. A copy of the request shall be sent to the Hearing Officer and shall become part of the record of the case. The request shall specify a reasonable time, place and manner of making the inspection and copying.

d) The parties shall be afforded the opportunity to present, examine and cross-examine witnesses.

e) In cases where it has been established by admission or conviction or judgment of a court of competent jurisdiction that the contractor has engaged in conduct warranting a suspension or where it has been established by findings made in accordance with law by another public agency that the contractor has engaged in conduct warranting a suspension, the sole issue before the Hearing Officer shall be the receipt of evidence as to the appropriate length of a suspension. In such cases the Hearing Officer shall not receive evidence relating to the merits of the

prior judicial or administrative decision or findings.

f) The Hearing Officer shall make a report containing findings of fact and conclusions of law and shall transmit the entire record, including such findings and conclusions, to the CPO~~Secretary~~ for review and final decision. If the CPO~~Secretary~~ will not review the record prior to rendering a decision, the Hearing Officer will serve upon the parties a proposed decision to which the parties may file a brief containing exceptions.

g) Testimony at the hearing shall be recorded either by a certified court reporter or a mechanical recording device, but need not be transcribed unless requested by a party who shall pay for the transcription of the portion requested. The transcript and the record offered in connection with the hearing shall constitute the official record.

h) The record shall include:

1) All pleadings, motions, and rulings;

2) Evidence received;

3) A statement of matters officially noticed;

4) Offers of proof, objections and rulings thereon;

5) Any proposed findings and exceptions to the report of the Hearing Officer, and the decision.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 6.690 Determination

a) Based on the record as a whole and an adequate evidence standard of proof, the CPO~~Secretary~~ will determine the suspension action to be taken.

b) In assessing adequate evidence, consideration will be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences that may be drawn from the existence or absence of affirmative facts. This assessment will

include an examination of basic documents such as contracts, inspection reports, and correspondence.

c) Upon reaching a final decision, the CPO~~Secretary~~ will notify the contractor or subcontractor of the determination and will set forth the period of time during which the contractor or subcontractor shall be suspended from bidding on Department contracts or contracts requiring Department approval or concurrence. Affected local government agencies will be notified of the final decision. Any interim suspension shall be deducted from the period of final suspension.

d) Parties will be served with a copy of the final decision by mail, postage prepaid, certified or registered, addressed to the last known address of the person, partnership, association, or company involved. A copy of the final decision will be mailed to each party and to all attorneys of record.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J~~I~~: MISCELLANEOUS

Section 6.740 Written Determinations

The CPO~~Chief Procurement Officer~~ will prescribe any administrative methods and operational procedures to be used in preparing written determinations required to be made by the Department by the Code or this Part, and will make such delegations to responsible officers for the implementation of the methods and procedures as will achieve the proper preparation, execution and retention of each written determination.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Local Building Codes

2) Code Citation: 71 Ill. Adm. Code 300

3)

Section Numbers:	Adopted Action:
300.10	New
300.20	New
300.30	New

4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Illinois Building Commission Act [20 ILCS 3918]

5) Effective Date of Rules: June 27, 2011

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 rules, 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: 35 Ill. Reg. 4852; April 1, 2011.

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

11) Differences between Proposal and Final Version: Various non-substantive grammatical and formatting amendments were made to the final 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: Legislation passed in 2009 amends the Capital Development Board Act requiring the Capital Development Board to establish qualifications for building inspectors in non-building code jurisdictions.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

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

Lisa Mattingly, Administrator of Professional Services
Capital Development Board
401 S. Spring Street
3rd Floor William G. Stratton Bldg.
Springfield, IL 62706

217/524-6408
lisa.mattingly@illinois.gov

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD

PART 300
LOCAL BUILDING CODES

Section
300.10 Purpose and Scope
300.20 Definitions
300.30 Specific Requirements for Qualified Inspectors Filing Verification of Inspection Experience

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Illinois Building Commission Act [20 ILCS 3918].

SOURCE: Adopted at 35 Ill. Reg. 10706, effective June 27, 2011.

Section 300.10 Purpose and Scope

a) The purpose of this Part is to set forth the minimum qualifications as specified in 20 ILCS 3105/10.09-1(d) for an individual to perform building code inspections that comply with the building codes adopted by the Board for non-building code jurisdictions.

b) The requirements set forth in this Part shall apply to all newly constructed commercial buildings in non-building code jurisdictions. These buildings shall comply with codes adopted by the Capital Development Board for non-building code jurisdictions as defined in 20 ILCS 3105/10.09 and shall comply with any local building ordinances in all other respects.

Section 300.20 Definitions

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Financial and Professional Regulation that implement that Act (68 Ill. Adm. Code 1150).

"Engineer" means an engineer licensed to practice in Illinois under the Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable

administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380).

"Non-Building Code Jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality. [20 ILCS 3105/10.09-1(d)]

"Qualified Inspector" means an individual meeting the requirements under Section 300.30 of this Part to conduct inspections in non-building code jurisdictions.

Section 300.30 Specific Requirements for Qualified Inspectors Filing Verification of Inspection Experience

In order to have sufficiently filed verification of inspection experience, the individual shall have fulfilled one of the following requirements:

a) obtained professional licensure as an architect or engineer in Illinois;

b) received a "Proper Identification" card through Illinois State Board of Education's procedures as a qualified building inspector/plan reviewer (23 Ill. Adm. Code 180); or

c) qualified by an apprentice program certified by the US Department of Labor's Office of Apprenticeship.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3)

Section Numbers:	Adopted Action:
650.21	Amendment
650.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Amendments: June 23, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011, 35 Ill. Reg. 3895

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: This Part was amended to: (1) add language regarding documentation required to be submitted by bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnership to receive a permit;

(2) update the list of open sites; and (3) update site-specific regulations.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements – Landowner/Tenant Permits
650.22 Deer Permit Requirements – Special Hunts
650.23 Deer Permit Requirements – Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.45 Reporting Harvest
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt (Repealed)
650.66 Special Hunts for Young Hunters
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468,

effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011.

Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits

a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be $150 for the either-sex permit and $25 for the antlerless-only permit. These applications will not be subject to

the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.

f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed;

2) Submittal of a copy of contract for deed;

3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

4) Submittal of a copy of a Farm Service Agency 156EZ form; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or

2) A copy of a Farm Service Agency 156EZ form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited

liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands.

1) In addition:

A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation, corporate agreement, resolution or minutes;

B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and

D) general partnership applicants must submit a copy of the partnership agreement.

2) These documents ~~This document~~ must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be $150. An antlerless-only

shareholder/member/partner permit (free to resident shareholders/members/partners; $25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

3)~~1)~~ Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

4)~~2)~~ Bona fide equity member means an individual who:

A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

B) intends to retain the membership for at least 5 years.

5)~~3)~~ Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.

6)~~4)~~ Bona fide equity partner means an individual who:

A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

n) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.26].

o)~~n)~~ Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 35 Ill. Reg. 10710, effective June 23, 2011)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. These tree stands must

comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Statewide regulations shall apply at the following sites:

~~Butterfield Trail State Recreation Area (2)~~

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake State Wildlife Management Area (except subimpoundment area)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (2)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park − Cedar/Draper Bluff Hunting Area (1) (2)

Flag Pond State Natural Area

Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (2)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; antlerless deer only)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Lusk Creek Canyon State Natural Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake State Fish and Wildlife Area (2)

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (first or second season only) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Chain O'Lakes State Park (first season permits only; an antlerless deer permit must be filled before filling an either-sex permit; hunting from elevated stands only, 6 feet minimum above the ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines State Conservation Area (first season only) (2) (5)

Ferne Clyffe State Park − Ferne Clyffe Hunting Area (1) (2)

Fort Massac State Park (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

French Bluff State Natural Area (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1)

Horseshoe Lake State Conservation Area – Alexander County (Refuge, second Saturday and Sunday in November; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit) (2)

Hurricane Creek State Habitat Area

Iroquois County State Conservation Area (first season only) (2) (5)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jubilee College State Park (first or second season only; hunting is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such

assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 − last 2 days of second season)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River State Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

Marshall State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only) (1) (2) (5)

Momence Wetlands State Natural Area

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2) (5)

Morrison-Rockwood State Park (first season only) (5)

Prairie Ridge State Natural Area (Jasper County)

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Pyramid State Park – Galum Unit (3)

Rall Woods State Natural Area (formerly Falling Down Prairie) (first or second season only) (2)

Ray Norbut State Fish and Wildlife Area (2)

Revis Hill Prairie State Natural Area (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (2)

Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season) (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

Starved Rock State Park (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park − Piatt County Unit

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

Winston Tunnel State Natural Area (first or second season only) (2)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3)

i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 10710, effective June 23, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3)

Section Numbers:	Adopted Action:
660.22	Amendment
660.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Amendments: June 23, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3913

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: This Part was amended to update site-specific special hunt regulations, the list of open sites, and site-specific regulations.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements − Landowner/Tenant Permits
660.22 Deer Permit Requirements – Special Hunts
660.25 Deer Permit Requirements – Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19, 2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011.

Section 660.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, and that issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 660.60(h):~~.~~

Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; tree stands and blinds used for deer hunting must be removed at the end of each day's hunt; deer hunters may begin scouting seven days prior to the season date listed on permit)

Delair Division, Great River National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during this hunt before they will be issued an either-sex permit by site staff)

Midewin National Tallgrass Prairie (closed during the second firearm deer season; additional site pass is required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property is a Class A misdemeanor with a $500 minimum and $5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 35 Ill. Reg. 10728, effective June 23, 2011)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree

stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

~~Butterfield Trail State Recreation Area (2)~~

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh State Natural Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (2)

Crawford County State Fish and Wildlife Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (2)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season) (1)

Oakford State Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park ~~(2)~~ (4)

Pyramid State Park − East Conant Unit (4)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (site issued permit required; must be returned by February 15)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park − Scripps Unit (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area (1)

i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed

by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (2)

Butterfield Trail State Recreation Area (closed during the second firearm deer season) (2)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season) (2) (6)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

French Bluff State Natural Area (closed during the second firearm deer season) (1) (2)

Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Jubilee College State Park (closed during the second firearm deer season; hunting is prohibited in marked zones) (1, except tree stands must be erected the day before the muzzleloading season and must be removed by the day after the muzzleloading season) (2)

Lake Shelbyville Project Lands in Moultrie County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville Project Lands in Shelby County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Marseilles State Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

Rall Woods State Natural Area (formerly Falling Down Prairie) (closed during the second firearm deer season) (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County State Conservation Area (closed during second firearm deer season) (1)

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park (closed during the second firearm deer season; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (2)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 10728, effective June 23, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3)

Section Numbers:	Adopted Action:
670.20	Amendment
670.21	Amendment
670.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

5) Effective Date of Amendments: June 23, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3924

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: This Part was amended to: (1) add language pertaining to the option to purchase one resident single, either-sex permit; (2) update language pertaining to landowners/tenants regarding documentation required to be

submitted by bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnership to receive a permit; (3) add language pursuant to calculation of acreage; (4) update sites open for hunting; and (5) update site-specific regulations, including a regulation at Shabbona Lake State Park requiring the submission of adult deer heads within 48 hours of harvest to test for the presence of Chronic Wasting Disease.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements – Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011.

Section 670.20 Statewide Deer Permit Requirements

a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.

b) Resident Permits

1) Resident archery deer permits are available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be $25; a resident archery single antlerless-only permit shall be $15. While there is no limit to the number of archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.

2) In addition to the permits listed in subsection (b)(1), resident hunters have the option of purchasing a maximum of one resident single either-sex permit for a fee of $15. Applicants must submit an application to the Permit Office using the official current Resident Single Either-Sex Archery Deer Permit application form by September 1. Applications are available from the DNR website at http://www.dnr.illinois.gov. Applications submitted on forms from previous years will be returned.

Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order with his/her individual application.

c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be $410. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). Applicants may apply for and receive a maximum of one nonresident combination archery deer permit during a license year. (Note: Receiving nonresident landowner archery deer permits does not preclude the recipient from also applying for and receiving the regular nonresident combination archery deer permit.) The number of nonresident combination archery deer permits shall be limited to 25,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number. Permits available after the lottery will be sold on a first-come, first-served basis to applicants who have not previously received a permit.

d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from agents for a fee of $25.

e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

f) Applications for landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
L/T Deer Permit
P.O. Box 19227
Springfield IL 62794-9227

To obtain a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

g) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.

h) A $3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.

i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 35 Ill. Reg. 10739, effective June 23, 2011)

Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits

a) The immediate family of a landowner or tenant is limited to the spouse, children and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Non-resident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be $210. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.

d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

e) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3

authorizations will be requested per county for partnership lands.

1) In addition:

A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation, corporate agreement, resolution or minutes;

B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and

D) general partnership applicants must submit a copy of the partnership agreement.

2) These documents~~This document~~ must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/ partners, and the cost to non-resident shareholders/members/beneficiaries shall be $210. Non-resident partners cannot receive permits under this subsection.

3)~~1)~~ Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5

years.

4)~~2)~~ Bona fide equity member means an individual who:

A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

B) intends to retain the membership for at least 5 years.

5)~~3)~~ Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.

6)~~4)~~ Bona fide equity partner means an individual who:

A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

f) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner/shareholder/member/beneficiary/ partner archery permit after September 1 will not be guaranteed a permit by October 1.

g) *For the purposes of calculating acreage under this Section, the Department shall,*

after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].

h)~~g)~~ Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 35 Ill. Reg. 10739, effective June 23, 2011)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

* Anderson Lake State Fish and Wildlife Area (2)

Apple River Canyon State Park − Thompson and Salem Units (2)

Argyle Lake State Park (1) (2)

* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (1) (2)

Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

Burning Star 5 State Wildlife Management Area (an antlerless deer must be taken on the site before an antlered deer is harvested; deer hunters may begin scouting 7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt) (4)

Butterfield Trail State Recreation Area (2)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake State Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park (1) (2)

Cedar Glen State Natural Area (no hunting after December 15) (1) (2)

Collier Limestone Glade State Natural Area (1)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island State Wildlife Management Area (1) (2)

* Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

* Fort Kaskaskia State Historic Site (opens November 1; during the current year archery season and at the site, an antlerless deer must be taken before an antlered deer is harvested) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season) (2)

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George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

Hindsboro State Habitat Area (October 1 through October 31 only)

Horseshoe Lake State Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

* Jubilee College State Park (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl

Rest Area's main north-south road; within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer) (1) (2 – except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Lowden-Miller State Forest (1) (2)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (2)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (2)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

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Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Mermet Lake State Conservation Area (1) (2)

Midewin National Tallgrass Prairie (additional site hunting pass required) (2)

Miller-Anderson Woods State Natural Area (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season;

closed during the muzzleloading deer season) (2)

Momence Wetlands State Natural Area (1) (2)

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford State Conservation Area

* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

~~Pyramid State Park (2) (4)~~

Rall Woods State Natural Area (formerly Falling Down Prairie) (2)

* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

Ray Norbut State Fish and Wildlife Area (2)

* Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

* Rice Lake State Fish and Wildlife Area (2)

* Rockton Bog State Natural Area (2)

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Saline County State Fish and Wildlife Area (1) (2)

* Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

Sangamon County State Conservation Area

* Shabbona Lake State Park (submission of adult deer heads within 48 hours after harvest on-site is required to test for the presence of Chronic Wasting Disease) (2)

Sielbeck Forest State Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

South Shore State Park (2)

Spoon River State Forest (1) (2)

* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

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Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Fish and Wildlife~~Conservation~~ Area (Controlled Public~~Goose~~ Hunting Area – closed after October 31~~7 days prior to the quota zone goose season through the close of the quota zone goose season~~) (1) (2)

Walnut Point State Fish and Wildlife Area (1)

Wards Grove State Natural Area (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)

* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park − Scripps Unit (resident hunters only) (2)

Weinberg-King State Park − Spunky Bottoms Unit (resident hunters only) (2)

Weldon Springs State Park − Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)

Whitefield Pheasant Habitat Area (hunting allowed during October only) (2)

* White Pines Forest State Park (antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (2)

Wildcat Hollow State Forest (1)

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (2)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (2)

i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31, failure shall result in ineligibility to hunt at the site the following year) (1, starting October 15)

Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)

Hurricane Creek State Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County State Fish and Wildlife Area (refuge portion only; first weekend (Friday, Saturday and Sunday) in November)

j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4)

Finfrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit)

Fox Ridge State Park (1)

French Bluff State Natural Area

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Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1)

Hamilton County State Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

Henry Allan Gleason State Natural Area (obtain permit at Sand Ridge State Forest)

Hidden Springs State Forest (1)

* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

Kickapoo State Park

Mautino State Fish and Wildlife Area (1)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork State Fish and Wildlife Area

* Mississippi Palisades State Park (closed during the first firearm deer season) (1) (2)

Newton Lake State Fish and Wildlife Area (check deer at site office)

* Pekin Lake State Fish and Wildlife Area (1)

Prairie Ridge State Natural Area (1)

Pere Marquette State Park (area east of Graham Hollow Road) (1)

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

Ramsey Lake State Park (1)

Revis Hill Prairie State Natural Area (obtain permit at Sand Ridge State Forest)

Sahara Woods State Fish and Wildlife Area (free permits allocated through publicly announced drawing held on-site in advance of opening day; permit allows hunter to scout on-site 7 days prior to the opening day of season)

* Sam Dale Lake State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sand Ridge State Forest

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season)

* Spring Lake State Fish and Wildlife Area (1)

* Stephen A. Forbes State Park (1)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by the Department, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (2) (4)

k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season; an antlerless deer must be taken on site before an antlered deer is harvested) (2) (3)

Des Plaines State Conservation Area (2)

Iroquois County State Conservation Area (2)

Johnson-Sauk~~Johnson Sauk~~ Trail State Recreation Area (hunters must obtain a free site-issued permit from the site office prior to hunting; permit must be in hunter's possession while hunting and returned by February 15 to the site office; failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year) (1) (2)

Moraine View State Park (1)

Wayne Fitzgerrell State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

l) Statewide regulations shall apply at the following sites except that:

1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly

announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4)

Siloam Springs State Park (2) (4)

m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (2)

James Pate Philip State Park and Heron Woods State Habitat Area (2)

Moraine Hills State Park (2)

Volo Bog State Natural Area (2)

n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 10739, effective June 23, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Boat and Snowmobile Registration and Safety

2) Code Citation: 17 Ill. Adm. Code 2010

3)

Section Numbers:	Adopted Action:
2010.60	Amendment
2010.80	Amendment
2010.82	New Section
2010.85	New Section
2010.95	New Section

4) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40]

5) Effective Date of Amendments: June 23 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3949

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

11) Differences between proposal and final version:

Section 2010.80(c)(1)(A): after "Internet Home Page", added "(www.dnr.il.us)".

Section 2010.80(c)(1)(A): struck-out "phoning a Department approved 1-800 telephone number" and added "phone at 1-800-382-1696".

Section 2010.95(a)(2): after "suspended", added "or revoked".

Section 2010.95(c): changed "may" to "shall" in the 2nd sentence.

Section 2010.95(c): deleted "snowmobile or" and after "watercraft", added "leaving the scene of a watercraft accident,".

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 Part was amended to incorporate changes pursuant to Public Act 96-1291, effective April 1, 2011, which amended the Snowmobile Registration and Safety Act to: raise the renewal fee for snowmobile registration, require that non-residents purchase a trail use sticker to operate their snowmobile in Illinois, require mandatory liability insurance on snowmobiles and provide penalties for violation of the Act.

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

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2010
BOAT AND SNOWMOBILE REGISTRATION AND SAFETY

Section
2010.10 Introduction (Repealed)
2010.20 Form of Application for Boat Registration and Title
2010.21 Application Requirements on Motorized Vehicles Titled by the Illinois Secretary of State
2010.25 Form of Application for Snowmobile Registration
2010.30 Numbering Pattern to be Used for Boat Registration
2010.35 Numbering Pattern to be Used for Snowmobile Registration
2010.40 Display of Number on Boats
2010.50 Change of Address (Repealed)
2010.60 Reports in Case of Accident
2010.70 Statutory Authority (Repealed)
2010.80 Renewals for Boat and Snowmobile Registration
2010.82 Trail Use Stickers
2010.85 Mandatory Liability Insurance
2010.90 Authorized Dealers
2010.95 Penalties for Convictions

AUTHORITY: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

SOURCE: Filed January 13, 1960; codified at 5 Ill. Reg. 10660; amended at 8 Ill. Reg. 7801, effective May 23, 1984; amended at 10 Ill. Reg. 9769, effective May 21, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 9028, effective June 26, 1997; amended at 21 Ill. Reg. 15235, effective November 17, 1997; amended at 22 Ill. Reg. 14759, effective August 3, 1998; amended at 26 Ill. Reg. 8142, effective May 17, 2002; amended at 35 Ill. Reg. 10764, effective June 23, 2011.

Section 2010.60 Reports in Case of Accident

a) Whenever a boat is involved in a collision or accident causing injury or death to persons or property damage over $500, or a snowmobile is involved in a collision or accident causing injury or death to persons or property damage over $750, a report must be made to the Department. All accidents that~~which~~ result in death or serious injury to any person shall be reported by the operator within 48 hours. All other accidents shall be reported within 5 days.

b) Every Boating Accident Report shall include the following:

1) The numbers and/or names of vessels involved

2) The locality where the accident occurred

3) The time and date when the accident occurred

4) Weather and water conditions at time of accident

5) The name, address, age, and boat operating experience of the operator of the reporting vessel

6) The names and addresses of operators of other vessels involved

7) The names and addresses of the owners of vessels or property involved

8) The names and addresses of any person or persons injured or killed

9) The nature and extent of injury to any person or persons

10) A description of damage to property (including vessels) and estimated cost of repairs

11) A description of the accident (including opinions as to the causes)

12) The length, propulsion, horsepower, fuel and construction of the reporting vessel

13) Names and addresses of known witnesses

14) Information pertaining to the use or availability of life saving devices

c) Every snowmobile accident report shall include the following:

1) The locality where the accident occurred

2) The time and date of the accident

3) Weather and snow conditions at time of accident

4) Type of terrain

5) The name, address, age, and operating experience of operator of the snowmobile.

6) The names and addresses of owners of the snowmobile involved

7) The names and addresses of any person or persons injured or killed

8) The nature and extent of injury to any person or persons

9) A description of damage to property

10) Nature of operation at time of accident

11) A description of accident

12) Operator's certificate number

13) Names and addresses of know witnesses

14) Description of snowmobiles

15) Nature of assistance furnished

16) Persons on snowmobile other than operator

17) Name~~Names~~ and address of operator and registration of other vehicle involved

d) Boat and snowmobile accidents shall be reported on forms provided by the Department. Accident report forms may be obtained from the Department by calling 217/782-6431 or writing to:

Department of Natural Resources
Division of Law Enforcement
One Natural Resources Way~~524 S. Second Street~~
Springfield IL 62702-1271~~62701-1787~~

(Source: Amended at 35 Ill. Reg. 10764, effective June 23, 2011)

Section 2010.80 Renewals for Boat and Snowmobile Registration

a) Renewal fees for boats shall be as set out in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2].

b) Renewal fees for snowmobiles shall be as set out in Section 3-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/3-2]~~$18 for a 3 year period~~.

c) Persons wishing to renew three year registrations via the Internet or the 1-800 phone system:

1) Must:

A) Make the renewal through the Department's Internet Home Page (www.dnr.il.us) or by phone at 1-800-382-1696~~phoning a Department approved 1-800 telephone number~~.

B) Using the existing registration card, enter the IL registration number, hull identification number or body serial number, and 3 letters of the owner's last name~~HULL ID, and Use Code~~ registered for the craft/snowmobile.

C) Enter necessary address change information.

D) Make payment via electronic commerce (example: credit card).

2) May be charged a convenience fee by the contract service provider, set

pursuant to the competitive bidding procedures of the Illinois Procurement Code [30 ILCS 500] to cover the cost of the transaction, including mailing and handling fees. Renewals may be accomplished by mailing the application accompanied by check or money order with no convenience fee charges. Mail-in renewals take 2-3 weeks processing time, plus delivery through the mail.

3) At the conclusion of the transaction, will immediately receive a transaction confirmation number or new Internet registration card. This affords the person the ability to then immediately pursue boating or snowmobile activities. Both the Internet and phone systems offer immediate registration verification for law enforcement.

(Source: Amended at 35 Ill. Reg. 10764, effective June 23, 2011)

Section 2010.82 Trail Use Stickers

a) Non-resident owners or operators of snowmobiles that are not registered in Illinois must purchase a trail use sticker to operate the snowmobile in Illinois.

b) The fee for a trail use sticker shall be as set out in Section 3-12 of the Snowmobile Registration and Safety Act [625 ILCS 40/3-12]. The sticker, which can be purchased from the Department or authorized agents, must be displayed on the snowmobile. The sticker expires on June 30 of each registration year.

(Source: Added at 35 Ill. Reg. 10764, effective June 23, 2011)

Section 2010.85 Mandatory Liability Insurance

Other than a person operating a snowmobile on his or her own property that is not a posted snowmobile trail, and other than a person operating a snowmobile on property other than a posted snowmobile trail in which the owner of the property has given his or her written or oral consent to the person to operate a snowmobile on the property, no person shall operate, register, or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a snowmobile in this State unless the snowmobile is covered by a liability insurance policy [625 ILCS 40/3-13].

a) Minimum coverage amounts as set out in Section 7-203 of the Illinois Vehicle Code [625 ILCS 5/7-203] apply.

b) The policy must be issued in compliance with Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2] by an insurer authorized to do business in the State of Illinois.

c) Proof of insurance is required to be kept with the snowmobile at all times.

(Source: Added at 35 Ill. Reg. 10764, effective June 23, 2011)

Section 2010.95 Penalties for Convictions

a) Violation of the provisions of the Snowmobile Registration and Safety Act is a Class C misdemeanor, with the following exceptions:

1) Resisting or obstructing a Department officer or employee is a Class A misdemeanor (see 625 ILCS 40/10-1).

2) Operation of a snowmobile while operating privileges are suspended or revoked by the State of Illinois, another state, federal agency or province of Canada is a Class A misdemeanor (see 625 ILCS 40/10-3).

3) Operating a snowmobile while under the influence of alcohol or drugs (see 625 ILCS 40/5-7):

A) First offense: Class A misdemeanor.

B) Repeat offense, if injuries result from incident or if operating while privileges are suspended: Class 4 felony.

C) Death of person: Class 2 felony.

b) Violation of the provisions of the Boat Registration and Safety Act is a petty offense, with the following exceptions:

1) Violation of dealer transfer/titling requirements is a Class A misdemeanor (see 625 ILCS 45/3A-13 and A-14).

2) Altering, forging or counterfeiting a title is a Class 2 felony (see 625 ILCS 45/3A-21).

3) Careless operation of a watercraft is a Class B misdemeanor (see 625 ILCS45/5-1).

4) Reckless operation of a watercraft is a Class A misdemeanor (see 625 ILCS 45/5-2).

5) Aggravated reckless operation of a watercraft is a Class 4 felony (see 625 ILCS 11A-3).

6) Operation of a watercraft while operating privileges are suspended by the State of Illinois, another state, federal agency or province of Canada is a Class A misdemeanor for the first offense, and a Class 4 felony for subsequent offenses (see 625 ILCS 45/11A-5).

7) Operation of watercraft while under the influence of alcohol or drugs (see 625 ILCS 45/5-16):

A) First Offense: Class A misdemeanor.

B) Repeat offense, if injuries result from incident or if operating while privileges are suspended: Class 4 felony.

C) Death of person: Class 2 felony.

8) Resisting or obstructing a Department officer or employee or refusal to obey direction of a peace officer is a Class A misdemeanor (see 625 ILCS 45/2-4).

9) Offenses related to titling are Class A misdemeanors (see 625 ILCS 45/3A-20).

10) Failure to equip and maintain a motorboat with an effective muffler or underwater exhaust system is a Class B misdemeanor, and a subsequent offense occurring within three years after the most recent offense is a Class A misdemeanor (see 625 ILCS 45/4-3).

11) Operation of a motorboat in a manner exceeding a noise level of 75 decibels is a Class B misdemeanor, and a subsequent offense occurring

within three years after the most recent offense is a Class A misdemeanor (see 625 ILCS 45/4-3).

12) Manufacture or sale of a motorboat without an effective muffler or underwater exhaust system and a noise level exceeding 75 decibels is a Class A misdemeanor, and a subsequent offense is a Class 4 felony (see 625 ILCS 45/4-3).

c) In addition to any other penalties imposed by the court system for violations of the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act, the Department may suspend the operator's privileges. Pursuant to 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offences), the Department shall suspend an operator's privileges for a period of not less than one year and impose fees for reckless operation of a watercraft, leaving the scene of a watercraft accident, failure to yield to an emergency watercraft and operating a watercraft or snowmobile while under the influence (or refusal).

(Source: Added at 35 Ill. Reg. 10764, effective June 23, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Conservation Police Officer Professional Standards

2) Code Citation: 17 Ill. Adm. Code 2050

3)

Section Numbers:	Adopted Action:
2050.10	Amendment
2050.30	Amendment

4) Statutory Authority: Implemented and authorized by Section 805-535 of the Civil Administrative Code of Illinois [20 ILCS 805/805-535]

5) Effective Date of Amendments: June 23, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3959

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: This Part was amended to: update the General Standards to state that Conservation Police Officer applicants must meet the minimum professional standards contained in the Civil Administrative Code of Illinois and to change the name of the Section titled "Swimming Competency Level" to "Pre-Employment Testing" to more accurately describe the information contained in the

Section, which is amended to include a comprehensive listing of the Department's hiring criteria for Conservation Police Officers.

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

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2050
CONSERVATION POLICE OFFICER PROFESSIONAL STANDARDS

Section
2050.10 General Standards
2050.20 Disciplines/Related Areas of Study
2050.30 Pre-Employment Testing~~Swimming Competency Level~~
2050.40 Police Training and Certification

AUTHORITY: Implemented and authorized by Section 805-535 of the Civil Administrative Code of Illinois [20 ILCS 805/805-535].

SOURCE: Adopted at 26 Ill. Reg. 18044, effective December 6, 2002; amended at 35 Ill. Reg. 10774, effective June 23, 2011.

Section 2050.10 General Standards

Prior to being hired by the Illinois Department of Natural Resources for a sworn law enforcement position that has arrest authority, applicants must meet the minimum professional standards contained in the Civil Administrative Code of Illinois [20 ILCS 805/805-535] and this Part.~~*Any person hired by the Department of Natural Resources for a sworn law enforcement position or position that has arrest authority must meet the minimum professional standards* [20 ILCS 805/805-535] provided by Section 805-535 and this Part.~~

(Source: Amended at 35 Ill. Reg. 10774, effective June 23, 2011)

Section 2050.30 Pre-Employment Testing~~Swimming Competency Level~~

To be considered for employment, applicants shall:

a) complete a written examination administered by the Illinois Department of Central Management Services' Examining and Counseling Division;

b) meet the minimum standards of the Peace Officer Wellness Evaluation Report (POWER Test) as set forth by the Illinois Law Enforcement Training and

Standards Board and administered by the Office of Law Enforcement's Training Section:

1) Sit and Reach Test – measure of flexibility of the lower back and upper leg area;

2) 1 Minute Sit-Up Test – measure of the muscular endurance of the abdominal muscles;

3) 1 Repetition Maximum Bench Press – measure of upper body strength; and

4) 1.5 Mile Run – measure of the heart and vascular system's capability to transport oxygen;

c) complete a swimming competency test, without the use of swimming aids, administered by the Office of Law Enforcement's Training Section, demonstrating~~At the time of hire, the person must demonstrate~~ the ability to:

1~~a~~) swim 300~~200~~ yards continuously without stopping or touching the bottom using any approved stroke or combination of strokes established by the American Red Cross~~using a breast stroke or front crawl stroke~~;

2~~b~~) continuously tread water for 10~~3~~ minutes without touching the bottom or sides of the pool; and

3~~c~~) retrieve an object of contrasting color weighing 5 pounds from a minimum 10 foot depth and deliver the weight to the side of the pool;~~.~~

d) participate in an oral interview conducted by Rutan-certified personnel from the Office of Law Enforcement and the Office of Human Resources;

e) submit to a background investigation, including providing references, a signed waiver of release of personal information and credit reports, college transcripts and past military or employment records;

f) submit to psychological testing and interviewing; and

g) submit to medical screening.

(Source: Amended at 35 Ill. Reg. 10774, effective June 23, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Resident Armed Forces Fee Exemptions

2) Code Citation: 17 Ill. Adm. Code 2510

3)

Section Numbers:	Adopted Action:
2510.20	Amendment
2510.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Section 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-47] and by Section 3.1-4 of the Wildlife Code [520 ILCS 5/3.1-4]

5) Effective Date of Amendments: June 23, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3964

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: Amendments to this Part were made to incorporate changes pursuant to Public Act 96-1014, effective January 1, 2011. Definitions for "Service Abroad" and "Verification of Service or Mobilization" were

clarified, and the addresses of Department offices where eligible military members can appear in person to receive a camping pass, sportsman's license, habitat stamp and/or deer permit were added.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2510
ILLINOIS RESIDENT ARMED FORCES FEE EXEMPTIONS

Section
2510.10 Purpose
2510.20 Definitions
2510.30 Fee Exemptions
2510.40 Application
2510.50 Violations

AUTHORITY: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Section 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-47] and by Section 3.1-4 of the Wildlife Code [520 ILCS 5/3.1-4].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14396, effective September 9, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 461, effective January 3, 2006; amended at 35 Ill. Reg. 10779, effective June 23, 2011.

Section 2510.20 Definitions

Active Duty − means active duty in the Armed Forces of the United States, as evidenced by a DD form 2, United States Uniformed Service Identification Card, marked "Active" or "Active Duty".

Department − means the Department of Natural Resources.

Members − means Illinois resident military, guard or reserve members.

Mobilization − means that Reserves or Guard Members were called to active duty by the President of the United States under Title 10 or Title 32, United States Code.

Service Abroad − means active duty service outside of the ~~states of~~ 50 United States and the District of Columbia, and includes all active duty service in

territories and possessions of the United States~~ of America, its territories or possessions~~.

Verification of Service ~~Abroad~~ or ~~Verification of~~ Mobilization − means official documentation from the Department of Defense or the appropriate Major Command~~major command~~ showing mobilization dates or service abroad dates, including a DD-214, a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, a letter from the Regional Reserve Command for members of the Armed Forces Reserve, a letter from the Major Command covering Illinois for active duty members, or personnel records for mobilized State employees.~~ Acceptable documents include a DD-214; a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, the Regional Reserve Command for members of the Armed Forces Reserve, the Major Command covering Illinois for active duty members; or personnel records for State employees mobilized.~~ A copy of orders shall not be accepted as verification.

(Source: Amended at 35 Ill. Reg. 10779, effective June 23, 2011)

Section 2510.40 Application

a) Military members are eligible for free sport fishing, hunting and camping for one year for each year served and for one year for each portion of a year served.

b) To receive a camping pass, sportsman's license, habitat stamp and/or deer permit, eligible military members shall:

1) Appear in person at the following Department of Natural Resources offices~~headquarters~~:

~~Illinois Department of Natural Resources~~
One Natural Resources Way
Springfield, Illinois

2317 E. Lincolnway
Sterling, Illinois

15676 State Highway 54
Clinton, Illinois

11731 State Highway 37
Benton, Illinois

4521 Alton Commerce Parkway
Alton, Illinois

2) Apply within two years after their return from abroad or release from mobilization. ~~Members released or who returned anytime in 2003 must apply before December 31, 2005.~~

3) Provide verification of dates of service abroad or verification of dates of mobilization (see Section 2510.20).

4) Provide a photo identification card.

c) The Armed Forces Special Pass (camping) shall become effective on the date of application and shall expire on the same month and day in the year the entitlement expires.

d) The Combined Sportsman's License will expire March 31 of each year. A new Combined Sportsman's License, stamp and deer permit may be obtained by following the procedures under subsection (b) or by showing an unexpired Armed Forces Special Pass.

(Source: Amended at 35 Ill. Reg. 10779, effective June 23, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Solid Waste

2) Code Citation: 35 Ill. Adm. Code 807

3)

Section Numbers:	Adopted Action:
807.600	Amend
807.640	Amend
807.661	Amend
807.662	Amend
807.663	Amend
807.664	Amend
807.665	Amend
800.666	Amend
807.APPENDIX A	Amend
807.ILLUSTRATION A	Amend
807.ILLUSTRATION C	Amend
807.ILLUSTRATION D	Amend
807.ILLUSTRATION E	Amend
807.ILLUSTRATION F	Amend
807.ILLUSTRATION G	Amend
807.ILLUSTRATION H	Amend

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]

5) Effective Date of Amendments: June 22, 2011

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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal Published in Illinois Register: February 25, 2011; 35 Ill. Reg. 3199

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

11) Differences between proposal and final version: In addition to a number of non-substantive, grammatical and consistency changes proposed by JCAR, the following changes were made:

In Section 807.661(c), added "on the form specified in Appendix A, Illustration B" after "acknowledgment".

In Section 807.662(b), added "BOARD NOTE: The U.S. Department of Treasury lists acceptable sureties in its Circular 570.".

In Section 807.662(g)(1), changed "four years" to "one year."

In Section 807.663(b), added "BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.".

In Section 807.664(c)(2), added "and post-closure care" after "closure".

In Section 807.Appendix A, Illustration D, paragraph 8, added "met one or more of the conditions described above" and deleted "failed to fulfill one or more of the conditions described above".

In Section 807.Appendix A, Illustration H, paragraph 11, restored "above" and deleted "below" after "set forth".

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

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

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

15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's June 16, 2011 opinion and order adopting these rules: In the Matter of: Financial Assurance Instruments – Renewal and Terms. Amendments to 35 Ill. Adm. Code 807, Subpart F and Appendix A, 810.104, 811.Subparts C, G and Appendix A R10-09 (June 16, 2011).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

312/814-6931
RobertsD@ipcb.state.il.us

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 R10-09 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:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

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807.101 Authority, Policy and Purposes
807.102 Repeals
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SUBPART E: CLOSURE AND POST-CLOSURE CARE

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SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

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807.602 Time for Submission of Financial Assurance

807.603 Upgrading Financial Assurance
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807.662 Surety Bond Guaranteeing Payment
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21.1, 22, and 27].

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 20 Ill. Reg. 12549, effective August 15, 1996; amended in R10-9 at 35 Ill. Reg. 10784, effective June 22, 2011.

~~NOTE: Capitalization denotes statutory language.~~

SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section 807.600 Purpose, Scope and Applicability

a) This Subpart provides procedures by which an operator of a waste disposal site can give "financial assurance" satisfying the requirement of Section 21.1(a) of the Act that the~~such~~ operator post with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with the Act and Board rules.

b) Each operator must file a closure plan as part of a permit application. The operator of a disposal site or indefinite storage unit must also file a post-closure care plan (Sections 807.205, 807.503 and 807.523). The operator of a disposal site or indefinite storage unit must prepare a cost estimate of closure and post-closure care, and provide financial assurance in this amount (Sections 807.601 and 807.620). Financial assurance shall~~may~~ be given through a combination of a trust agreement, bond guaranteeing payment, bond guaranteeing payment or performance, letter of credit, insurance or self-insurance (Section 807.640). The cost estimate and amount of financial assurance is to be updated at least on a biennial basis (Section 807.623).

c) This Subpart applies only to the non-governmental operators of disposal sites or indefinite storage units (Section 807.601). Whether a site is a disposal site or, alternatively, a treatment or storage site, depends on whether the closure plan provides for removal of all wastes and waste residues from the site prior to completion of closure. Whether a unit is an indefinite storage unit depends on the technical feasibility and economic reasonableness of removal of all wastes and waste residues prior to closure (Section 807.104).

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.640 Mechanisms for Financial Assurance

The operator of a waste disposal site shall~~may~~ utilize any of the following mechanisms to give financial assurance for closure and post-closure care:

a) Trust Fund (Section 807.661);

b) Surety Bond Guaranteeing Payment (Section 807.662);

c) Surety Bond Guaranteeing Performance (Section 807.663);

d) Letter of Credit (Section 807.664);

e) Closure Insurance (Section 807.665); or~~,~~

f) Self-insurance (Section 807.666).

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.661 Trust Fund

a) An operator may satisfy the requirements of this Subpart by establishing a trust fund which conforms to the requirements of this Section and submitting an original, signed duplicate of the trust agreement to the Agency.

b) The trustee must be an entity which has the authority to act as a trustee and:

1) Whose trust operations are regulated by the Department of Financial and

Professional RegulationIllinois Commissioner of Banks and Trust Companies; or,

2) Who complies with the Corporate Fiduciary Act [205 ILCS 620]Foreign Corporations as Fiduciaries Act, (Ill. Rev. Stat. 1983, ch. 17, par. 2801 et seq.).

c) The trust agreement must be on the formforms specified in Appendix A, Illustration A and the trust agreement must be accompanied by a formal certificatecertification of acknowledgment, on the form specified in Appendix A, Illustration B. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure and post-closure cost estimates covered by the agreement.

d) Payments into the trust:

1) The operator must make a payment into the trust fund each year during the pay-in period.

2) The pay-in period is the number of years remaining until the site reaches the stage in its expected operating life at which the cost of premature closure would be the greatest, as indicated by its closure plan. Provided, however, that the pay-in period shall not be less than three years nor greater than ten years.

3) Annual payments are determined by the following formula:

$$\text{Annual payment} = (CE-CV)/Y$$

Where:

CE = Current cost estimate

Y = Current value of the trust fund

= Number of years remaining in the pay in period.

4) The operator must make the first annual payment prior to the initial receipt of waste for disposal, or prior to March 1, 1985 for sites receiving waste for disposal prior to that date. The operator must also, prior to such initial receipt of waste, submit to the Agency a receipt from the trustee for the

first annual payment.

5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.

6) The operator may accelerate payments into the trust fund, or may deposit the full amount of the current cost estimate at the time the fund is established.

e) The trustee must evaluate the trust fund annually as of the day the trust was created, or on an~~such~~ earlier date as may be provided in the agreement. The trustee must notify the operator and the Agency of the value within 30 days after the evaluation date.

f) Release of excess funds:

1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the operator may submit a written request to the Agency for release from the trust fund of the amount in excess of the current cost estimate.

2) Within 60 days after receiving a request from the operator for release of funds, the Agency will instruct the trustee to release to the operator those~~such~~ funds ~~as~~ the Agency specifies in writing.

g) Reimbursement for closure and post-closure care expenses:

1) After initiating closure, an operator or any other person authorized to perform closure or post-closure care may request reimbursement for closure or post-closure care expenditures by submitting itemized bills to the Agency.

2) Within 60 days after receiving bills for closure or post-closure care activities, the Agency will determine whether the expenditures are in accordance with the closure or post-closure care plan and if so, it will instruct the trustee to make reimbursement in ~~such~~ amounts ~~as~~ the Agency specifies in writing.

3) If the Agency has reason to believe that the cost of closure and post-

closure care will be significantly greater than the value of the trust fund, it may withhold reimbursement of those~~such~~ amounts ~~as~~ it deems prudent until it determines that the operator is no longer required to maintain financial assurance for closure and post-closure care.

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.662 Surety Bond Guaranteeing Payment

a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond that~~which~~ conforms to the requirements of this Section and submitting the bond to the Agency.

b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance, pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety~~Department of Insurance~~.

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the form~~forms~~ specified in Appendix A, Illustration C.

d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund~~landfill closure and post-closure fund~~ within the State Treasury.

e) Conditions:

1) The bond must guarantee that the operator will:

A) Provide~~provide~~ closure and post-closure care in accordance with the closure and post-closure care plans in the permit; and

B) Provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of

a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; ~~or,~~

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or

E) Fails to provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.~~The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or

obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternate financial assurance to the Agency.

g) Term:

1) The bond shall be issued for a term of at least one year~~four years~~ and shall not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the operator and the Agency have received the notice, as evidenced by the return receipts.~~If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will not serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.~~

3) The Agency shall release the surety by providing written authorization for termination of the bond to the operator and the surety when either of the following occurs:

A) An operator substitutes alternate financial assurance, as specified in the Subpart; or

B) The Agency releases the operator from the requirements of this Subpart in accordance with Section 807.606(b) of this Part.

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines

that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money that~~which~~ was paid to the Agency by the surety subject to appropriation of funds by the Illinois General Assembly.

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.663 Surety Bond Guaranteeing Performance

a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond that~~which~~ conforms to the requirements of this Section and submitting the bond to the Agency.

b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance, pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety~~Department of Insurance~~.

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the form~~forms~~ specified in Appendix A, Illustration D.

d) Any payments made under the bond will be placed in the Landfill Closure and Post-Closure Fund~~landfill closure and post-closure fund~~ within the State Treasury.

e) Conditions:

1) The bond must guarantee that the operator will:

A) Provide~~provide~~ closure and post-closure care in accordance with the closure and post-closure care plans in the permit~~. The surety shall have the option of providing closure and post-closure care in~~

~~accordance with the closure and post-closure care plans, or of paying the penal sum.~~; and

B) Provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; ~~or,~~

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or~~.~~

E) Fails to provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

3) Upon the failure of the operator to perform as guaranteed by the bond, the surety shall have the option of providing closure and post-closure care in accordance with the closure and post-closure care plans, or of paying the penal sum.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the

current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.~~The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternate financial assurance to the Agency.

g) Term:

1) The bond shall be issued for a term of at least one year~~four years~~ and shall not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the operator and the Agency have received the notice, as evidenced by the return receipts.~~If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will not serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.~~

3) The Agency shall release the surety by providing written authorization for termination of the bond to the operator and the surety when either of the following occurs:

A) An operator substitutes alternate financial assurance, as specified in this Subpart; or

B) The Agency releases the operator from the requirements of this Subpart in accordance with Section 807.606(b) of this Part.

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money that~~which~~ was paid to the Agency by the surety subject to appropriation of funds by the Illinois General Assembly.

i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.664 Letter of Credit

a) An operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit that~~which~~ conforms to the requirements of this Section and submitting the letter to the Agency.

b) The issuing institution must be an entity that~~which~~ has the authority to issue letters of credit and:

1) Whose letter-of-credit operations are regulated by the Department of Financial and Professional Regulation~~Illinois Commissioner of Banks and Trust Companies~~; or~~,~~

2) Whose deposits are insured by the Federal Deposit Insurance Corporation

~~or the Federal Savings and Loan Insurance Corporation~~.

c) Forms:

1) The letter of credit must be on the form~~forms~~ specified in Appendix A, Illustration E.

2) The letter of credit must be accompanied by a letter from the operator referring to the letter of credit by number, issuing institution and date and providing the following information: name and address of the site and the amount of funds assured for closure and post-closure care of the site by the letter of credit.

d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the Landfill Closure and Post-Closure Fund~~landfill closure and post-closure fund~~ within the State Treasury.

e) Conditions on which the Agency shall~~may~~ draw on the letter of credit:

1) The Agency shall~~may~~ draw on the letter of credit if the operator fails to perform closure or post-closure care in accordance with the closure and post-closure care plans.

2) The Agency shall~~may~~ draw on the letter of credit when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure or post-closure care of the site when ordered to do so by the Board or a court of competent jurisdiction; ~~or~~

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to provide closure and post-closure care in accordance with the closure and post-closure care plans; or

E) Fails to provide alternate financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance

provided within 90 days after receipt by both the operator and the Agency of a notice from the issuing institution that the letter of credit will not be extended for another term.

f) Amount:

1) The letter of credit must be issued in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the amount of credit may be reduced to the amount of the current cost estimate, following written approval by the Agency.~~The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the amount of the credit, the operator, within 90 days after the increase, must either cause the amount of the credit to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternate financial assurance to the Agency.

g) Term:

1) The letter of credit shall be irrevocable and shall be issued for a term of at least one year~~four years~~.

2) The letter of credit must provide that, on the current expiration date and on each successive expiration date, the letter of credit will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the operator and the Agency by certified mail of a decision not to extend the letter of credit for another term. Under the terms of the letter of credit, the 120 days will begin on the date when both the operator and the Agency have received the notice, as evidenced by the return receipts.~~If the operator fails to substitute alternate financial assurance prior to expiration of a letter of credit, the term of the letter of credit shall be automatically extended for one twelve-month period starting with the date of expiration. During such extension the letter of credit will not serve as financial assurance~~

~~satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.~~

3) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An operator substitutes alternate financial assurance, as specified in this Subpart; or

B) The Agency releases the operator from the requirements of this Subpart in accordance with Section 807.606(b) of this Part.

h) Cure of default and refunds:

1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the financial institution subject to appropriation of funds by the Illinois General Assembly.

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.665 Closure Insurance

a) An operator may satisfy the requirements of this Subpart by obtaining closure and post-closure care insurance that~~which~~ conforms to the requirements of this Section and submitting to the Agency an executed duplicate original of the insurance policy and the certificate of insurance for closure and/or post-closure care specified in Appendix A, Illustration F.~~an executed duplicate original of such insurance policy to the Agency.~~

b) The insurer must be licensed to transact the business of insurance by the Illinois Department of Insurance or at a minimum the insurer must be licensed to transact

the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states~~Department of Insurance~~.

c) The policy must be on forms filed with the Illinois Department of Insurance pursuant to Section 143(2) of the Illinois Insurance Code [215 ILCS 5/143(2)] and 50 Ill. Adm. Code 753, or on forms approved by the insurance department of one or more states.~~approved by the Illinois Department of Insurance.~~

d) Face amount:

1) The closure and post-closure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

2) Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate following written approval by the Agency.~~The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the face amount, the operator, within 90 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of the increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternate financial assurance to the Agency.

e) The closure and post-closure care insurance policy must guarantee that funds will be available to close the site and to provide post-closure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to a~~such~~ party or parties ~~as~~ the Agency specifies. The insurer will be liable when:

1) The operator abandons the site;

2) The operator is adjudicated bankrupt;

3) The Board or a court of competent jurisdiction orders the site closed;

4) The operator notifies the Agency that it is initiating closure; or

5) Any person initiates closure with approval of the Agency.

f) After initiating closure, an operator or any other person authorized to perform closure or post-closure care may request reimbursement for closure and post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for closure or post-closure care activities, the Agency will determine whether the expenditures are in accordance with the closure plan or post-closure care plan, and if so, will instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of closure and post-closure care will be significantly greater than the face amount of the policy, it may withhold reimbursement of those~~such~~ amounts ~~as~~ it deems prudent until it determines that the operator is no longer required to maintain financial assurance.

g) Cancellation:

1) The operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy.

2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning on~~with~~ the date of receipt of the notice by both the Agency and the operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.

h) Each policy must contain a provision allowing assignment of the policy to a successor operator. The~~Such~~ assignment may be conditional upon consent of the insurer, provided that~~such~~ consent is not unreasonably refused.

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.666 Self-insurance for Non-Commercial~~commercial~~ Sites

a) Definitions: The following terms are used in this Section. The definitions are intended to assist in the understanding of this Section~~these regulations~~ and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting principles.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Generally accepted accounting principles" means the accounting and auditing standards incorporated by reference at 35 Ill. Adm. Code 810.104(a)(2).

~~"Generally accepted accounting principles" means Accounting Standards, Financial Accounting Standards Board, June, 1984, which is hereby incorporated by reference. This incorporation includes no later amendments or editions.~~

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets less liabilities; tangible assets do not include intangibles such as goodwill and rights to patents or royalties.

b) An operator may satisfy the financial assurance requirements of this Part by providing the following:

1) Bond without surety promising to pay the cost estimate (subsection~~paragraph~~ (c)).

2) Proof that the operator meets the gross revenue test (subsection~~paragraph~~ (d)).

3) Proof that the operator meets the financial test (subsection~~paragraph~~ (e)).

c) Bond without surety. An operator utilizing self-insurance must provide a bond without surety on the form~~forms~~ provided in Appendix A, Illustration G. The operator must promise to pay the current cost estimate to the Agency unless the operator provides closure and post-closure care in accordance with the closure and post-closure care plans.

d) Gross revenue test. The operator must demonstrate that less than one-half of its gross revenues are derived from waste disposal operations.

e) Financial test:

1) To pass the financial test, the operator must meet the criteria of either subsection~~paragraph~~ (e)(1)(A) or (e)(1)(B):

A) The operator must have:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5; and

ii) Net working capital and tangible net worth each at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of the operator's total assets and at least six times the current cost estimate.

B) The operator must have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.

2) To demonstrate that it meets this test, the operator must submit the following items to the Agency:

A) A letter signed by the operator's chief financial officer and worded as specified in Appendix A, Illustration I; and

B) A copy of the independent certified public accountant's report on examination of the operator's financial statements for the latest

completed fiscal year; and

C) A special report from the operator's independent certified public accountant to the operator stating that:

i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to the accountant's attention that~~which~~ caused the accountant to believe that the specified data should be adjusted.

f) Updated information:

1) After the initial submission of items specified in subsections~~paragraphs~~ (d) and (e), the operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year.

2) If the operator no longer meets the requirements of subsections~~paragraphs~~ (d) and (e), the operator must send notice to the Agency of intent to establish alternate financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.

g) Qualified opinions. If the opinion required in subsections~~paragraphs~~ (e)(2)(B) and (e)(2)(C) includes an adverse opinion or a disclaimer of opinion, the Agency shall disallow the use of self-insurance. If the opinion includes other qualifications, the Agency shall disallow the use of self-insurance if:

1) The qualifications relate to the numbers that~~which~~ are used in the gross revenue test or the financial test; and~~,~~

2) In light of the qualifications, the operator has failed to demonstrate that it meets the gross revenue test or financial test.

h) Parent corporation. An operator may satisfy the financial assurance requirements of this Part by:

1) Demonstrating~~demonstrating~~ that a corporation that~~which~~ owns an interest in the operator meets the requirements of this Section~~gross revenue and financial tests.~~; and

2) Providing a bond to the Agency with the parent corporation as surety on a form specified in Appendix A, Illustration H in accordance with Section 807.662(d), (e), (f), and (g) of this Part.~~The operator must also provide a bond with the parent as surety (Appendix A).~~

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION A Trust Agreement

TRUST AGREEMENT

Trust Fund Number _____

Trust Agreement, the "Agreement," entered into as of the ____ day of _____, by and between _____, a _____, the "Grantor," and _____, _____, the "Trustee."

Whereas, Section 21.1 of the Environmental Protection Act, "Act", prohibits any person from conducting any waste disposal operation unless such person has posted with the Illinois Environmental Protection Agency, "IEPA", a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with the Act and Illinois Pollution Control Board, "IPCB", rules.

Whereas, the IPCB has established certain regulations applicable to the Grantor, requiring that an operator of a waste disposal site provide assurance that funds will be available when needed for closure and/or post-closure care of the site.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the sites identified in this agreement.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

Whereas, Trustee is an entity which has authority to act as a trustee and whose trust operations are regulated by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks & Trust Companies~~ or who complies with the Corporate Fiduciary Act [205 ILCS 620].~~Foreign Corporations as Fiduciaries Act (Ill. Rev. Stat. 1983, ch. 17, par. 2801, et seq.)~~ (Line through any condition that~~which~~ does not apply.)

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

a) The term "Grantor" means the operator who enters into this Agreement and any

successors or assigns of the operator.

b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address and current~~initial~~ cost estimate of each site for which financial assurance is demonstrated by this agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the IEPA. The Grantor and the Trustee intend that no other third party have access to the Fund except as provided in this agreement. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached to this agreement. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits on the Fund, less any payments or distributions made by the Trustee pursuant to this agreement. The Fund shall be held by the Trustee, in trust, as provided in this agreement. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor.

Section 4. Payment for Closure and Post-Closure Care. The Trustee shall make payments from the Fund as the IEPA shall direct, in writing, to provide for the payment of the costs of closure and/or post-closure care of the sites covered by this agreement. The Trustee shall reimburse the Grantor or other persons as specified by the IEPA from the Fund for closure and post-closure expenditures in such amounts as the IEPA shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trust Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which

persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

a) Securities or other obligations of the Grantor, or any other owner or operator of the site, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 USC~~U.S.C.~~ 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal government or the State of Illinois;

b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by the Federal Deposit Insurance Corporation~~ or Federal Savings & Loan Insurance Corporation~~.

c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 USC~~U.S.C.~~ 80a-1 et seq., including one which may be created, managed, underwritten or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this agreement or by law, the Trustee is expressly authorized and empowered:

a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;

c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository~~depositary~~ even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository~~depositary~~ with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund.

d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation~~ or Federal Savings & Loan Insurance Corporation~~; and

e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee, to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the IEPA a statement confirming the value of the Trust. The evaluation day shall be each year on the _____ day of _____. Any securities in the Fund shall be valued at market value as of the evaluation day. The Trustee shall mail the evaluation statement to the Grantor and the IEPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the IEPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for

its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and the successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the IEPA and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the IEPA to the Trustee shall be in writing, signed by the IEPA Director or his/her designee~~designees~~, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or IEPA, except as provided in this agreement.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the IEPA, by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the IEPA Director or his/her designee, or by the Trustee and the IEPA Director or his/her designee if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this

Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the IEPA Director or his/her designee, or by the Trustee and the IEPA Director or his/her designee, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the IEPA Director or his/her designee issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed and enforced according to the laws of the State of Illinois.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration A as these regulations were constituted on the date this Agreement was entered.

Attest: _____

Signature of Grantor

_____

Typed Name

_____

Title

Seal

Attest: _____

Signature of Trustee

_____

Typed Name

_____

Title

Seal

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION C Forfeiture Bond

FORFEITURE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

_____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the principal provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], ~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021(d)~~ to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1]~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021.1~~, to provide financial assurance for closure and post-closure and post-closure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure or~~and~~ post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;~~ or~~

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails

to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or

e) Fails to provide alternate financial assurance and obtains the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has met one or more of the conditions described above~~failed to so provide closure and post-closure care~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure~~closure~~ Fund. The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____[date]; but such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.~~provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.~~

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 807.604.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration C as such regulation

was constituted on the date this bond was executed.

Principal	Corporate Surety
Signature	Name
Typed Name	Address
Title	State of Incorporation
Date	Signature
	Typed Name
	Title
Corporate seal	Corporate seal

Bond premium: $ _____

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

_____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency~~agency~~ ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], ~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021(d)~~ to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1]~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021.1~~, to provide financial assurance for closure and post-closure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care in accordance with the closure and post-closure care plans for the site if, during the term of the bond, the Principal fails to provide closure or~~and~~ post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;~~ or~~

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or

e) Fails to provide alternate financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and post-closure care in accordance with the closure and post-closure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to fulfill one or more of the conditions described above~~failed to so provide closure and post-closure care~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure~~closure~~ Fund.

If the Surety notifies the IEPA~~Agency~~ that it intends to provide closure and post-closure care, then the Surety must initiate closure and post-closure care within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above~~failed to provide closure and post-closure care~~. The Surety must complete closure and post-closure care in accordance with the closure and post-closure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____ [date]; but such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts.~~provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.~~

The Principal may terminate this bond by sending written notice to the Surety; provided,

however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 807.604.

In Witness Whereof, the Principal and Surety have executed this Performance~~Forfeiture~~ Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration D as such regulation was constituted on the date this bond was executed.

Principal	Corporate Surety
Signature	Name
Typed Name	Address
Title	State of Incorporation
Date	Signature
	Typed Name
	Title
Corporate seal	Corporate seal

Bond premium: $ _____

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
~~2200 Churchill Road~~
~~Springfield, Illinois 62706~~

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks and Trusts~~ or our deposits are insured by the Federal Deposit Insurance Corporation~~ or Federal Savings and Loan Insurance Corporation~~. (Omit language that~~which~~ does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars ($_____), available upon presentation of:

1. your sight draft, bearing reference to this letter of credit No. _____; and~~,~~

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act [415 ILCS 5]~~, Ill. Rev. Stat. 1983, ch. 111½, par. 1001 et seq.~~ and 35 Ill. Adm. Code 807.664(e)."

This letter of credit is effective as of _____ [date] and shall expire on _____[date at least one year later], but, such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or

operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date when both_____[owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and _____ [owner's or operator's name], as shown on the signed return receipts.~~; but, such expiration date shall be automatically extended for one period of twelve months starting with the expiration date if the operator fails to substitute alternate financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.~~

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure Fund~~landfill closure and post-closure fund~~ in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration E as such regulations were constituted on the date shown below.~~This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1983, ch. 26, pars. 1-101 et seq.).~~

_____

Typed Name

_____

Title

_____

Date

_____

Name and address of issuing institution

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION F Certificate of Insurance for Closure and/or Post-Closure Care

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POST-CLOSURE CARE

Name and Address of Insurer ("Insurer"):

_____

_____

Name and Address of Insured ("Insured"):

_____

_____

Sites Covered:

Name _____

Address _____

City _____

Amount insured for this site: $ _____

Name _____

Address _____

City _____

Amount insured for this site: $ _____

Please attach a separate page if more space is needed for all sites.

Face Amount _____

NOTICE OF ADOPTED AMENDMENTS

Policy Number _____

Effective Date _____

The Insurer hereby certifies that it is licensed to transact the business of insurance by the Illinois Department of Insurance or that it is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states~~Department of Insurance~~.

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure and post-closure care for the sites identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 35 Ill. Adm. Code 807.665, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the Illinois Environmental Protection Agency ("IEPA"), the Insurer agrees to furnish to the IEPA a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the wording of this certificate is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration F as such regulations were constituted on the date shown below.

Name (Authorized signature for Insurer)

_____

Typed Name

_____

Title

_____

Date

_____

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION G Owner's or Operator's Bond Without Surety

OWNER'S OR OPERATOR'S BOND WITHOUT SURETY

Date bond executed: _____

Effective date: _____

Owner or Operator: _____

Owner's or Operator's address: _____

_____

Site: _____

Site address: _____

_____

Penal sum: $ _____

The owner or operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the owner or operator~~Operator~~ provides closure and post-closure care of the site in accordance with the closure and post-closure care plans for the site.

Owner or Operator

_____

Signature

_____

Typed Name

_____

Title

_____

Date

Corporate Seal

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

Section 807.APPENDIX A Financial Assurance Forms

Section 807.ILLUSTRATION H Owner's or Operator's Bond with Parent Surety

OWNER'S OR OPERATOR'S BOND WITH PARENT SURETY

Date bond executed: _____

Effective Date: _____

Surety: _____

Surety's address: _____

Owner or Operator: _____

Owner or Operator's address: _____

Site: _____

Site address: _____

Penal sum: $ _____

The Owner or Operator and Surety promise to pay the above penal sum to the Illinois Environmental Protection Agency ("IEPA") unless the Owner or Operator provides closure and post-closure care of the site in accordance with the closure and post-closure care plans for the site. To the payment of this obligation the Owner or Operator and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Owner or Operator is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], ~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021(d)~~ to have a permit to conduct a waste disposal operation; and

Whereas the Owner or Operator is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1]~~Ill. Rev. Stat. 1983, ch. 111½, par. 1021.1~~, to provide financial assurance for closure and post-closure care; and

Whereas the Owner or Operator and Surety agree that this bond shall be governed by the laws of

the State of Illinois; and

Whereas the Surety is a corporation which owns an interest in the Owner or Operator;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Owner or Operator fails to provide closure or~~and~~ post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Owner or Operator fails to so provide when the Owner or Operator:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;~~ or~~

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans; or

e) Fails to provide alternate financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Owner or Operator has met one or more of the conditions described above~~failed to so provide closure and post-closure care~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure~~closure~~ Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____ [date]; but such expiration date shall be automatically extended for a period of _____ [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Owner or Operator by certified mail that the Surety has decided not to extend this surety bond beyond the current expiration date.

The 120 days will begin on the date when both the Owner or Operator and the IEPA have received the notice, as evidenced by the return receipts.

The Owner or Operator may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety received written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 807.604.

In Witness Whereof, the Owner or Operator and Surety have executed this bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Owner or Operator and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 807.Appendix A, Illustration H as such regulation was constituted on the date this bond was executed.

Owner or Operator	Surety
Signature	Name
_____	_____
Typed Name	Address
_____	_____
Title	State of Incorporation
_____	_____
Date	Signature
_____	_____
	Typed Name
	_____
	Title
	_____

Corporate seal

Corporate seal

(Source: Amended at 35 Ill. Reg. 10784, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Solid Waste Disposal: General Provisions

2) Code Citation: 35 Ill. Adm. Code 810

3) Section Number: 810.104 — Adopted Action: Amend

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]

5) Effective Date of Amendment: June 22, 2011

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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal Published in Illinois Register: February 25, 2011; 35 Ill. Reg. 3252

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

11) Differences between proposal and final version: Two non-substantive grammatical changes were made at second notice.

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

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

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

15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, please see the Board's June 16, 2011 opinion and order adopting these rules: In the Matter of: Financial Assurance Instruments – Renewal and Terms. Amendments to 35 Ill. Adm. Code 807, Subpart F and Appendix A, 810.104, 811.Subparts C, G and Appendix A R10-09 (June 16, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

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

312/814-6931
RobertsD@ipcb.state.il.us

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 R10-09 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 Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section
810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference
810.105 Electronic Reporting

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16166, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011.

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (2005) (Monitoring Requirements for Unregulated Contaminants).

40 CFR 258.Appendix I (2006).

40 CFR 258.Appendix II (2006).

2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036:

Financial Accounting Standards Board (FASB) Accounting Standards – Current Text, 2008 Edition.

American Institute of Certified Public Accountants (AICPA) Professional Standards – Statements on Auditing Standards, June 1, 2008 Edition.

~~Auditing Standards – Current Text, August 1, 1990 Edition.~~

3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia PA 19103 215-299-5585:

Method D2234-76, "Test Method for Collection of Gross Samples of Coal," approved 1976.

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water," approved 1985.

4) GASB. Governmental~~Government~~ Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993.

5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville~~Hyattville~~ MD~~, Maryland~~ 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986).

6) U.S. Government Printing Office, Washington DC~~, D.C.~~ 20402, Ph: 202-783-3238:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, 1986; Revision 6, January 2005), as amended by Update I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1).

b) This incorporation includes no later amendments or editions.

(Source: Amended at 35 Ill. Reg. 10837, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3)

Section Numbers:	Adopted Action:
811.309	Amend
811.700	Amend
811.703	Amend
811.704	Amend
811.706	Amend
811.710	Amend
811.711	Amend
811.712	Amend
811.713	Amend
811.714	Amend
811.715	Amend
811.716	Amend
811.718	Amend
811.719	Amend
811.APPENDIX A	
811.ILLUSTRATION A	Amend
811.ILLUSTRATION C	Amend
811.ILLUSTRATION D	Amend
811.ILLUSTRATION E	Amend
811.ILLUSTRATION F	Amend
811.ILLUSTRATION G	Amend
811.ILLUSTRATION H	Amend
811.ILLUSTRATION I	Amend

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]

5) Effective Date of Amendments: June 22, 2011

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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal Published in Illinois Register: February 25, 2011; 35 Ill. Reg, 3257

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

11) Differences between proposal and final version: In addition to a number of non-substantive, consistency and grammatical changes proposed by JCAR, the following differences are present:

In Section 811.712(e)(3)(A), inserted "in accordance with the closure and post-closure care plans; or" after "care."

In Section 811.712(e)(3)(B), inserted "in accordance with the corrective action plan" after "corrective action."

In Section 811.Appendix A, Illustration A, Section 8, reinserted the following (current) language:

"b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;

c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation; and

e) To compromise or otherwise adjust all claims in favor of or against the Fund."

In Section 811.Appendix A, Illustration C, paragraph 7, added "met one or more of the conditions described above" and deleted "failed to fulfill one or more of the conditions described above".

In Section 811.Appendix A, Illustration C, paragraph 11, inserted "set forth above" and deleted "this bond was executed" after "date".

In Section 811.Appendix A, Illustration D, paragraph 6, inserted "or provide closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans for the site" after "to the IEPA".

In Section 811.Appendix A, Illustration D, paragraph 8, inserted "met one or more of the conditions described above" and deleted "fulfill one or more of the conditions described in this document."

In Section 811.Appendix A, Illustration D, paragraph 12, inserted "set forth above" and removed "this bond was executed" after "date."

In Section 811.Appendix A, Illustration F, paragraph 2, inserted "or corrective action]" after "post-closure care."

In Section 811.Appendix A, Illustration H, paragraph 7, inserted "met one or more of the conditions described above" and deleted "failed to fulfill one or more of the conditions described in this document."

In Section 811.Appendix A, Illustration I, inserted:

"C/O Bureau of Land #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276"

and struck:

"2200 Churchill Road
Springfield, Illinois 62706".

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

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

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

15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's June 16, 2011 opinion and order adopting these rules: In the Matter of: Financial Assurance Instruments – Renewal and Terms. Amendments to 35 Ill. Adm. Code 807, Subpart F and Appendix A, 810.104, 811.Subparts C, G and Appendix A R10-09 (June 16, 2011)

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

Daniel Robertson
Illinois Pollution Control Board 312/814-6931
100 W. Randolph Street, Suite 11-500 RobertsD@ipcb.state.il.us
Chicago, IL 60601

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 R10-09 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:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
811.111 Postclosure Maintenance
811.112 Recordkeeping Requirements for MSWLF Units
811.113 Electronic Reporting

SUBPART B: INERT WASTE LANDFILLS

Section
811.201 Scope and Applicability
811.202 Determination of Contaminated Leachate
811.203 Design Period
811.204 Final Cover
811.205 Final Slope and Stabilization
811.206 Leachate Sampling
811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

811.301 Scope and Applicability
811.302 Facility Location
811.303 Design Period
811.304 Foundation and Mass Stability Analysis
811.305 Foundation Construction
811.306 Liner Systems
811.307 Leachate Drainage System
811.308 Leachate Collection System
811.309 Leachate Treatment and Disposal System
811.310 Landfill Gas Monitoring
811.311 Landfill Gas Management System
811.312 Landfill Gas Processing and Disposal System
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeologic Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program
811.324 Corrective Action Measures for MSWLF Units
811.325 Selection of remedy for MSWLF Units
811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section
811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section
811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Post-Closure~~Postclosure~~ Care Cost Estimates
811.705 Revision of Cost Estimate
811.706 Mechanisms for Financial Assurance
811.707 Use of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Bond Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-Commercial~~commercial~~ Sites
811.716 Local Government Financial Test
811.717 Local Government Guarantee
811.718 Discounting
811.719 Corporate Financial Test
811.720 Corporate Guarantee

811.APPENDIX A Financial Assurance Forms
811.ILLUSTRATION A Trust Agreement
811.ILLUSTRATION B Certificate of Acknowledgment

811.ILLUSTRATION C	Forfeiture Bond
811.ILLUSTRATION D	Performance Bond
811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-Closure~~Postclosure~~ Care or Corrective Action
811.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
811.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
811.ILLUSTRATION I	Letter from Chief Financial Officer
811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.
811.APPENDIX C	List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.309 Leachate Treatment and Disposal Systems

a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage,

treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.

b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.

c) Standards for Onsite Treatment and Pretreatment

1) All onsite treatment or pretreatment systems shall be considered part of the facility.

2) The onsite treatment or pretreatment system shall be designed in accordance with the expected characteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.

3) The onsite treatment or pretreatment system shall be designed to function for the entire design period.

4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.

5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.

6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

d) Standards for Leachate Storage Systems

1) Except as otherwise provided in subsection (d)(6) of this Section, the leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate is available at any time during the design period of the facility.

2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10^{-7} centimeters per second.

3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.

4) The leachate storage system shall not cause or contribute to a malodor.

5) The leachate drainage and collection system shall not be used for the purpose of storing leachate.

6) A facility may have less than five days' worth of storage capacity for accumulated leachate as required by subsection (d)(1) of this Section, if the owner or operator of the facility demonstrates that multiple treatment, storage and disposal options in the facility's approved leachate management system developed in accordance with subsection (b) of this Section will achieve equivalent performance. Such options shall consist of not less than one day's worth of storage capacity for accumulated leachate plus at least two alternative means of managing accumulated leachate through treatment or disposal, or both treatment and disposal, each of which means is capable of treating or disposing of all leachate generated at the maximum generation rate on a daily basis.

e) Standards for Discharge to an Offsite Treatment Works

1) Leachate may be discharged to an offsite treatment works that meets the following requirements:

A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.

B) The treatment systems shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

C) No more than 50 percent of the average daily influent flow can be

attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.

2) The operator is responsible for securing permission from the offsite treatment works for authority to discharge to the treatment works.

3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.

4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.

5) Leachate shall be allowed to flow into the sewage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).

6) Where leachate is not directly discharged into a sewage system, the operator shall provide storage capacity sufficient to transfer all leachate to an offsite treatment works. The storage system shall meet the requirements of subsection (d).

f) Standards for Leachate Recycling Systems

1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:

A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.

B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.

C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to

control odors and prevent migration of methane in accordance with Section 811.311.

D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.

2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.

3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.

4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.

5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.

6) Daily and intermediate cover shall be permeable to the extent necessary to prevent the accumulation of water and formation of perched watertables and gas buildup; alternatively cover shall be removed prior to additional waste placement.

7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.

g) Leachate Monitoring

1) Representative samples of leachate shall be collected from each established leachate monitoring location in accordance with subsection (g)(5) and tested for the parameters referenced in subsections (g)(2)(G) and (g)(3)(D). The Agency may, by permit condition, require additional, or allow less, leachate sampling and testing as necessary to ensure compliance with this Section and Sections 811.312, 811.317, and 811.319.

2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to treatment or pretreatment:

A) Five day biochemical oxygen demand (BOD_5);

B) Chemical oxygen demand;

C) Total Suspended Solids;

D) Total Iron;

E) pH;

F) Any other constituents listed in the operator's National Pollution Discharge Elimination System (NPDES) discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

G) All the monitoring parameters listed in Section 811.Appendix C, unless an alternate monitoring list has been approved by the Agency.

3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:

A) pH;

B) Total Dissolved Solids;

C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

D) All the monitoring parameters listed in Section 811.Appendix C, unless an alternate monitoring list has been approved by the

Agency.

4) A network of leachate monitoring locations shall be established, capable of characterizing the leachate produced by the unit. Unless an alternate network has been approved by the Agency, the network of leachate monitoring locations shall include:

A) At least four leachate monitoring locations; and

B) At least one leachate monitoring location for every 25 acres within the unit's waste boundaries.

5) Leachate monitoring shall be performed at least once every six months and each established leachate monitoring location shall be monitored at least once every two years.

h) Time of Operation of the Leachate Management System

1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.

2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD_5 concentration greater than 30 mg/L for six consecutive months.

3) Leachate collection at a MSWLF unit shall be continued for a minimum period of 30 years after closure, except as otherwise provided by subsections (h)(4) and (h)(5).

4) The Agency may reduce the leachate collection period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.

5) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

i) Inspection and maintenance (Section 811.111);

ii) Leachate collection (Section 811.309);

iii) Gas monitoring (Section 811.310~~811.130~~); and

iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Subsection (h) is derived from 40 CFR 258.61 (1992).

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

SUBPART G: FINANCIAL ASSURANCE

Section 811.700 Scope, Applicability and Definitions

a) This Subpart provides procedures by which the owner or operator of a permitted waste disposal facility provides financial assurance satisfying the requirements of Section 21.1(a) of the Act.

b) Financial assurance shall~~may~~ be provided, as specified in Section 811.706, by a trust agreement, a bond guaranteeing payment, a bond guaranteeing payment or performance, a letter of credit, insurance or self-insurance. The owner operator shall provide financial assurance to the Agency before the receipt of the waste.

c) Except as provided in subsection (f), this Subpart does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site that is owned or operated by such a governmental entity shall provide financial assurance for closure and post-closure~~postclosure~~ care of the site.

d) The owner or operator is not required to provide financial assurance pursuant to this Subpart if the owner or operator demonstrates:

1) That closure and post-closure~~postclosure~~ care plans filed pursuant to 35 Ill. Adm. Code 724 or 725 will result in closure and post-closure~~postclosure~~ care of the site in accordance with the requirements of this Part; and

2) That the owner or operator has provided financial assurance adequate to provide for such closure and post-closure~~postclosure~~ care pursuant to 35 Ill. Adm. Code 724 or 725.

e) Definition: "Assumed closure date" means the point in time when the extent and manner of the facility's development, as permitted for operation in accordance with 35 Ill. Adm. Code 813.203 when applicable, would make closure the most expensive~~date during the next permit term on which the costs of premature final closure of the facility, in accordance with the standards of this Part, will be greatest~~.

f) On or after April 9, 1997, no person, other than the State of Illinois, its agencies and institutions, shall conduct any disposal operation at an MSWLF unit that requires a permit under ~~subsection (d) of~~ Section 21(d)~~21.1~~ of the Act, unless that person complies with the financial assurance requirements of this Part.

g) The Board will grant a variance pursuant to Sections 35 through 38 of the Act and 35 Ill. Adm. Code 104 that allows a facility to operate not in compliance with the otherwise applicable requirements of this Section for up to one year, until April 9, 1998, for good cause, if it determines that an owner or operator has demonstrated that the prior April 9, 1997 effective date for the requirements of this Section did not provide sufficient time to comply and that operating not in compliance with the otherwise applicable provisions of this Section would not adversely affect human health or the environment.

BOARD NOTE: Subsection (f) clarifies the applicability of the financial assurance requirements to units of local government, since the Subtitle D regulations exempt only federal and state governments from financial assurance requirements. (See 40 CFR 258.70 (1996).) P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60327), USEPA added 40 CFR 258.70(c) (1996), codified here as subsection (g), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.703 Application of Proceeds and Appeals

a) The Agency may sue in any court of competent jurisdiction to enforce its rights under financial instruments. The filing of an enforcement action before the Board is not a condition precedent to such an Agency action, except when this Subpart or the terms of the instrument provide otherwise.

b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104, the Board may order modifications in permits to change the type or amount of financial assurance pursuant to an enforcement action or a variance petition. Also, the Board may order that an owner or operator modify a closure or post-closure~~postclosure~~ care plan or order that proceeds from financial assurance be applied to the execution of a closure or post-closure~~postclosure~~ care plan.

c) The following Agency actions may be appealed to the Board as a permit denial pursuant to 35 Ill. Adm. Code 105 and Section 21.1(e)~~Section 21.5(e)~~ of the Act:

1) A refusal to accept financial assurance tendered by the owner or operator;

2) A refusal to release the owner or operator from the requirement to maintain financial assurance;

3) A refusal to release excess funds from a trust;

4) A refusal to approve a reduction in the penal sum of a bond;

5) A refusal to approve a reduction in the amount of a letter of credit;

6) A refusal to approve a reduction in the face amount of an insurance policy; or

7) A determination that an owner or operator no longer meets the gross revenue test or financial test.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.704 Closure and Post-Closure~~Postclosure~~ Care and Corrective Action Cost Estimates

a) Written cost estimate. The owner or operator shall have a written estimate of the cost of closure of all parts of the facility where wastes have been deposited in

accordance with the requirements of this Part; the written closure plan, required by Section 811.110 and 35 Ill. Adm. Code 812.114; and the cost of post-closure~~postclosure~~ care and plans, required by this Part and the written post-closure~~postclosure~~ care plans required by 35 Ill. Adm. Code 812.115. The cost estimate is the total cost for closure and post-closure~~postclosure~~ care.

b) The owner or operator shall revise the cost estimate whenever a change in the closure plan or post-closure~~postclosure~~ care plan increases the cost estimate.

c) The cost estimate must be based on the steps necessary for the premature final closure of the facility on the assumed closure date.

d) The cost estimate must be based on the assumption that the Agency will contract with a third party to implement the closure plan.

e) The cost estimate may not be reduced by allowance for the salvage value of equipment or waste, for the resale value of land, or for the sale of landfill gas.

f) The cost estimate must, at a minimum, include all costs for all activities necessary to close the facility in accordance with all requirements of this Part.

g) (Blank)~~Except for a MSWLF unit, the postclosure monitoring and maintenance cost estimate must be prepared:~~

~~1) On the basis of the design period for each unit at a facility, assuming operations will cease on the assumed closure date; and~~

~~2) Reduced to present value, as follows:~~

~~A) Based on a 4 percent discount rate;~~

~~B) Without allowing for inflation;~~

~~C) Over a period including the time remaining until the assumed closure date, plus the postclosure care period;~~

h) The post-closure~~postclosure~~ care cost estimate must, at a minimum, be based on the following elements in the post-closure~~postclosure~~ care plan:

1) Groundwater monitoring, based on the number of monitoring points and parameters and the frequency of sampling specified in the permit.

2) The annual Cost of Cover Placement and Stabilization, including an estimate of the annual residual settlement and erosion control and the cost of mowing.

3) Alternative Landfill Gas Disposal. If landfill gas is transported to an off-site processing system, then the owner or operator shall include in the cost estimate the costs necessary to operate an onsite gas disposal system, should access to the off-site facility become unavailable. The cost estimate must include the following information: installation, operation, maintenance and monitoring of an on-site gas disposal system.

4) Cost Estimates Beyond the Design Period. When a facility must extend the post-closure~~postclosure~~ care period beyond the applicable design period, the cost estimate must be based upon such additional time and the care activities occurring during that time.

i) This Section does not authorize the Agency to require the owner or operator to perform any of the indicated activities upon which cost estimates are to be based; however, if the site permit requires a closure activity, the owner or operator shall include the cost of that activity in the cost estimate.

j) Once the owner or operator has completed an activity, the owner or operator may file an application for significant permit modification pursuant to 35 Ill. Adm. Code 813.201 indicating that the activity has been completed, and zeroing that element of the cost estimate.

k) Cost estimate for corrective action at MSWLF units.

1) An owner or operator of a MSWLF unit required to undertake a corrective action program pursuant to Section 811.326 shall have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the Section 811.326. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator shall notify the Agency that the estimate has been placed in the operating record.

2) The owner or operator must annually adjust the estimate for inflation until the corrective action program is completed in accordance with Section 811.326(f).

3) The owner or operator must increase the corrective action cost estimate and the amount of financial assurance provided pursuant to subsections (k)(5) and (k)(6)~~under paragraph (b)~~ of this Section~~section~~ if changes in the corrective action program or MSWLF unit conditions increase the maximum costs of corrective action.

4) The owner or operator may reduce the amount of the corrective action cost estimate and the amount of financial assurance provided pursuant to subsections (k)(5) and (k)(6) of this Section~~section~~ if the cost estimate exceeds the maximum remaining costs of corrective action. The owner or operator shall notify the Agency that the justification for the reduction of the corrective action cost estimate and the amount of financial assurance has been placed in the operating record.

5) The owner or operator of each MSWLF unit required to undertake a corrective action program under Section 811.326 shall establish, in accordance with Section 811.706, financial assurance for the most recent corrective action program.

6) The owner or operator shall provide continuous coverage for corrective action until released from the financial assurance requirements for corrective action by demonstrating compliance with Section 811.326 (f) and (g).

BOARD NOTE: Subsection (k) is derived from 40 CFR 258.73 (1992).

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.706 Mechanisms for Financial Assurance

a) The owner or operator of a waste disposal site shall~~may~~ utilize any of the mechanisms listed in subsections (a)(1) through (a)(10) to provide financial assurance for closure and post-closure~~postclosure~~ care, and for corrective action at an MSWLF unit. An owner or operator of an MSWLF unit shall also meet the

requirements of subsections (b), (c), and (d). The mechanisms are as follows:

1) A trust fund (see Section 811.710);

2) A surety bond guaranteeing payment (see Section 811.711);

3) A surety bond guaranteeing performance (see Section 811.712);

4) A letter of credit (see Section 811.713);

5) Closure insurance (see Section 811.714);

6) Self-insurance (see Section 811.715);

7) Local government financial test (see Section 811.716);

8) Local government guarantee (see Section 811.717);

9) Corporate financial test (see Section 811.719); or

10) Corporate guarantee (see Section 811.720).

b) The owner or operator of an MSWLF unit shall ensure that the language of the mechanisms listed in subsection (a), when used for providing financial assurance for closure, post-closure~~postclosure~~, and corrective action, satisfies the following:

1) The amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action; and

2) The funds will be available in a timely fashion when needed.

c) The owner or operator of an MSWLF unit shall provide financial assurance utilizing one or more of the mechanisms listed in subsection (a) within the following dates:

1) By April 9, 1997, or such later date granted pursuant to Section 811.700(g), or prior to the initial receipt of solid waste, whichever is later, in the case of closure and post-closure care; or

2) No later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325, in the case of corrective action.

d) The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or Section 811.326.

BOARD NOTE: Subsections (b) and (c) are derived from 40 CFR 258.74(1) (1996). Amendments prompted by amendments to 40 CFR 258.74(a)(5) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60327), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.710 Trust Fund

a) An owner or operator may satisfy the requirements of this Subpart G by establishing a trust fund that conforms to the requirements of this Section and submitting an original signed duplicate of the trust agreement to the Agency.

b) The trustee must be an entity that has the authority to act as a trustee and of whom either of the following is true:

1) It is an entity whose trust operations are examined by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks and Trust Companies~~ pursuant to the Illinois Banking Act [205 ILCS 5]; or

2) It is an entity that complies with the Corporate Fiduciary Act [205 ILCS 620].

c) The trust agreement must be on the forms specified in Appendix A, Illustration A of this Part, and the trust agreement must be accompanied by a formal certification of acknowledgement, on the form specified in Appendix A, Illustration B. Schedule A of the trust agreement must be updated within 60 days

after a change in the amount of the current closure, post-closure, and corrective action cost estimates covered by the agreement. ~~of this Part.~~

d) Payments into the trust.

1) For closure and post-closure care.

A) The owner or operator must make a payment into the trust fund each year during the pay-in period.

B) The pay-in period is the initial permit term or the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter.~~number of years remaining until the assumed closure date.~~

C) Annual payments are determined by the following formula:

$$\text{Annual payment} = \frac{CE-CV}{Y}$$

Where ~~the variables are defined as follows~~:

CE = Current cost estimate

CV = Current value of the trust fund

Y = Number of years remaining in the pay-in period.

D) The owner or operator must make the first annual payment prior to the initial receipt of waste for disposal. The owner or operator must also, prior to ~~such~~ initial receipt of waste, submit to the Agency a receipt from the trustee for the first annual payment.

E) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.

F) The owner or operator may accelerate payments into the trust fund, or may deposit the full amount of the current cost estimate at the time the fund is established.

G) An owner or operator required to provide additional financial

assurance for an increase in the cost estimate because of an amendment to this Subchapter i may provide such additional financial assurance pursuant to this subsection (d)(1)(G). The owner or operator may provide the increase by contributing to a new or existing trust fund pursuant to this Section. Subsection (d)(2) of this Section notwithstanding, the pay-in period for such additional financial assurance must be not less than three years.

2) For corrective action at MSWLF units.

A) The owner or operator must make payments into the trust fund annually over one-half of the estimated length of the corrective action program in the case of corrective action for known releases. This period is referred to as the pay-in period.

B) The owner or operator must make the first payment into the trust fund equal to at least one-half of the current cost estimate for corrective action divided by the number of years in the corrective action pay-in period, as defined in subsection (d)(2)(A) of this Section. The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{RB\text{-}CV}{Y}$$

Where ~~the variables are defined as follows~~:

RB = Most recent estimate of the required trust fund balance for corrective action (i.e., the total costs that will be incurred during the second half of the corrective action period)
CV = Current value of the trust fund
Y = Number of years remaining in the pay-in period.

C) The owner or operator must make the initial payment into the trust fund no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

BOARD NOTE: Subsection (d) of this Section is partly derived from 40 CFR

258.74(a)(2), (a)(4), and (a)(5) (2005).

e) The trustee must evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee must notify the owner or operator and the Agency of the value within 30 days after the evaluation date.

f) If the owner or operator of a MSWLF unit establishes a trust fund after having used one or more alternative mechanisms specified in this Subpart G, the initial payment into the trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of this Section.

BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 258.74(a)(6) (2005).

g) Release of excess funds.

1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for a release of the amount in excess of the current cost estimate.

2) Within 60 days after receiving a request from the owner or operator for a release of funds, the Agency must instruct the trustee to release to the owner or operator ~~to release~~ such funds as the Agency specifies in writing to be in excess of the current cost estimate.

h) Reimbursement for closure, post-closure~~postclosure~~ care, and corrective action expenses.

1) After initiating closure or corrective action, an owner or operator, or any other person authorized to perform closure, post-closure~~postclosure~~ care, or corrective action, may request reimbursement for closure, post-closure~~postclosure~~ care, or corrective action expenditures, by submitting itemized bills to the Agency.

2) Within 60 days after receiving the itemized bills for closure, post-closure~~postclosure~~ care, or correction action activities, the Agency must

determine whether the expenditures are in accordance with the closure, post-closure~~postclosure~~ care, or corrective action plan. The Agency must instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure, post-closure~~postclosure~~ care, or corrective action plan.

3) If the Agency determines, based on such information as is available to it, that the cost of closure and post-closure~~postclosure~~ care or corrective action will be greater than the value of the trust fund, it must withhold reimbursement of such amounts as it determines are necessary to preserve the fund in order to accomplish closure and post-closure~~postclosure~~ care or corrective action until it determines that the owner or operator is no longer required to maintain financial assurance for closure and post-closure~~postclosure~~ care or corrective action. In the event the fund is inadequate to pay all claims, the Agency must pay claims according to the following priorities:

A) Persons with whom the Agency has contracted to perform closure, post-closure~~postclosure~~ care, or corrective action activities (first priority);

B) Persons who have completed closure, post-closure~~postclosure~~ care, or corrective action authorized by the Agency (second priority);

C) Persons who have completed work that furthered the closure, post-closure~~postclosure~~ care, or corrective action (third priority);

D) The owner or operator and related business entities (last priority).

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.711 Surety Bond Guaranteeing Payment

a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g),

whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

b) The surety company issuing the bond shall be *licensed to transact the business of insurance by the Department of Insurance,* pursuant to the Illinois Insurance Code [215 ILCS 5]*, or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states,* and approved by the U.S. Department of the Treasury as an acceptable surety. ~~Section 21.1(a.5) of the Act~~ [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the forms specified in Appendix A, Illustration C~~, D, or H~~.

d) Any payments made under the bond will be placed in the Landfill Closure~~landfill closure~~ and Post-Closure~~postclosure~~ fund within the State Treasury.

e) Conditions:

1) The bond must guarantee that the owner or operator will:

A) Provide~~provide~~ closure and post-closure~~postclosure~~ care in accordance with the approved closure and post-closure~~postclosure~~ care plans and, if the bond is a corrective action bond, provide~~. If the facility is an MSWLF unit, then the corrective action bond must guarantee that the owner or operator will implement~~ corrective action in accordance with Section 811.326; and

B) Provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the

term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure~~postclosure~~ care or corrective action when ordered to do so by the Board pursuant to Title VIII~~Title VII~~ of the Act, or when ordered to do so by a court of competent jurisdiction;

D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans; ~~or~~

E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326; or

F) Fails to provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency~~The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases~~.

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner of operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternative financial assurance to the Agency.

g) Term:

1) The bond must be issued for a term of at least one year~~five years~~ and must not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the owner and operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts. ~~If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.~~

3) The Agency shall release the surety by providing written authorization for termination of the bond to the owner or operator and the surety when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Subpart; or

B) The Agency releases the owner or operator from the requirements of this Subpart in accordance with 35 Ill. Adm. Code 813.403(b). ~~The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person~~

~~provides financial assurance for closure and postclosure care of the site or corrective action program at an MSWLF unit, unless the Agency determines that the closure or postclosure care plan, corrective action at an MSWLF unit, or the amount of substituted financial assurance is inadequate to provide closure and postclosure care or implement corrective action in compliance with this Part.~~

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and post-closure~~postclosure~~ care of the site or corrective action at an MSWLF unit, unless the Agency determines that the closure or post-closure~~postclosure~~ care plan, corrective action at an MSWLF unit or the amount of substituted financial assurance is inadequate to provide closure and post-closure~~postclosure~~ care or implement corrective action in compliance with this Part.

2) After closure and post-closure~~postclosure~~ care have been completed in accordance with the plans and requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Post-Closure~~Postclosure~~ Fund" by the surety, subject to appropriation of funds by the Illinois General Assembly.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.712 Surety Bond Guaranteeing Performance

a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

b) The surety company issuing the bond shall be *licensed to transact the business of insurance by the Department of Insurance,* pursuant to the Illinois Insurance Code [215 ILCS 5], *or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states,* and approved by the U.S. Department of the Treasury as an acceptable surety. ~~Section 21.1(a.5) of the Act~~ [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the forms ~~as~~ specified in Appendix A, Illustration ~~C,~~ D~~, or H~~.

d) Any payments made under the bond will be placed in the Landfill Closure~~landfill closure~~ and Post-Closure Fund~~postclosure fund~~ within the State Treasury.

e) Conditions:

1) The bond must guarantee that the owner or operator will:

A) Provide~~provide~~ closure and post-closure~~postclosure~~ care in accordance with the closure and post-closure~~postclosure~~ care plans in the permit and, if the bond is a corrective action bond, provide~~. If the facility is an MSWLF unit, then a corrective action bond must guarantee that the owner or operator will implement~~ corrective action in accordance with Section 811.326; and~~. The surety shall have the option of providing closure and postclosure~~

~~care or carrying out corrective action, or of paying the penal sum~~

B) Provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure~~postclosure~~ care or corrective action when ordered to do so by the Board pursuant to Title VIII~~Title VII~~ of the Act, or when ordered to do so by a court of competent jurisdiction; ~~or~~

D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans.

E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326; or

F) Fails to provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the surety that the bond will not be renewed for another term.

3) Upon failure of the owner or operator to perform as guaranteed by the bond, the surety shall have the option of:

A) providing closure and post-closure care in accordance with the closure and post-closure care plans; or

B) carrying out corrective action in accordance with the corrective action plan; or

C) paying the penal sum.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.~~The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 90 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternative financial assurance to the Agency.

g) Term:

1) The bond must be issued for a term of at least one year~~five years~~ and must not be cancelable during that term.

2) The surety bond must provide that, on the current expiration date and on each successive expiration date, the term of the surety bond will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the surety notifies both the owner or operator and the Agency by certified mail of a decision not to renew the bond. Under the terms of the surety bond, the 120 days will begin on the date when both the owner or operator and the Agency have received the

notice, as evidenced by the return receipts.~~If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension, the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.~~

3) The Agency shall release the surety by providing written authorization for termination of the bond to the owner or operator and the surety when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Subpart; or

B) The Agency releases the owner or operator from the requirements of this Subpart in accordance with 35 Ill. Adm. Code 813.403(b).

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and post-closure~~postclosure~~ care of the site or corrective action at an MSWLF unit, unless the Agency determines that the closure or post-closure~~postclosure~~ care plan, corrective action at an MSWLF unit, or the amount of substituted financial assurance is inadequate to provide closure and post-closure~~postclosure~~ care or implement corrective action at an MSWLF unit in compliance with this Part.

2) After closure and post-closure~~postclosure~~ care have been completed in accordance with the closure and post-closure~~postclosure~~ care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Post-Closure~~closure~~ Fund" by the surety, subject to appropriation of funds by the Illinois General Assembly.

i) The surety will not be liable for deficiencies in the performance of closure by the

owner or operator after the Agency releases the owner or operator from the requirements of this Subpart.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.713 Letter of Credit

a) An owner or operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency. A letter of credit obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

b) The issuing institution shall be an entity that~~which~~ has the authority to issue letters of credit and:

1) Whose letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks and Trust Companies~~ pursuant to the Illinois Banking Act [205 ILCS 5]; or

2) Whose deposits are insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~.

c) Forms:

1) The letter of credit must be on the forms specified in Appendix A, Illustration E.

2) The letter of credit must be accompanied by a letter from the owner or operator, referring to the letter of credit by number, the name and address of the issuing institution, and the effective date of the letter, and providing the following information: the name and address of the site and the amount of funds assured for closure and post-closure~~postclosure~~ care of the site, or for corrective action at an MSWLF unit by the letter of credit.

d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the Landfill Closure and Post-Closure Fund~~landfill closure and postclosure fund~~ within the State Treasury.

e) Conditions on which the Agency shall~~may~~ draw on the letter of credit:

1) The Agency shall draw on the letter of credit if the owner or operator fails to perform closure or post-closure~~postclosure~~ care in accordance with the closure and post-closure~~postclosure~~ care plans, or fails to implement corrective action at an MSWLF unit in accordance with Section 811.326.

2) The Agency shall draw on the letter of credit when the owner or operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure~~postclosure~~ care or corrective action when ordered to do so by the Board pursuant to Title VIII~~Title VII~~ of the Act, or when ordered to do so by a court of competent jurisdiction;

D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to Provide closure and post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans;~~ or~~

E) For a corrective action bond, fails to implement corrective action at

an MSWLF unit in accordance with Section 811.326; or

F) Fails to provide alternative financial assurance, as specified in this Subpart, and obtain the Agency's written approval of the assurance provided within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that the letter of credit will not be extended for another term.

f) Amount:

1) The letter of credit must be issued in an amount at least equal to the current cost estimate.

2) Whenever the current cost estimate decreases, the amount of credit may be reduced to the amount of the current cost estimate following written approval by the Agency.~~The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 90 days after the increase, must either cause the amount of the credit to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternative financial assurance to the Agency.

g) Term:

1) The letter of credit must be issued for a term of at least one year~~five years~~ and must be irrevocable during that term.

2) The letter of credit must provide that, on the current expiration date and on each successive expiration date, the letter of credit will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the letter of credit for another term. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

~~If the owner or operator fails to substitute alternative financial assurance prior to expiration of a letter of credit, the term of the letter of credit must be automatically extended for one twelve-month period starting with the date of expiration. During such extension, the letter of credit will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.~~

3) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Subpart; or

B) The Agency releases the owner or operator from the requirements of this Subpart in accordance with Ill. Adm. Code 813.403(b).

h) Cure of default and refunds:

1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the owner or operator or another person provides financial assurance for closure and post-closure~~postclosure~~ care of the site or corrective action at an MSWLF unit, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure~~postclosure~~ care, or implement corrective action at an MSWLF unit, as required by this Part.

2) After closure and post-closure~~postclosure~~ care have been completed in accordance with the closure and post-closure~~postclosure~~ care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Post-Closure~~Postclosure~~ Fund" by the financial institution, subject to appropriation of funds by the Illinois General Assembly.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(c)(1) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the

deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.714 Closure Insurance

a) An owner or operator may satisfy the requirements of this Subpart by obtaining closure and post-closure~~postclosure~~ care insurance which conforms to the requirements of this Section and submitting to the Agency an executed duplicate original of the~~such~~ insurance policy and the certificate of insurance for closure and/or post-closure care specified in Appendix A, Illustration F~~to the Agency~~.

b) The insurer shall be *licensed to transact the business of insurance by the Department of Insurance,* pursuant to the Illinois Insurance Code [215 ILCS 5], *or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states*. ~~Section 21.1(a.5) of the Act~~ [415 ILCS 5/21.1(a.5)]

c) The policy must be on forms filed with the Illinois Department of Insurance,~~approved by the Illinois Department of Insurance~~ pursuant to 50 Ill. Adm. Code 753 and Section 143(2) of the Illinois Insurance Code [215 ILCS 5/143(2)] or on forms approved by the insurance department of one or more states.

d) Face amount:

1) The closure and post-closure~~postclosure~~ care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the

amount of the payments.

2) Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate, following written approval by the Agency.~~The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.~~

3) Whenever the current cost estimate increases to an amount greater than the face amount, the owner or operator, within 90 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency or obtain other financial assurance, as specified in this Subpart, to cover the increase and submit evidence of the alternative financial assurance to the Agency.

e) The closure and post-closure~~postclosure~~ care insurance policy must guarantee that funds will be available to close the site and to provide post-closure~~postclosure~~ care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The insurer will be liable when:

1) The owner or operator abandons the site;

2) The owner or operator is adjudicated bankrupt;

3) The Board, pursuant to Title VIII of the Act, or a court of competent jurisdiction orders the site closed;

4) The owner or operator notifies the Agency that it is initiating closure; or

5) Any person initiates closure with approval of the Agency.

f) Reimbursement for closure and post-closure~~postclosure~~ care expenses:

1) After initiating closure, an owner or operator or any other person authorized to perform closure or post-closure~~postclosure~~ care may request reimbursement for closure and post-closure~~postclosure~~ care expenditures by submitting itemized bills to the Agency.

2) Within 60 days after receiving bills for closure or post-closure~~postclosure~~ care activities, the Agency shall determine whether the expenditures are in accordance with the closure or post-closure~~postclosure~~ care plan. The Agency shall direct the insurer to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure and post-closure~~postclosure~~ care plans.

3) If the Agency determines based on such information as is available to it that the cost of closure and post-closure~~postclosure~~ care will be greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines that the owner or operator is no longer required to maintain financial assurance. In the event the face amount of the policy is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:

A) Persons with whom the Agency has contracted to perform closure or post-closure~~postclosure~~ care activities (first priority);

B) Persons who have completed closure or post-closure~~postclosure~~ care authorized by the Agency (second priority);

C) Persons who have completed work which furthered the closure or post-closure~~postclosure~~ care (third priority);

D) The owner or operator and related business entities (last priority).

g) Cancellation:

1) The owner or operator shall maintain the policy in full force and effect until the Agency releases the insurer pursuant to Section 811.702.

2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew

may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.

h) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.715 Self-Insurance for Non-Commercial~~commercial~~ Sites

a) Definitions. The following definitions are intended to assist in the understanding of this Part and are not intended to limit the meanings of terms in any way that conflicts with generally accepted accounting principles:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those that~~which~~ are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Generally accepted accounting principles" means the accounting and auditing standards incorporated by reference at 35 Ill. Adm. Code 810.104(a)(2).

~~"Generally accepted accounting principles" means Auditing Standards – Current Text, incorporated by reference at 35 Ill. Adm. Code 810.104.~~

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets to not include intangibles such as goodwill and rights to patents or royalties.

b) Information to be filed

An owner or operator may satisfy the financial assurance requirements of this Part by providing the following:

1) Bond without surety promising to pay the cost estimate (subsection (c) of this Section).

2) Proof that the owner or operator meets the gross revenue test (subsection (d) of this Section).

3) Proof that the owner or operator meets the financial test (subsection (e) of this Section).

c) Bond without surety. An owner or operator utilizing self-insurance must provide a bond without surety on the forms specified in Appendix A, Illustration G. The owner or operator must promise to pay the current cost estimate to the Agency unless the owner or operator provides closure and post-closure~~postclosure~~ care in accordance with the closure and post-closure~~postclosure~~ care plans.

d) Gross revenue test. The owner or operator must demonstrate that less than one-half of its gross revenues are derived from waste disposal operations. Revenue is "from waste disposal operations" if it would stop upon cessation of the owner or operator's waste disposal operations.

e) Financial test.

1) To pass the financial test, the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B) of this Section:

A) The owner or operator must have:

i) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; and

ii) Net working capital and tangible net worth each at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of the owner's or operator's total assets and at least six times the current cost estimate.

B) The owner or operator must have:

i) A current rating of AAA, AA, A, or BBB for its most recent bond issuance as issued by Standard and Poor, or a rating of Aaa, Aa, A, or Baa, as issued by Moody; and

ii) Tangible net worth at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.

2) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner or operator's chief financial officer and worded as specified in Appendix A, Illustration I; and

B) A copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and

C) A special report from the owner or operator's independent certified public accountant to the owner or operator stating that:

i) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

f) Updated Information.

1) After the initial submission of items specified in subsections (d) and (e) of this Section, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year.

2) If the owner or operator no longer meets the requirements of subsections (d) and (e) of this Section, the owner or operator must send notice to the Agency of intent to establish alternative financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.

g) Qualified Opinions. If the opinion required by subsections (e)(2)(B) and (e)(2)(C) of this Section includes an adverse opinion or a disclaimer of opinion, the Agency must disallow the use of self-insurance. If the opinion includes other qualifications, the Agency must disallow the use of self-insurance if:

1) The qualifications relate to the numbers that are used in the gross revenue

test or the financial test; and,

2) In light of the qualifications, the owner or operator has failed to demonstrate that it meets the gross revenue test or financial test.

h) Parent Corporation. An owner or operator may satisfy the financial assurance requirements of this Part by:

1) Demonstrating~~demonstrating~~ that a corporation that~~which~~ owns an interest in the owner or operator meets the requirements of this Section; and~~gross revenue and financial tests.~~

2) Providing a bond to the Agency with the parent corporation as surety on a form specified in Appendix A, Illustration H in accordance with Section 811.711(d), (e), (f), and (g) of this Part.~~The owner or operator must also provide a bond with the parent as surety (Appendix A, Illustration H).~~

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.716 Local Government Financial Test

A unit of local government owner or operator that satisfies the requirements of subsections (a) through (c) of this Section may demonstrate financial assurance up to the amount specified in subsection (d) of this Section.

a) Financial component.

1) The unit of local government owner or operator must satisfy subsection (a)(1)(A) or (a)(1)(B) of this Section, as applicable:

A) If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's, on all such general obligation bonds; or

B) The owner or operator must satisfy each of the following financial ratios based on the owner or operator's most recent audited annual financial statement:

i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and

ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.

2) The unit of local government owner or operator must prepare its financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].

3) A unit of local government is not eligible to assure its obligations pursuant to this Section if any of the following is true:

A) It is currently in default on any outstanding general obligation bonds;

B) It has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's;

C) It operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years; or

D) It receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] auditing its financial statement as required pursuant to subsection (a)(2) of this Section. However, the Agency must evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems the qualification insufficient to warrant disallowance of use of the test.

4) Terms used in this Section are defined as follows:

"Cash plus marketable securities" is all the cash plus marketable securities

held by the unit of local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

"Debt service" is the amount of principal and interest due on a loan in a given time period, typically the current year.

"Deficit" equals total annual revenues minus total annual expenditures.

"Total revenues" include revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by a unit of local government on behalf of a specific third party.

"Total expenditures" include all expenditures excluding capital outlays and debt repayment.

b) Public notice component.

1) The unit of local government owner or operator must place a reference to the closure and post-closure care costs assured through the financial test into its next comprehensive annual financial report (CAFR), or prior to the initial receipt of waste at the facility, whichever is later.

2) Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.

3) A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.

4) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.

5) For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18, incorporated by reference in 35 Ill. Adm. Code 810.104, assures compliance with this public notice component.

c) Recordkeeping and reporting requirements.

1) The unit of local government owner or operator must place the following items in the facility's operating record:

A) A letter signed by the unit of local government's chief financial officer that provides the following information:

i) It lists all the current cost estimates covered by a financial test, as described in subsection (d) of this Section;

ii) It provides evidence and certifies that the unit of local government meets the conditions of subsections (a)(1), (a)(2), and (a)(3) of this Section; and

iii) It certifies that the unit of local government meets the conditions of subsections (b) and (d) of this Section.

B) The unit of local government's independently audited year-end financial statements for the latest fiscal year (except for a unit of local government where audits are required every two years, where unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor who must be an independent certified public accountant (CPA) or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].

C) A report to the unit of local government from the unit of local government's independent CPA or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] based on performing an agreed upon procedures engagement relative to the financial ratios required by subsection (a)(1)(B) of this Section, if applicable, and the requirements of subsections

(a)(2), (a)(3)(C), and (a)(3)(D) of this Section. The CPA or Comptroller's report should state the procedures performed and the CPA or Comptroller's findings.~~; and~~

D) A copy of the comprehensive annual financial report (CAFR) used to comply with subsection (b) of this Section or certification that the requirements of General Accounting Standards Board Statement 18, incorporated by reference in Section 810.104, have been met.

2) The items required in subsection (c)(1) of this Section must be placed in the facility operating record as follows:

A) In the case of closure and post-closure care, before November 27, 1997 or prior to the initial receipt of waste at the facility, whichever is later; or

B) In the case of corrective action, not later than 120 days after the corrective action remedy is selected in accordance with the requirements of Sections 811.319(d) and 811.325.

3) After the initial placement of the items in the facility operating record, the unit of local government owner or operator must update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.

4) The unit of local government owner or operator is no longer required to meet the requirements of subsection (c) of this Section when either of the following occurs:

A) The owner or operator substitutes alternative financial assurance as specified in this Section; or

B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(j) or (k)(6).

5) A unit of local government must satisfy the requirements of the financial test at the close of each fiscal year. If the unit of local government owner

or operator no longer meets the requirements of the local government financial test it must, within 120~~210~~ days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Subpart, place the required submissions for that assurance in the operating record, ~~and~~ notify the Agency that the owner or operator no longer meets the criteria of the financial test and that alternative assurance has been obtained, and submit evidence of the alternative financial assurance to the Agency.

6) The Agency, based on a reasonable belief that the unit of local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the unit of local government at any time. If the Agency determines, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the unit of local government must provide alternative financial assurance in accordance with this Subpart.

d) Calculation of Costs to Be Assured. The portion of the closure, post-closure, and corrective action costs that an owner or operator may assure pursuant to this Section is determined as follows:

1) If the unit of local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the unit of local government's total annual revenue.

2) If the unit of local government assures other environmental obligations through a financial test, including those associated with UIC facilities pursuant to 35 Ill. Adm. Code 704.213, petroleum underground storage tank facilities pursuant to 40 CFR 280, PCB storage facilities pursuant to 40 CFR 761, and hazardous waste treatment, storage, and disposal facilities pursuant to 35 Ill. Adm. Code 724 and 725, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure pursuant to this Section. The total that may be assured must not exceed 43 percent of the unit of local government's total annual revenue.

3) The owner or operator must obtain an alternative financial assurance instrument for those costs that exceed the limits set in subsections (d)(1)

and (d)(2) of this Section.

BOARD NOTE: Derived from 40 CFR 258.74(f) (2005).

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.718 Discounting

For facilities providing financial assurance solely through a trust fund, the~~The~~ Agency shall allow discounting of closure cost estimates, post-closure cost estimates, and corrective action cost estimates in Section 811.704 up to the rate of return for essentially risk free investments, net of inflation, under the following conditions:

a) The Agency determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a professional engineer, as defined in Section 810.103, so stating;

b) The Agency finds the facility in compliance with applicable and appropriate permit conditions; ~~and~~

c) The Agency determines that the closure date is certain, and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life; and~~.~~

d) Discounted cost estimates are~~must be~~ adjusted annually to reflect inflation and the anticipated years of remaining life.

BOARD NOTE: Derived from 40 CFR 258.75, added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.719 Corporate Financial Test

An MSWLF owner or operator that satisfies the requirements of this Section may demonstrate financial assurance up to the amount specified in this Section as follows:

a) Financial component.

1) The owner or operator must satisfy one of the following three conditions:

A) A current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or

B) A ratio of less than 1.5 comparing total liabilities to net worth; or

C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities.

2) The tangible net worth of the owner or operator must be greater than:

A) The sum of the current closure, post-closure care, corrective action cost estimates and any other environmental obligations, including guarantees, covered by a financial test plus $10 million except as provided in subsection (a)(2)(B) of this Section.

B) $10 million in net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements, provided all of the current closure, post-closure care, and corrective action costs and any other environmental obligations covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.

3) The owner or operator must have assets located in the United States amounting to at least the sum of current closure, post-closure care, corrective action cost estimates and any other environmental obligations covered by a financial test, as described in subsection (c) of this Section.

b) Recordkeeping and reporting requirements.

1) The owner or operator must place the following items into the facility's operating record:

A) A letter signed by the owner's or operator's chief financial officer that includes the following:

i) All the current cost estimates covered by a financial test, including, but not limited to, cost estimates required for municipal solid waste management facilities pursuant to this Part; cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 730, if applicable; cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280, if applicable; cost estimates required for PCB storage facilities pursuant to 40 CFR 761, if applicable; and cost estimates required for hazardous waste treatment, storage, and disposal facilities pursuant to 35 Ill. Adm. Code 724 or 725, if applicable; and

ii) Evidence demonstrating that the firm meets the conditions of subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) of this Section and subsection (a)(2) and (a)(3) of this Section.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency must evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternative financial assurance that meets the requirements of this Section.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (a)(1)(B) or (a)(1)(C) of this Section that are different from data in the audited financial statements referred to in subsection (b)(1)(B) of this Section or any other audited financial statement or data filed with the federal Security Exchange Commission, then a special report from the owner's or

operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

D) If the chief financial officer's letter provides a demonstration that the firm has assured for environmental obligations, as provided in subsection (a)(2)(B) of this Section, then the letter must include a report from the independent certified public accountant that verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements, how these obligations have been measured and reported, and that the tangible net worth of the firm is at least $10 million plus the amount of any guarantees provided.

2) An owner or operator must place the items specified in subsection (b)(1) of this Section in the operating record and notify the Agency in writing that these items have been placed in the operating record before the initial receipt of waste or before February 17, 1999, whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Section 811.324.

BOARD NOTE: Corresponding 40 CFR 258.74(e)(2)(ii) provides that this requirement is effective "before the initial receipt of waste or before the effective date of the requirements of this Section (April 9, 1997 or October 9, 1997 for MSWLF units meeting the conditions of Sec. 258.1(f)(1)), whichever is later." The Board has instead inserted the date on which these amendments are to be filed and become effective in Illinois.

3) After the initial placement of items specified in subsection (b)(1) of this Section in the operating record, the owner or operator must annually update the information and place updated information in the operating

record within 90 days following the close of the owner's or operator's fiscal year. The Agency must provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (b)(1) of this Section.

4) The owner or operator is no longer required to submit the items specified in this subsection (b) or comply with the requirements of this Section when either of the following occurs:

A) It substitutes alternative financial assurance, as specified in this Subpart G, that is not subject to these recordkeeping and reporting requirements; or

B) It is released from the requirements of this Subpart G in accordance with Sections 811.700 and 811.706.

5) If the owner or operator no longer meets the requirements of subsection (a) of this Section, the owner or operator must obtain alternative financial assurance that meets the requirements of this Subpart G within 120 days following the close of the facility's fiscal year. The owner or operator must also place the required submissions for the alternative financial assurance in the facility operating record and notify the Agency that it no longer meets the criteria of the financial test and that it has obtained alternative financial assurance. The owner or operator must submit evidence of the alternative financial assurance to the Agency.

6) The Agency may require the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation specified in subsection (b) of this Section at any time it has a reasonable belief that the owner or operator may no longer meet the requirements of subsection (a) of this Section. If the Agency finds that the owner or operator no longer meets the requirements of subsection (a) of this Section, the owner or operator must provide alternative financial assurance that meets the requirements of this Subpart G.

c) Calculation of costs to be assured. When calculating the current cost estimates for closure, post-closure care, corrective action, the sum of the combination of such costs to be covered, and any other environmental obligations assured by a

financial test referred to in this Section, the owner or operator must include cost estimates required for municipal solid waste management facilities pursuant to this Part, as well as cost estimates required for the following environmental obligations, if it assures them through a financial test: obligations associated with UIC facilities pursuant to 35 Ill. Adm. Code 730; petroleum underground storage tank facilities pursuant to 40 CFR 280; PCB storage facilities pursuant to 40 CFR 761; and hazardous waste treatment, storage, and disposal facilities pursuant to 35 Ill. Adm. Code 724 or 725.

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION A Trust Agreement

TRUST AGREEMENT

Trust Fund Number _____

Trust Agreement, the "Agreement," entered into as of the _____ day of _____, by and between _____, a _____, the "Grantor," and _____, the "Trustee."

Whereas, Section 21.1 of the Environmental Protection Act, "Act", prohibits any person from conducting any waste disposal operation unless such person has posted with the Illinois Environmental Protection Agency, "IEPA", a performance bond or other security for the purpose of insuring closure of the site and post-closure~~postclosure~~ care or corrective action in accordance with the Act and Illinois Pollution Control Board, "IPCB", rules.

Whereas, the IPCB has established certain regulations applicable to the Grantor, requiring that an operator of a waste disposal site provide assurance that funds will be available when needed for closure and/or post-closure~~postclosure~~ care or corrective action of the site.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the sites identified in this agreement.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

Whereas, Trustee is an entity that~~which~~ has authority to act as a trustee and whose trust operations are regulated by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks & Trust Companies~~ or who complies with the Corporate Fiduciary Act ~~(Ill. Rev. Stat. 1991, ch. 17, par. 1551-1 et. seq.~~ [205 ILCS 5/~~1~~]~~)~~. (Line through any condition that~~which~~ does not apply.)

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions.

As used in this Agreement:

a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the operator.

b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Sites and Cost Estimates.

This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address and current~~initial~~ cost estimate of each site for which financial assurance is demonstrated by this agreement).

Section 3. Establishment of Fund.

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the IEPA. The Grantor and the Trustee intend that no other third party have access to the Fund except as provided in this agreement. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached to this agreement. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits on the Fund, less any payments or distributions made by the Trustee pursuant to this agreement. The Fund shall be held by the Trustee, in trust, as provided in this agreement. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor.

Section 4. Payment for Closure and Post-Closure~~Postclosure~~ care or Corrective Action.

The Trustee shall make payments from the Fund as the IEPA shall direct, in writing, to provide for the payment of the costs of closure and/or post-closure~~postclosure~~ care or corrective action of the sites covered by this agreement. The Trustee shall reimburse the Grantor or other persons as specified by the IEPA from the Fund for closure and post-closure~~postclosure~~ or corrective action expenditures in such amounts as the IEPA shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund.

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trust Management.

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

a) Securities or other obligations of the Grantor, or any other owner or operator of the site, or any of their affiliates as defined in Section 80a-2(a)(2) of the Investment Company Act of 1940, as amended (15 USC 80a-2(a)(2)~~U.S.C. 80-2(a)~~) shall not be acquired or held, unless they are securities or other obligations of the Federal government or the State of Illinois;

b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by the Federal Deposit Insurance Corporation.

c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment.

The Trustee is expressly authorized in its discretion:

a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

b) To purchase shares in any investment company registered under the Investment Company Act of 1940 (15 USC~~U.S.C.~~ 80a-1 et~~.~~ seq.) including one which may be created,

managed, underwritten or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee.

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this agreement or by law, the Trustee is expressly authorized and empowered;

a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;

c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation; and

e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses.

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses

incurred by the Trustee, to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation.

The Trustee shall annually furnish to the Grantor and to the IEPA a statement confirming the value of the Trust. The evaluation day shall be each year on the _____ day of _____. Any securities in the Fund shall be valued at market value as of the evaluation day. The Trustee shall mail the evaluation statement to the Grantor and the IEPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the IEPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel~~counsel~~.

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation.

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee.

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and the successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the IEPA and the present Trustee by certified mail ten days before such change becomes effective.

Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee.

All orders, requests and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the IEPA to the Trustee shall be in writing, signed by the IEPA Director or his/her designee ~~designees~~, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or IEPA, except as provided in this agreement.

Section 15. Notice of Nonpayment.

The Trustee shall notify the Grantor and the IEPA, by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement.

This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the IEPA Director or his/her designee, or by the Trustee and the IEPA Director or his/her designee if the Grantor ceases to exist.

Section 17. Irrevocability and Termination.

Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the IEPA Director or his/her designee, or by the Trustee and the IEPA Director or his/her designee, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification.

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the IEPA Director or his/her designee issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law.

This Agreement shall be administered, construed and enforced according to the laws of the State of Illinois.

Section 20. Interpretation.

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration A as those regulations were constituted on the date this Agreement was entered.

Attest: Signature of Grantor _____

Typed Name _____

Title _____

Seal

Attest: Signature of Trustee _____

Typed Name _____

Title _____

Seal

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION C Forfeiture Bond

FORFEITURE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and post-closure~~postclosure~~ care or corrective action for each site in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation.~~;~~

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure~~postclosure~~ care or corrective action.~~; and~~

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.~~;~~

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois.~~;~~

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure or~~and~~ post-closure~~postclosure~~ care or corrective action for any site in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure~~postclosure~~ care or corrective action when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails

to close the site or provide post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans; ~~or~~

e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326; or

f) Fails to provide alternative financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has met one or more of the conditions described above ~~failed to so provide closure and postclosure care or corrective action~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure~~Postclosure~~ Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the ____day of _____,_____ [date],~~;~~ but that expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts. ~~provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.~~

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 811.702.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have

affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration C as that regulation was constituted on the date this bond was executed.

PRINCIPAL	SURETY
Signature	Name
Typed Name	Address
Title	State of Incorporation
Date	Signature
	Typed Name
Corporate Seal	Title
	Corporate Seal
	Bond Premium: $

~~PRINCIPAL~~

~~Signature Name~~

~~Typed Name~~

~~Address~~

~~Title~~

~~State of Incorporation~~

~~Date~~

~~Corporate seal~~

~~CORPORATE SURETY~~

~~Signature~~

~~Typed Name~~

~~Title~~

~~Corporate seal~~

~~Bond premium:~~ ~~$~~

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: $ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and post-closure~~postclosure~~ care or corrective action for each site in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)], to have a permit to conduct a waste disposal operation.~~;~~

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1], to provide financial assurance for closure and post-closure~~postclosure~~ care or corrective action.~~; and~~

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.~~;~~

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois.~~;~~

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care or corrective action in accordance with the closure and post-closure care or corrective action plans for the site if, during the term of the bond, the Principal fails to provide closure or~~and~~ post-closure~~postclosure~~ care or corrective action for any site in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure~~postclosure~~ care or corrective action when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction;

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans;

e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326; or

f) Fails to provide alternative financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by both the Principal and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has failed to fulfill one or more of the conditions described in this document~~failed to so provide closure and postclosure care or corrective action~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure~~Postclosure~~ Fund.

If the Surety notifies the IEPA~~Agency~~ that it intends to provide closure and post-closure~~postclosure~~ care or corrective action, then the Surety must initiate closure and post-closure~~postclosure~~ care or corrective action within 60 days after the IEPA mailed notice to the Surety that the Principal met one or more of the conditions described above~~failed to provide closure and postclosure care or corrective action~~. The Surety must complete closure and post-closure~~postclosure~~ care or corrective action in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the ____ day of _____, _____ [date],~~;~~ but that expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Principal by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Principal and the IEPA have received the notice, as evidenced by the return receipts. ~~provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety~~

~~within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.~~

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 811.702.

In Witness Whereof, the Principal and Surety have executed this Performance~~Forfeiture~~ Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration D as that regulation was constituted on the date this bond was executed.

PRINCIPAL	SURETY
Signature	Name
Typed Name	Address
Title	State of Incorporation
Date	Signature
	Typed Name
Corporate Seal	
	Title

Corporate Seal

Bond Premium: $ _____

~~PRINCIPAL~~

~~Signature Name~~

~~Typed Name~~

~~Address~~

~~Title~~

~~State of Incorporation~~

~~Date~~

~~Corporate seal~~

~~CORPORATE SURETY~~

~~Signature~~

~~Typed Name~~

~~Title~~

~~Corporate seal~~

~~Bond premium: $~~

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811. APPENDIX A Financial Assurance Forms

Section.811.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
~~2200 Churchill Road~~
~~Springfield, Illinois 62706~~

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation~~Commissioner of Banks and Trusts~~ or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that~~which~~ does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars ($ _____) available upon presentation of:

1. your sight draft, bearing references to this letter of credit No. _____ ; and~~,~~

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act ~~(Ill. Reg. State. 1991, ch. 111½, par. 1001 et seq.~~ [415 ILCS 5~~/1 et. seq.~~]~~)~~ and 35 Ill. Adm. Code 811.713(e)."

This letter of credit is effective as of _____[date] and shall expire on _____[date] at least one year later]; but that expiration date shall be automatically extended for a period of [at least one year] on _____[date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and _____

_____[owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date when both the _____[owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and _____ _____[owner's or operator's name], as shown on the signed return receipts. ~~and shall expire on _____; but such expiration date shall be automatically extended for one periods of twelve months starting with the expiration date if the operator fails to substitute alternative financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.~~

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor that~~such~~ draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure~~Postclosure~~ or Corrective Action Fund in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration E as that regulation was constituted on the date shown below.~~This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. State. 1991, ch. 26, pars. 1-101 et. seq. [810 ILCS 5/1-101 et. seq.]).~~

Signature _____

Typed Name _____

Title _____

Date _____

Name and address of issuing institution _____

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION F Certificate of Insurance for Closure and/or Post-Closure~~Postclosure~~ Care or Corrective Action

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR
POST-CLOSURE~~POSTCLOSURE~~ CARE OR CORRECTIVE ACTION

Name and Address of Insurer ("Insurer"):_____

Name and Address of Insured ("Insured"):_____

Sites Covered:

Name_____

Address_____

City_____

Amount insured for this site: $_____

Name_____

Address_____

City_____

Amount insured for this site: $_____

Please attach a separate page if more space is needed for all sites.

Face Amount_____

Policy Number_____

Effective Date_____

The Insurer hereby certifies that it is licensed to transact the business of insurance by the Illinois Department of Insurance or that it is licensed to transact the business of insurance, or approved to provide insurance as an excess or surplus lines insurer, by the insurance department in one or more states.

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for [indicate: closure and/or post-closure~~postclosure~~ care or corrective action] for the sites identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 35 Ill. Adm. Code 811.714, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the Illinois Environmental Protection Agency ("IEPA"), the Insurer agrees to furnish to the IEPA a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the wording of this certificate is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration F as that regulation was constituted on the date shown below.

Name (Authorized Signature~~signature~~ for Insurer) _____

Typed Name _____

Title _____

Date _____

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811. APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION G Owner's or Operator's Bond Without Surety

OWNER'S OR OPERATOR'S BOND WITHOUT SURETY

Date bond executed: _____

Effective date: _____

Owner or Operator: _____

Owner's or Operator's address: _____

Site: _____

Site address: _____

Penal Sum $ _____

The owner or operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the owner or operator~~Operator~~ provides closure and post-closure~~postclosure~~ care or corrective action for ~~of~~ the site in accordance with the closure and post-closure~~postclosure~~ care or corrective action plans for the site.

Owner or Operator _____

Signature _____

Typed Name _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Title _____

Date: _____

Corporate seal

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811. APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION H Owner's or Operator's Bond With Parent Surety

OWNER'S OR OPERATOR'S BOND WITH PARENT SURETY

Date bond executed: _____

Effective Date: _____

Surety: _____

Surety's address: _____

Owner or Operator: _____

Owner's or Operator's address: _____

Site: _____

Site address: _____

Penal sum: $_____

The Owner or Operator and Surety promise to pay the above penal sum to the Illinois Environmental Protection Agency ("IEPA") unless the Owner or Operator provides closure and post-closure~~postclosure~~ care of the site in accordance with the closure and post-closure~~postclosure~~ care plans for the site. To the payment of this obligation the Owner or Operator and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Owner or Operator is required under Section 21(d) of the Environmental Protection Act [415 ILCS 5/21(d)]~~, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1021(d)~~ to have a permit to conduct a waste disposal operation.~~; and~~

Whereas the Owner or Operator is required under Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1] to provide financial assurance for closure and post-closure~~postclosure~~ care.~~; and~~

Whereas the Owner or Operator and Surety agree that this bond shall be governed by the laws of the State of Illinois.~~; and~~

Whereas the Surety is a corporation that~~which~~ owns an interest in the Owner or Operator.~~;~~

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Owner or Operator fails to provide closure or post-closure~~and postclosure~~ care for any site in accordance with the closure and post-closure~~postclosure~~ care plans for that site as guaranteed by this bond. The Owner or Operator fails to so provide when the Owner or Operator:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure~~postclosure~~ care when ordered to do so by the Illinois Pollution Control Board or a court of competent jurisdiction; ~~or~~

d) Notifies the IEPA~~Agency~~ that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure~~postclosure~~ care in accordance with the closure and post-closure~~postclosure~~ care plans;~~.~~

e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326; or

f) Fails to provide alternative financial assurance and obtain the IEPA written approval of the assurance provided within 90 days after receipt by the Owner or Operator and the IEPA of a notice from the Surety that the bond will not be renewed for another term.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Owner or Operator has met one or more of the conditions described above~~failed to so provide closure and postclosure care~~. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-Closure ~~Post-closure~~ Fund.

~~In Witness Whereof, the Owner and Surety have excuted this bond and have affixed their seals on the date set forth above.~~

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until the payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____[date], but that expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, the Surety notifies both the IEPA and the Owner or Operator by certified mail that the Surety has decided not to extend the term of this surety bond beyond the current expiration date. The 120 days will begin on the date when both the Owner or Operator and the IEPA have received the notice, as evidenced by the return receipts.

The Owner or Operator may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA in accordance with 35 Ill. Adm. Code 811.702.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Owner or Operator and Surety and that the wording of this surety bond is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration H as that regulation was constituted on the date this bond was executed.

In Witness Whereof, the Owner or Operator and Surety have executed this bond and have affixed their seals on the date set forth above.

OWNER OR OPERATOR	SURETY
_____	_____
Signature	Name
_____	_____
Typed Name	Address
_____	_____
Title	State of Incorporation
_____	_____

Date	Signature
	Typed Name
Corporate Seal	Title
	Corporate Seal

~~Operator~~

~~Surety~~

~~Signature~~

~~Name~~

~~Typed Name~~

~~Address~~

~~Title~~

~~State of Incorporation~~

~~Date~~

~~Signature~~

~~Typed Name~~

~~Title~~

~~Corporate seal Corporate seal~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

Section 811. APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION I Letter from Chief Financial Officer

LETTER FROM CHIEF FINANCIAL OFFICER

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
~~2200 Churchill Road~~
~~Springfield, Illinois 62706~~

Dear Sir or Madam:

I am the chief financial officer of _____

This letter is in support of this firm's use of the gross revenue test and financial test to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 811.715.

Owner or Operator:

Name: _____

Address: _____

City: _____

Current cost estimate: $_____

Owner or Operator:

Name: _____

Address: _____

City: _____

Current cost estimate: $_____

Please attach a separate page if more space is needed for all facilities.

Attached is an Owner's or Operator's Bond without Surety or an Owner's or Operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language.)

Gross Revenue Test

1. Gross revenue of the firm $_____

2. Gross revenue from waste disposal operation $_____

3. Line 2 divided by line 3_____

Financial Test Alternative I

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) $_____

2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) $_____

3. Tangible net worth $_____

4. Net worth $_____

5. Current assets $_____

6. Current liabilities $_____

7. Net working capital (line 5 minus line 6) $_____

8. The sum of net income plus depreciation, depletion, and amortization $_____

9. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) $_____

Yes/No

10. Is line 3 at least $10 million?_____

11. Is line 3 at least 6 times line 1?_____

12. Is line 7 at least 6 times line 1?_____

13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 14._____

14. Is line 9 at least 6 times line 1? _____

15. Is line 2 divided by line 4 less than 2.0?_____

16. Is line 8 divided by line 2 greater than 0.1?_____

17. Is line 5 divided by line 6 greater than 1.5?_____

Signature_____

Typed Name_____

Title_____

Date_____

Financial Test Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) $_____

2. Current bond rating of most recent issuance of this firm and name of rating service_____

3. Date of issuance of bond_____

4. Date of maturity of bond_____

5. Tangible net worth (if any portion of the closure and post-closure~~postclosure~~ cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) $_____

6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) $_____

Yes/No

7. Is line 5 at least $10 million?_____

8. Is line 5 at least 6 times line 1?_____

9. Are at least 90 percent of firm's assets located in the U.S.? If not complete line 10. _____

10. Is line 6 at least 6 times line 1?_____

Signature_____

Typed name_____

Title_____

Date_____

(Source: Amended at 35 Ill. Reg. 10842, effective June 22, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) Section Numbers: Adopted Action:
1001.444 Amendment

4) Statutory Authority: Illinois Vehicle Code [625 ILCS 5]

5) Effective Date of Amendment: June 21, 2011

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 the Illinois Register: March 4, 2011; 35 Ill. Reg. 3666

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

11) Differences between proposal and final version: No substantive changes were made between proposal and adoption. All nonsubstantive changes recommended by JCAR were made.

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

15) Summary and Purpose of Amendment: This rule implements Public Act 96-1526, which was effective upon signature. The statute reduces the role of the courts in the issuance of a Monitoring Device Driving Permit (MDDP) and requires the Secretary of State to notify DUI offenders of their participation in the program and to establish rule regarding indigency.

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Secretary of State
Brenda Glahn, Assistant General Counsel
298 Howlett Building
Springfield, IL 62756

217-785-3094

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section
1001.10 Applicability
1001.20 Definitions
1001.30 Right to Counsel
1001.40 Appearance of Attorney
1001.50 Special Appearance
1001.60 Substitution of Parties
1001.70 Commencement of Actions; Notice of Hearing
1001.80 Motions
1001.90 Form of Papers − Original Documents Required
1001.100 Conduct of Formal Hearings
1001.110 Orders; Notification; Time Limits on Obtaining Relief
1001.120 Record of Hearings
1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section
1001.200 Applicability
1001.210 Definitions
1001.220 Hearings: Notice; Location; Procedures; Record
1001.230 Rules of Evidence
1001.240 Scope of Hearings
1001.250 Decisions and Orders
1001.260 Rehearings
1001.270 Judicial Review
1001.280 Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

Section

1001.300 Applicability
1001.310 Definitions
1001.320 Right to Representation
1001.330 Record~~Records~~ and Reports
1001.340 Location of Hearings
1001.350 Duties and Responsibilities
1001.360 Decisions; Time Limits on Obtaining Relief
1001.370 Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section
1001.400 Applicability; Statement of Principle and Purpose
1001.410 Definitions
1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442 BAIID Providers Qualification Procedures and Responsibilities; Certification of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's Responsibilities; Disqualification of a BAIID Provider
1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444 Monitoring Device Driving Permit (MDDP) Provisions
1001.450 New Hearings
1001.460 Requests for Modification of Revocations and Suspensions
1001.470 Renewal, Correction and Cancellation of RDPs
1001.480 Unsatisfied Judgment Suspensions
1001.485 Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490 Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section
1001.500 Applicability
1001.510 Definitions

1001.520 Procedure
1001.530 Conduct of Medical Formal Hearings
1001.540 Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

Section
1001.600 Applicability
1001.610 Definitions
1001.620 Burden of Proof
1001.630 Implied Consent Hearings; Religious Exception
1001.640 Implied Consent Hearings; Medical Exception
1001.650 Rebuttable Presumption
1001.660 Alcohol and Drug Education and Awareness Program
1001.670 Petitions~~Petition~~ for Restricted Driving Permits
1001.680 Form and Location of Hearings
1001.690 Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section
1001.700 Applicability
1001.710 Definitions
1001.720 Organization of Motor Vehicle Review Board
1001.730 Motor Vehicle Review Board Meetings
1001.740 Board Fees
1001.750 Notice of Protest
1001.760 Hearing Procedures
1001.770 Conduct Of~~of~~ Protest Hearing
1001.780 Mandatory Settlement Conference
1001.785 Technical Issues
1001.790 Hearing Expenses; Attorney's Fees
1001.795 Invalidity

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is

authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg.13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions

a) ~~Order of the Court;~~ Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required

1) The Secretary shall notify a first offender (MDDP offender), as defined in Section 11-500 of the IVC, that he or she will be issued an MDDP unless the Secretary receives, from the court of venue, an opt-out form, prescribed by the Secretary, that has been signed by the offender and filed with the court. The issuance of the MDDP shall be conditioned on ~~The issuance of an MDDP to a first offender (MDDP offender), as defined in Section 11-500 of the IVC, shall be conditioned upon receipt by the Secretary of an order from the court of venue, on a form prescribed by the Secretary, and~~ the installation and use of a BAIID in any vehicle operated, as required by Section 6-206.1 of the IVC. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in Section 6-206.1 of the IVC, an MDDP offender must pay a non-refundable fee in an amount equal to $30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues ~~of the receipt in the office of the Secretary of the order to issue~~ the MDDP ~~from the court~~. No fee will be charged for any month in which the Secretary issues the MDDP ~~court order is received in the office of the Secretary~~ on or after the 20th day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.

2) Any MDDP holder ~~offender~~ whose summary suspension is extended or who is re-suspended as provided for in Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.

3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.

4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's ~~offender's~~ driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender may petition, at a formal hearing conducted pursuant to Section 2-118 of the IVC, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program~~this Section~~.

5) Any MDDP holder ~~offender~~ whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders ~~offenders~~ cancelled under Section 6-206.1(c-1) of the IVC, may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder ~~offender~~ is subject to all of the provisions of this Section.

6) The MDDP holder ~~offender~~ may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may

also resume participation by notifying the BAIID Division in writing, but may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.

b) Compliance − Installation of BAIID/Notification to the Secretary

1) The MDDP Holder~~Offender~~. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder~~offender~~. The MDDP holder ~~offender~~ may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. Failure to comply with this requirement will result in the cancellation of the MDDP issued.

2) The Installer/BAIID Provider. A BAIID provider or installer must:

A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442 of this Part;

B) Upon installation, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender within 7 days from the date of the installation of the BAIID:

C) Upon notification from the MDDP holder~~offender~~, as evidenced by the written form from the Secretary ~~court of venue~~ that the MDDP holder ~~offender~~ has been found to be indigent, not charge the MDDP holder ~~offender~~ for any installation, monthly monitoring, deinstallation fees, or ~~a~~ security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder.

D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.

c) Compliance − Driving with BAIID. Any MDDP offender receiving a MDDP under this Section must comply with the following requirements:

1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the MDDP holder~~offender~~, as required by the MDDP issued under this Section.

2) Either take any and all vehicles operated by the MDDP holder ~~offender~~ and with a BAIID installed or send the device to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder ~~offender~~ whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.

3) Either take the vehicle with the BAIID installed or send the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.

4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle.

5) Shall not have a BAIID removed or deinstalled from vehicles without authorization from the Secretary and when, applicable, surrendering to the Secretary or his designee the MDDP.

6) Shall not commit any of the violations listed in subparagraph (d) of this Section.

d) Violations. Any of the following, when committed by an MDDP holder~~offender~~, constitutes a violation of the MDDP program:

1) A conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC;

2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID;

3) A violation of Section 6-206.2 of the IVC;

4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;

5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;

6) A BrAC reading of 0.05 or more;

7) Failing a running retest, or failing to take a running retest;

8) Removing the BAIID without authorization from the Secretary;

9) Failing to utilize the BAIID as required;

10) Failing to submit a BAIID for a monitor report in a timely manner.

e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:

1) For a conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC, or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the device, immediately cancel the MDDP and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(l) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.

2) For any MDDP holder ~~offender~~ whose monitor report~~, physical inspection by an installer or the Secretary of State,~~ or other sufficient evidence shows any violation of Section 6-206.2, send the MDDP holder ~~offender~~ a letter asking for an explanation of the tampering or unauthorized circumvention.

If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP. If the summary suspension is already terminated prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend for 3 months.

3) For any MDDP holder ~~offender~~ whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder ~~offender~~ a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.

4) For any MDDP holder ~~offender~~ whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder ~~offender~~ a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's ~~offender's~~ failure

to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.

6) For a failure to utilize the BAIID by the MDDP holder ~~offender~~ as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's ~~offender's~~ monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder ~~offender~~ by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder ~~offender~~ failed to take in a vehicle with the BAIID or send the device in for timely monitor reports, then the Secretary will send a letter to the MDDP holder ~~offender~~ stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(l).

8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months.

9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.

f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder ~~offender~~ whose summary suspension is extended

or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the $50 filing fee, must be received or postmarked within 30 days from the effective date of the ~~notice of~~ extension, re-suspension or cancellation ~~was mailed by the Secretary~~. The hearing will be conducted as any other formal hearing under this Part.

g) MDDPs − Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:

1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder ~~offender~~ must be equipped with a certified, installed, properly operating BAIID;

2) The provisions of the MDDP also allow the MDDP holder ~~offender~~ to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;

3) Once the BAIID is installed, the MDDP holder ~~offender~~ may drive the vehicle with the BAIID properly installed for any purpose and at any time;

4) If applicable, the MDDP holder ~~offender~~ qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).

h) Use of Monitor Reports. The Secretary shall gather all monitor reports and any other information relative to the MDDP holder's ~~offender's~~ performance and compliance with the BAIID requirements under this Subpart D. The reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

i) Modification or Waiver of BAIID. Upon request of the MDDP holder~~offender~~, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. The MDDP holder ~~offender~~ must:

1) Submit a medical report establishing the inability to utilize the BAIID.

2) Have a hearing, pursuant to Subpart A, at which the MDDP holder ~~offender~~ must prove compliance with the alcohol/drug requirements under this Subpart D.

j) Employment Exemption from BAIID Requirements. In determining whether an MDDP holder ~~offender~~ is exempt from the BAIID requirements pursuant to the waiver provided for in Section 6-206.1 of the IVC, the following shall apply:

1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder ~~offender~~ or any member of the MDDP holder's ~~offender's~~ immediate family, unless the entity is a corporation and the MDDP holder ~~offender~~ and the MDDP holder's ~~offender's~~ immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;

2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder ~~offender~~ and used solely for commuting to and from employment;~~.~~

3) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;

4) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have an interlock device installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the device installed by the date designated by the Secretary will result in the termination of the MDDP offender's monitoring device driving permit;

5) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);

6) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.

k) Disqualification/Decertification of BAIID Provider and BAIID Device. The Secretary must notify the MDDP holder ~~offender~~ of the disqualification of a BAIID provider or the decertification of a particular type of BAIID. The MDDP holder ~~offender~~ must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder ~~offender~~ must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder ~~offender~~ must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's ~~offender's~~ MDDP. All costs related to any change in a BAIID provider or a BAIID shall be paid by the MDDP holder~~offender~~, unless the court has deemed the MDDP holder ~~offender~~ indigent.

l) Indigent BAIID Fund

1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder ~~offender~~ who is not found to be indigent by the Secretary~~court of venue~~, ~~hereinafter~~ referred to in this subsection as the surcharge.

A) The surcharge shall include only those fees normally charged an MDDP holder ~~offender~~ for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's ~~offender's~~ statutory summary suspension.

B) The surcharge shall be submitted to the Secretary by the 15th of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID Provider.

C) Should the summary suspension of an MDDP holder ~~offender~~ be extended or a re-suspension issued under the MDDP program and the holder ~~offender~~ continue to participate in the program, the surcharge is due for the period of extension or re-suspension.

2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder ~~offender~~ who has been found to be indigent by the Secretary ~~court of venue~~ may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). The request must be in a form and in the manner prescribed by the Secretary. The Secretary will authorize payments in accordance with Section 6-206.1(o) of the IVC.

3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.

4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a copy of the United States or State of Illinois tax return for the most recently completed calendar year.

A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:

i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;

ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.

B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and

the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is less than 150% of the federal poverty guidelines.

5) An MDDP holder's indigency status shall be valid for a period of 12 months. Any MDDP holder whose summary suspension is extended beyond 12 months, who wishes to continue participation in the MDDP program and wishes to be declared indigent must submit current documentation as set forth in subsection (l)(4).

m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 35 Ill. Reg. 10934, effective June 21, 2011)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3)

Section Numbers:	Adopted Action:
1600.700	New Section
1600.705	New Section
1600.710	New Section
1600.715	New Section
1600.720	New Section
1600.725	New Section
1600.730	New Section
1600.735	New Section
1600.740	New Section
1600.745	New Section
1600.750	New Section

4) Statutory Authority: 40 ILCS 5/15-177

5) Effective Date of Amendments: June 22, 2011

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file at the SURS office and is available for public inspection.

9) Notices of Proposal Published in the Illinois Register: March 18, 2011; 35 Ill. Reg. 4498

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Amendments: Prior to Public Act 96-6, all members of the SURS Board were appointed by the Governor. These new rules establish the procedures for holding a trustee election. Previous emergency rules expired subsequent to the May 2009 Trustee Election.

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

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820

217/378-8825 or 217/378-8838

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section
1600.100 Definitions
1600.110 Freedom of Information Act
1600.120 Open Meetings Act
1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section
1600.202 Return to Employment
1600.203 Independent Contractors
1600.205 Compensation Subject to Withholding
1600.210 Crediting Interest on Participant Contributions and Other Reserves
1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
1600.250 Sick Leave Accrual Schedule
1600.260 Part-time/Concurrent Service Adjustment
1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section
1600.300 Effective Beneficiary Designations
1600.305 Full-Time Student Survivors Insurance Beneficiaries
1600.310 Dependency of Beneficiaries
1600.320 Disability Claims Procedure

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section
1600.400 Determination of Final Rate of Earnings Period
1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.420 Making Preliminary Estimated Payments
1600.430 Excess Benefit Arrangement
1600.431 Indirect Payments to Minors and Legally Disabled Persons
1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
1600.440 Voluntary Deductions from Annuity Payments
1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section
1600.500 Rules of Practice − Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1600.600 Definitions
1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.610 Invalid Orders
1600.615 Filing a QILDRO with the System
1600.620 Modified QILDROs
1600.625 Benefits Affected by a QILDRO
1600.630 Effect of a Valid QILDRO
1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640 Alternate Payee's Address
1600.645 Electing Form of Payment
1600.650 Automatic Annual Increases
1600.655 Expiration of a QILDRO
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SUBPART G: BOARD TRUSTEE ELECTION

Section

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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1600.745 Candidate Informational Communication
1600.750 Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011.

SUBPART G: BOARD TRUSTEE ELECTION

Section 1600.700 Nomination of Candidates

a) Any candidate for a vacant contributing membership position on the System's Board of Trustees:

1) Shall be, on the date voter eligibility is determined pursuant to Section 1600.715, an employee who has been certified as a SURS covered employee by the employee's employer and an employee for whom employee contributions have been received in the previous 31 days;

2) Shall be nominated by a written petition for a single candidate only, signed by no fewer than 400 individuals who, as of the date of signing, were participants.

b) Any candidate for a vacant annuitant position on the System's Board of Trustees:

1) Must have been an annuitant for at least one full year prior to the Election Date as determined pursuant to Section 1600.705;

2) Shall be nominated by a written petition for a single candidate only, signed by no fewer than 100 individuals who, as of the date of signing, were annuitants.

c) For purposes of determining whether a SURS member is a contributing member, participant, or annuitant pursuant to this Subpart G:

1) A SURS member who is a contributing member or participant in the Self-Managed Plan, described in Section 15-158.2 of the Pension Code, is eligible under the same terms as SURS members who are in the traditional or portable benefit package, described in Sections 15-103.1 and 15-103.2, respectively, of the Pension Code, and a benefit recipient pursuant to an annuity contract purchased under the self-managed plan is an annuitant;

2) A SURS member receiving a preliminary estimated payment pursuant to Section 1600.420 is an annuitant;

3) A SURS member receiving a disability pursuant to Section 15-150 of the Illinois Pension Code is not an annuitant, but is considered a contributing member for purposes of Board elections.

d) Petitions may be circulated for signatures by any individual or entity commencing the November 1 immediately preceding the applicable Election Date and ending on January 31.

e) An individual eligible to sign a petition nominating a candidate for a vacant contributing membership position on the Board may sign petitions for as many contributing membership position candidates as desired.

f) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many annuitant candidates as desired.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.705 Election Date/Election Day – Defined

a) The term "Election Date" or "Election Day" shall mean May 1.

b) If the Election Day falls on a Saturday, Sunday or holiday, the election will be held the next day on which the System is open for business. The final tabulation of ballots shall be completed on the next business day after Election Day.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.710 Petitions

a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon written or oral request of any individual or entity, on or after October 1 immediately preceding the Election Date. The petition forms may be photocopied for use by the candidates. All candidates must complete an application in the form adopted by the System and submit it to the System by the December 31 immediately preceding the Election Date. The Board Secretary shall determine the number and type of Board positions to be filled for an election. The Board Secretary shall determine the eligibility of candidates pursuant to the Illinois Pension Code and this Part.

b) A valid petition nominating a candidate for a vacant contributing membership position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:

1) On page one of the petition the potential candidate must sign the petition as one of the nominating signatories. The signature shall constitute the potential candidate's confirmation that he or she is willing to be a candidate.

2) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate, as established by Section 1600.700(a) or (b). A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures must be original signatures.

3) Each signature of an eligible voter must be accompanied by the signing person's name (printed), home address (street, city, and state), job title (if any), SURS employer (or last SURS employer), and the last four digits of his or her social security number to assist the Board Secretary in verifying petition signing eligibility. The partial social security number shall remain confidential.

4) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained on the petition were signed in that individual's presence and are genuine, and that, to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so under Section 1600.700(a) or (b).

5) Original petitions shall be filed with and must be received by the Board Secretary by the January 31 immediately preceding the Election Day. Petitions received after the prescribed petition-filing period are invalid and will not be counted.

c) The Board Secretary shall determine the validity of petitions not less than 75 days prior to the Election Day and notify all candidates in accordance with the election calendar whether their petitions met all petition requirements. Candidates filing

conforming petitions will be added to the slate of candidates on the respective ballot.

d) Any individual may, upon reasonable notice to the System, examine the petitions that have been filed with the System with respect to the election to take place; provided, however, that in order to protect the signing participants' and annuitants' privacy and confidentiality, the examination shall be subject to the following limitations:

1) Petitions that are examined will be duplicate copies of the original petitions filed, with any confidential information redacted;

2) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board Secretary as provided in subsection (c); and

3) Petitions may not be removed from the System's offices, copied, or duplicated by any means.

e) Challenge to the Petition Validation Process

1) The challenger shall submit a written statement identifying the specific aspects of the petition validation process that is being challenged.

2) All challenges shall be submitted to the Board Secretary no later than 7 days after the petition validation notification required in subsection (c). Any challenge submitted more than 7 days after the date of the notification shall not be considered. The Board Secretary shall transmit any challenges to a 3 member committee of the Board, comprised of members of the Board not running in the contested election.

3) The committee shall consider the written statement and proceed to make a final determination with respect to the challenge.

4) A written notice of the final determination shall be sent to the challenger and all candidates within 7 days after making the determination.

5) The determination of the committee shall constitute a final administrative decision for purposes of the Administrative Review Law [305 ILCS 5/Art. III].

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.715 Eligible Voters

a) An individual is eligible to vote for a contributing membership position on the Board of Trustees of the System if he or she was a contributing member, defined as an employee who has been certified as a SURS covered employee by the employee's employer and an employee for whom employee contributions have been received in the previous 31 days, except as provided for in subsection (e) as of March 1 of the year in which the election is held.

b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an annuitant as of March 1 of the year in which the election is held.

c) A person who is eligible to vote for a contributing membership position pursuant to subsection (a) is not eligible to vote for a vacant annuitant position.

d) A person who is eligible to vote for an annuitant position pursuant to subsection (b) is not eligible to vote for a vacant contributing membership position.

e) A SURS member receiving a disability pursuant to Section 15-150 of the Illinois Pension Code is not an annuitant but is considered a contributing member for purposes of Board elections.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.720 Election Materials

a) At least 10 business days prior to the Election Day, the System shall mail to the eligible voter's latest address known to the System the following election materials:

1) A preprinted paper ballot listing, in order determined by random, blind lottery conducted by the Board Secretary, either the contributing

membership candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1600.715(a) or (b), using the entire name of each candidate in the System records on the first day nomination petitions can be accepted;

2) Candidate provided biographies in the format and length specified by the Board Secretary;

3) Instructions for voting as specified by the Board Secretary;

4) A preprinted, return envelope.

b) If an eligible voter has not received any or all of the election materials specified in subsection (a) 5 business days prior to the Election Date, the eligible voter may request that the System send election materials to him or her. If an eligible voter incorrectly marks or spoils his or her paper ballot prior to returning it, the eligible voter may request a new set of election materials from the System at least 5 business days prior to the Election Date. Paper ballots already mailed by the eligible voter shall not be replaced.

c) If previously mailed election materials are returned to the System undelivered at least 5 business days prior to the Election Date and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.725 Marking of Ballots

A valid paper ballot must conform to the following requirements:

a) All choices of candidates must be marked as directed on the ballot. If the ballot is not marked as directed, the mark is invalid and will not be counted.

b) Each eligible voter is entitled to only one vote for any particular candidate.

c) With respect to a ballot on which more than one trustee is to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more candidates are selected than the number of positions to be elected, the ballot

is invalid and will not be counted. If the number of candidates selected is fewer than the number of positions to be elected, the selection or selections will each count as only one vote.

d) Only official SURS ballots will be counted. Handwritten entries of candidates are invalid and will not be counted.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.730 Return of Ballots and Ballot Counting Process

a) Upon receipt of the election materials specified in Section 1600.720, the eligible voter shall:

1) Mark his or her ballot in accordance with Section 1600.725;

2) Place the completed ballot into the return envelope provided; and

3) Seal and mail, via U.S. mail only, the return envelope.

b) Ballots must be received by the close of business on Election Day. Ballots received after Election Day are invalid and will not be counted.

c) Ballots must be mailed in the return envelope provided and only mailed to the address on the envelope. Paper ballots delivered to the System in bulk, via hand delivery, by campus mail, or delivery other than as specified in subsection (a) are invalid and will not be counted.

d) When all eligible ballots have been counted and tabulated, the necessary number of contributing members and annuitants who have received the greatest number of votes will be elected trustees; provided, however, the Board Secretary will ensure that, for the final composition of the Board, no more than 2 of the 4 contributing members are current employees of the University of Illinois at any of the campuses (Urbana-Champaign, Chicago, or Springfield) and no more than one of the 2 annuitants was last employed prior to retirement by the University of Illinois at any of the campuses. If the maximum number of University of Illinois positions has been filled, then any remaining positions shall be filled as follows:

1) The remaining contributing member trustee positions will be filled by the contributing member nominees who are not current employees of the University of Illinois at any of the campuses and who received the greatest number of votes.

2) The remaining annuitant trustee positions will be filled by annuitant nominees who were not last employed prior to retirement by the University of Illinois at any of the campuses and who received the greatest number of votes.

3) In case of a tie, the contributing member nominee or annuitant nominee who will be elected will be determined by blind, random drawing.

4) The results of the election process then will be declared by the Board Secretary.

e) The Board Secretary will certify to the Board the elected trustees by category and term of office. The Board Secretary will further certify the place of employment for each contributing member and the last place of employment prior to retirement for each annuitant.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.735 Certification of Ballot Counting

The ballot tabulating process shall be certified to the System in writing by an independent consultant at least 7 days prior to the Election Day. The election results shall be certified to the System either by an independent consultant or by the entity tabulating the results. The ballot tabulation process and election results will not be disclosed or announced until written certification is provided to the System.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.740 Challenges to Election Results

a) Any challenge to the election results shall be made in the following manner:

1) The challenger shall submit a written statement identifying the specific aspects of the election results that are being challenged.

2) All challenges shall be submitted to the Board Secretary no later than 7 days after the election results have been certified. Any challenge submitted more than 7 days after the election results have been certified shall not be considered.

b) The written statement timely submitted in accordance with subsection (a) shall be presented to and considered by the Board at the next regularly scheduled quarterly meeting of the Board. The challenger shall have no right to make a presentation at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared.

c) In the event that election results have already been declared, the election results shall remain valid pending determination of any challenge.

d) A written notice of the final determination shall be sent to the challenger and all candidates within 7 days after making the determination. This notice shall constitute a final administrative decision of the Board for purposes of the Administrative Review Law.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.745 Candidate Informational Communication

a) During any election period commencing the January 1 immediately preceding the Election Date and ending the day after the Election Date, the System will make available address files or e-mail lists of eligible voters for election candidates or other organizations to send additional informational material about the candidate. Organizations must be validly existing pursuant to law and must provide a mailing address and contact information to the System at the same time that a request is made for address files or e-mail lists.

b) The address files or e-mail lists will be sent by the System to a third-party service firm hired by the candidate, or other organization, for mailing. The third-party service firm must guarantee security and only use the member contact information for communication of candidate informational materials.

c) The third-party service firm will limit the use of the address files or e-mail lists to ensure there is only one communication per candidate, per organization.

d) The System will not incur any of the costs to produce mail or send the additional candidate information.

e) The contents of informational materials must be approved by the Board Secretary prior to the mailing.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

Section 1600.750 Filling a Vacancy in the Term of an Elected Trustee

a) A vacancy occurring in the elected membership of the Board shall be filled by the elected trustees as prescribed in Section 15-159(e) of the Pension Code.

b) The elected trustees shall fill an unexpired term with currently eligible candidates as provided for in Sections 1600.700 and 1600.730 as follows:

1) If an elected trustee position becomes vacant within the first 3 years of a term, the candidate receiving the next highest number of votes from the last respective election will temporarily fill the open position until the next regularly scheduled election. The remaining 3 years of the term will be filled at the next available election. The candidate receiving the greatest number of votes at the election shall be awarded the 6 year term. However, if a vacancy occurs within 6 months prior to the next election, the remaining elected trustees may choose to leave the position vacant until that election.

2) If an elected trustee position becomes vacant within the last 3 years of a term, the candidate receiving the next highest number of votes from the last respective election will be appointed to fill the remainder of the term. However, if a vacancy occurs within 6 months prior to the next election, the remaining elected trustees may choose to leave the position vacant until that election.

(Source: Added at 35 Ill. Reg. 10952, effective June 22, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Illinois Youth Recreation Corps Grant Program

2) Code Citation: 17 Ill. Adm. Code 3075

3)

Section Numbers:	Emergency Action:
3075.10	New Section
3075.20	New Section
3075.30	New Section
3075.40	New Section
3075.50	New Section
3075.60	New Section
3075.70	New Section

4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Youth and Young Adult Employment Act of 1986 [525 ILCS 50/8]

5) Effective Date of Emergency Amendment: June 23, 2011

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: This emergency rulemaking will be replaced by permanent rulemaking prior to expiration of the 150-day period.

7) Date filed with the Index Department: June 23, 2011

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules establish criteria for a new program for grants to local governments and not-for-profits to provide wages to Illinois youth (16-19 years of age) for operating and instructing in recreational programs for the benefit of other youth.

10) A Complete Description of the Subjects and Issues Involved: Due to remaining, available State funds for Fiscal Year 2011, Governor Quinn has determined that this grant program should be funded. The implementation of this program will provide a valuable opportunity for employment of Illinois youth between the ages of 16 and 19 as well as summer recreational activities for children of all ages.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

11) Are there any proposed amendments pending on this Part? No

12) Statement of Statewide Policy Objective: This is a grant program available to local governments and not-for-profits for the purpose of hiring Illinois youth for summer employment providing recreational programs.

13) Information and questions regarding this emergency rulemaking shall be directed to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3075
ILLINOIS YOUTH RECREATION CORPS GRANT PROGRAM

Section
3075.10 Program Objective
EMERGENCY
3075.20 Eligibility Requirements
EMERGENCY
3075.30 Eligible Project Costs, Payments and Compliance Requirements
EMERGENCY
3075.40 General Procedures for Grant Applications and Awards
EMERGENCY
3075.50 Project Evaluation Priorities
EMERGENCY
3075.60 Employment Criteria
EMERGENCY
3075.70 Program Information/Contact
EMERGENCY

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Youth and Young Adult Employment Act of 1986 [525 ILCS 50/8].

SOURCE: Emergency rule adopted at 35 Ill. Reg. 10967, effective June 23, 2011, for a maximum of 150 days.

Section 3075.10 Program Objective
EMERGENCY

a) The Illinois Youth Recreation Corps program provides grants to be disbursed by the Department of Natural Resources (Department) to eligible local sponsors to provide wages to youth operating and instructing in recreational programs for the benefit of other youth.

b) The recreational programs shall provide opportunities for local children of all age levels and shall include, but are not limited to, the coordination and teaching of physical activities, arts and handicraft, and learning activities.

c) Local sponsors may charge a user fee for participation in the recreational program, as long as those fees are designed to promote as much involvement as possible by the children of the community.

Section 3075.20 Eligibility Requirements
EMERGENCY

a) To be eligible for this program, local sponsors must have the ability to provide suitable facilities, materials and management staff for summer recreational activities for youth within the local community.

b) Local sponsors must be units of local government or not-for-profit entities.

Section 3075.30 Eligible Project Costs, Payments and Compliance Requirements
EMERGENCY

a) Grant assistance is available to provide wages to eligible youth supervisors, instructors, instructional aides and maintenance personnel hired by the local sponsor to conduct recreational programs.

b) Payments will be provided to the local sponsor upon completion of a grant agreement with the Department in a lump sum based on the following formula: $3,000 for each approved eligible youth to be hired by the local sponsor.

c) Pursuant to this program, grant payments may only be used to pay wages for eligible youth hired by local sponsors.

d) Any grant funds provided to the local sponsor that are not expended on wages for eligible youth shall be returned to the Department on or before October 31 of the year in which the grant agreement is executed.

e) By October 31 of the year in which the grant agreement is executed, the local sponsor shall provide the Department with a report fully documenting the wages paid to all eligible youth pursuant to the program grant.

f) All financial records on approved grants must be maintained and retained, in accordance with the Grant Funds Recovery Act [30 ILCS 705] and the State Records Act [5 ILCS 160], by the local sponsor for possible State audit after final grant payment is made by the Department.

g) The local sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through, or by virtue of the administration of this program.

Section 3075.40 General Procedures for Grant Applications and Awards EMERGENCY

a) Grant applications for assistance under this program will be due no later than 7 days after the public announcement by the Department that funds have been made available for this program. Failure to submit a completed application to the Department by the specified application deadline will result in project rejection for that grant cycle.

b) Necessary application materials and instructions are available through the Department (see subsection (d)). Awarding of grants will be on a competitive basis and will be made under authority of the Director of the Department of Natural Resources.

c) Project grant applications are required to use the Department's Grant Application Form and will consist of the following basic components, at a minimum:

1) applicant's name, address and telephone number;

2) a detailed description of the proposed recreational project and the role of eligible youth in operating the project;

3) project location;

4) a statement of the need for the project in the local community, with emphasis on the youth that would be served by the recreational project;

5) a description of the local resources available to successfully operate the recreational project, including but not limited to facilities, materials and management; and

6) information on youth employment levels in the local community.

d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, telephone 217/782-7481.

Section 3075.50 Project Evaluation Priorities
EMERGENCY

Application for grants will be evaluated on the basis of program content, location, need, local commitment of resources and consistency with the youth employment purpose of the Act.

Section 3070.60 Employment Criteria
EMERGENCY

a) The local sponsor shall make public notification of the availability of jobs for eligible youth in the Illinois Youth Recreation Corps by the means of newspapers, electronic media, educational facilities, units of local government and Department of Employment Security offices.

b) Employment applications shall be submitted directly to the local sponsor. The local sponsor shall make all employment decisions.

c) Employment is limited to:

1) citizens of the State of Illinois;

2) persons who, at the time of enrollment, are 16 through 19 years of age;

3) persons who have skills that can be utilized in the summer recreational program; and

4) no more than 60 working days occurring during the months of June, July and August.

d) Hourly wage, as determined by the Department, is $8.50 per hour.

e) Pursuant to this program, the local sponsor is responsible for any and all legal requirements pertaining to the employment of eligible youth.

f) Eligible youth hired by the local sponsor pursuant to this program are not classified as employees of the State or the local sponsor for purposes of contributions to the State Employees' Retirement System or any other public employee retirement system.

Section 3070.70 Program Information/Contact
EMERGENCY

For information on the Illinois Youth Recreation Corps Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-7481
FAX: 217/782-9599

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Hospital Capital Investments

2) Code Citation: 77 Ill. Adm. Code 976

3) Section Number: 976.110 — Emergency Action: Amend

4) Statutory Authority: Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]

5) Effective Date of Amendment: June 27, 2011

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: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of the permanent rule, whichever comes first.

7) Date filed with the Index Department: June 27, 2011

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: The purpose of the Hospital Capital Investment program is to award grants to qualifying hospitals to fund projects to improve or renovate a hospital's facility, or to improve, replace or acquire equipment or technology. Projects can include activities to satisfy building code, safety standards, or life safety code; maintain, improve, renovate, expand, or construct buildings or structures; maintain, establish, or improve health information technology; or maintain or improve safety, quality of care, or access to care.

The administrative rules for the program were promulgated on January 6, 2011 (35 Ill. Reg. 1422). The Department is ready to initiate the program by publishing the notice of grant opportunity and accepting grant applications.

Several Sections of the rules were established to create a consistent and objective grant application review process, including: 976.90 (Notice of Grant Opportunity), 976.100 (Letter of Intent), 976.110 (Grant Application Processing) and Section 976.150 (Grant Validity). Section 976.90(a) informs the public of a grant opportunity, including the requirements to file a letter of intent. Section 976.90(b) requires that a hospital submit

both the letter of intent and grant application within 120 days after the publication of the notice of grant opportunity. Per the requirements of 976.100(a), the letter of intent must include the name of the applicant and the name of the hospital that will receive grant funds. The applicant would be the entity that owns the hospital.

Section 976.150(e) states that, once awarded, grants are not transferable. However, the rule further states that a grant will not be considered transferred if a Certificate of Need or Certificate of Exemption authorizing the hospital's change of ownership is issued by the Illinois Health Facilities and Services Review Board. This rule was written in anticipation that if a hospital filed the letter of intent, applied for the grant, was awarded the grant and, subsequently changed ownership, the grant would not be considered transferred. Thus, the hospital's new owner would be recognized as the grantee and could proceed with the project.

The Department is aware of several impending hospital change of ownerships. The change of ownerships, however, will occur during the Department's grant review process. Specifically, hospitals that qualify for a grant will submit the letter of intent and grant application at the appropriate time. It is possible that during the Department's review of the application materials, the hospitals that are poised to change ownership will commence with that change. It is anticipated that the proposed change of ownerships will take six to 12 months to complete.

If these hospitals change ownership, two problems could occur in connection with the Hospital Capital Investment program. First, the owner of the hospital that existed at the time the letter of intent and grant application were submitted may not be the owner once the Department is prepared to award a grant. As a result, the Department could be prohibited from awarding the grant since the current owner was not the applicant. Second if a hospital is aware that a change of ownership is imminent, it may delay submitting the grant application materials until the new owner is in place. Waiting for this transition, however, could prevent the hospital from applying for a grant since grant application materials must be submitted within 120 days after the notice of grant opportunity being published. While the Department's rules were written to anticipate a hospital change of ownership after a grant was awarded, there is no rule to address a change of ownership that occurs during the Department's grant review process.

Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines an "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The criteria in Section 976.60 specify which hospitals qualify for a capital grant. A majority of these hospitals

are located in rural areas or in areas that serve a disproportionate share of low-income patients. These facilities have a disadvantage compared to other hospitals because they do not have the means to access funds in the capital market due to their diminished financial status and limited revenue stream from their predominate patient base. As stated, these facilities have documented capital needs for their facilities. In some cases, these needs encompass serious and significant building code and life safety code issues. Without the ability to readily apply for a grant and obtain funds, these hospitals potentially face the prospect of turning away patients due to their inability to quickly address the needs of their physical plants. In most cases, these hospitals are located in areas where access to health care is limited. As a result, patients who rely on these facilities would have difficulty obtaining care due to geographic or financial barriers. This situation constitutes a threat to the public interest, safety, and welfare that can be addressed by these emergency rules.

The IAPA also stipulates that an emergency situation is one that cannot be alleviated through the use of the regular rulemaking process. Because of the time frames involved in the grant program, the use of the regular rulemaking process will not address the issues raised by the changes in ownership of the hospitals that are applying for grants. These grants are not competitive and the Department will not review multiple applicants for a particular grant award. With the impending change of ownerships for several hospitals that qualify for a grant, the Department is concerned that it will be unable to award these grants since the new owner was not the applicant. As a result, the funds designated for these hospitals will not be disbursed. Rulemaking through the standard process will not correct the situation since the 120-day timeframe in Section 976.90(b) could elapse before a qualifying hospital is able to apply. Without the emergency rule, the Department may need to wait an additional six to nine months before initiating the grant program. Waiting for this duration would allow the current hospitals that are poised for a change of ownership to complete that change. However, during this time, other hospitals could propose a change of ownership. If this occurs the Department would need to wait for these changes of ownerships to be finalized. Under this scenario, the Department may wait an extended period of time to begin the program.

As noted, the legislative intent of the capital grant program is to provide funds to qualifying hospitals to improve their physical plants (through construction or modernization), acquire medical equipment or upgrade information technology. The Department is aware that some of the qualifying hospitals will use the grant funds to make much needed upgrades to their physical plants (e.g., new sprinkler systems, roof repairs, boiler replacement, etc.). Many of these improvements and upgrades are also the result of the Department's Hospital Licensing Program and the deficiencies that have

been noted in licensure reviews and surveys. These structural and operational deficiencies directly affect the quality of care provided by these hospitals. The current rule will potentially hinder a hospital from applying for a grant and delay much needed repairs and upgrades. Delays in awarding grant funds could affect the hospitals' ability to provide an appropriate standard of care to their patients.

The emergency rule will allow hospitals that apply for and receive approval for a change of ownership to modify the letter of intent and grant application to reflect the ownership change and remain eligible to receive a grant through the program. It will provide hospitals with needed flexibility to modify grant applications to reflect a new owner, while simultaneously allowing the Department's grant application review and approval process to continue for that particular applicant.

10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking will allow hospitals that apply for and receive a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of ownership to modify the letter of intent and grant application from the Hospital Capital Investment program to reflect the ownership change.

Current language in 77 Ill. Adm. Code 976.90 requires a hospital to submit both a letter of intent and a grant application to the Department within 120 days after the Notice of Grant Opportunity being published. If a hospital submits the required materials and subsequently changes ownership, there is no mechanism in place to allow the new owner to modify the application materials. The potential exists that if the hospital's previous owner applied for a grant and the hospital changes ownership, the new owner will be unable to receive the grant since it did not submit the application materials.

The emergency rule will provide hospitals with needed flexibility to modify grant applications to reflect a new owner, while simultaneously allowing the grant application review and approval process at the Department to continue with that particular applicant.

11) Are there any proposed rulemakings to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

13) Information and questions regarding this rulemaking shall be directed to:

Susan Meister

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Administrative Rules Coordinator
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 976
HOSPITAL CAPITAL INVESTMENTS

SUBPART A: GENERAL PROVISIONS

Section
976.10 Definitions
976.20 Referenced Materials
976.30 Administrative Hearings
976.40 Freedom of Information

SUBPART B: SAFETY NET HOSPITAL GRANTS
AND COMMUNITY HOSPITAL GRANTS

Section
976.50 Grant Descriptions
976.60 Grant Eligibility
976.70 Grant Application Requirements
976.80 Grant Application Review Criteria
976.90 Notice of Grant Opportunity
976.100 Letter of Intent
976.110 Grant Application Processing
EMERGENCY
976.120 Grant Awards
976.130 Grant Funds Distribution
976.140 Grant Funds Recovery
976.150 Grant Validity
976.160 Obligation
976.170 Alteration
976.180 Progress Reports
976.190 Project Completion

AUTHORITY: Implementing and authorized by Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 35 Ill. Reg. 1422, effective January 6, 2011; emergency amendment at 35 Ill. Reg. 10974, effective June 27, 2011, for a maximum of 150 days.

SUBPART B: SAFETY NET HOSPITAL GRANTS
AND COMMUNITY HOSPITAL GRANTS

Section 976.110 Grant Application Processing
EMERGENCY

When an LOI fulfills all of the requirements of Section 976.100, a grant application can be submitted.

a) Upon receipt of a grant application, the Department will:

1) Determine if the application was submitted within the time frame requirements of Section 976.90. An application that was not submitted within the prescribed time frame will be deemed null and void.

2) Within 30 calendar days after receipt of the application, conduct a completeness determination to assess whether all applicable review information and all required materials and documentation have been submitted (see Section 976.70).

A) If the application is deemed complete, the Department will proceed with a grant award (see Section 976.120).

B) If the application is deemed incomplete, the Department will contact the applicant in writing (via a certified letter) and inform the applicant of the information and/or materials needed to complete the application. The applicant will have 30 calendar days (from the date that the applicant received the certified letter) to provide the requested information. Responses received after the 30 calendar day time frame will result in the application being deemed null and void.

b) Review of Applications

1) All applications will be reviewed and evaluated with the review criteria set forth in the Act and in this Part (see Section 976.80).

2) Each application will be reviewed on an individual basis. There will be no comparative review of applications.

3) Based on the eligibility requirements in Section 2310-640(b) and (c) of the Act, only one application per hospital will be approved.

c) If an applicant files the letter of intent and grant application and subsequently the hospital applies for and receives a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of ownership (see 77 Ill. Adm. Code 1110.240 and 1130.520), the applicant may modify the letter of intent and grant application to reflect the ownership change. These modifications shall be completed before a grant award is issued (see Section 976.120 of this Part).

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 10974, effective June 27, 2011, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
JULY 12, 2011
11:00 A.M.

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

Aging

1. Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions (89 Ill. Adm. Code 271)
   -First Notice Published: 35 Ill. Reg. 324 – 1/7/11
   -Expiration of Second: 7/27/11

Children and Family Services

2. Permanency Planning (89 Ill. Adm. Code 315)
   -First Notice Published: 34 Ill. Reg. 19788 – 12/27/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-Expiration of Second Notice: 8/6/11

3. Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316)
-First Notice Published: 34 Ill. Reg. 19796 – 12/27/10
-Expiration of Second Notice: 8/6/11

Commerce Commission

4. Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)
-First Notice Published: 35 Ill. Reg. 3878 – 3/11/11
-Expiration of Second Notice: 7/20/11

Commerce and Economic Opportunity

5. Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)
-First Notice Published: 35 Ill. Reg. 4736 – 3/25/11
-Expiration of Second Notice: 7/16/11

Financial and Professional Regulation

6. Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions (38 Ill. Adm. Code 220)
-First Notice Published: 35 Ill. Reg. 340 – 1/7/11
-Expiration of Second Notice: 7/27/11

7. Massage Licensing Act (68 Ill. Adm. Code 1284)
-First Notice Published: 35 Ill. Reg. 6038 – 4/8/11
-Expiration of Second Notice: 7/21/11

Healthcare and Family Services

8. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-First Notice Published: 35 Ill. Reg. 2545 – 2/14/11
-Expiration of Second Notice: 7/29/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

Insurance

9. Minimum Standards for Determining Nonforfeiture Benefits for Certain Life Insurance Policies Having Intermediate Cash Benefits (50 Ill. Adm. Code 1415)
-First Notice Published: 35 Ill. Reg. 2554 – 2/14/11
-Expiration of Second Notice: 8/13/11

Labor

10. Payment and Collection of Wages or Final Compensation (56 Ill. Adm. Code 300)
-First Notice Published: 35 Ill. Reg. 3663 – 3/4/11
-Expiration of Second Notice: 7/29/11

Natural Resources

11. The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)
-First Notice Published: 35 Ill. Reg. 3037 – 2/25/11
-Expiration of Second Notice: 8/2/11

12. Revocation Procedures for Conservation Offenses (17 Ill. Adm. Code 2530)
-First Notice Published: 35 Ill. Reg. 6754 – 4/22/11
-Expiration of Second Notice: 7/27/11

Pollution Control Board

13. Definitions and General Provisions (35 Ill. Adm. Code 211)
-First Notice Published: 35 Ill. Reg. 4887 – 4/1/11
-Expiration of Second Notice: 7/31/11

14. Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
-First Notice Published: 35 Ill. Reg. 4910 – 4/1/11
-Expiration of Second Notice: 7/31/11

15. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
-First Notice Published: 35 Ill. Reg. 5111 – 4/1/11
-Expiration of Second Notice: 7/31/11

16. Introduction (35 Ill. Adm. Code 301)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-First Notice Published: 34 Ill. Reg. 12521 – 8/27/10
-Expiration of Second Notice: 7/31/11

17. Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)
-First Notice Published: 34 Ill. Reg. 12533 – 8/27/10
-Expiration of Second Notice: 7/31/11

Public Health

18. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 35 Ill. Reg. 6293 – 4/15/11
-Expiration of Second Notice: 8/7/11

19. Family Practice Residency Code (77 Ill. Adm. Code 590)
-First Notice Published: 35 Ill. Reg. 6802 – 4/22/11
-Expiration of Second Notice: 8/6/11

20. Illinois Rural Health Code (77 Ill. Adm. Code 596)
-First Notice Published: 35 Ill. Reg. 6860 – 4/22/11
-Expiration of Second Notice: 8/10/11

21. Community Health Center Expansion (77 Ill. Adm. Code 975)
-First Notice Published: 35 Ill. Reg. 6901 – 4/22/11
-Expiration of Second Notice: 8/10/11

22. Private Sewage Disposal Code (77 Ill. Adm. Code 905)
-First Notice Published: 34 Ill. Reg. 12394 – 8/27/10
-Expiration of Second Notice: 8/6/11

Racing Board

23. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
-First Notice Published: 35 Ill. Reg. 6325 – 4/15/11
-Expiration of Second Notice: 7/15/11

Secretary of State

24. Merit Commission Public Information, Rulemaking and Organization (2 Ill. Adm. Code 555)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-First Notice Published: 35 Ill. Reg. 6053 – 4/8/11
-Expiration of Second Notice: 7/17/11

25. Merit Commission (80 Ill. Adm. Code 50)
-First Notice Published: 35 Ill. Reg. 6058 – 4/8/11
-Expiration of Second Notice: 7/17/11

26. Lobbyist Registration and Reports (2 Ill. Adm. Code 560)
-First Notice Published: 35 Ill. Reg. 1870 – 2/4/11
-Expiration of Second Notice: 7/14/11

State Board of Investment

27. Rules and Regulations of the Board (74 Ill. Adm. Code 800)
-First Notice Published: 35 Ill. Reg. 1566 – 1/28/11
-Expiration of Second Notice: 8/5/11

28. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
-First Notice Published: 35 Ill. Reg. 1579 – 1/28/11
-Expiration of Second Notice: 8/5/11

EMERGENCY RULEMAKING

Treasurer

29. Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill. Adm. Code 740)
-Notice Published: 35 Ill. Reg. 8893 – 6/10/11

EXEMPT RULEMAKING

Emergency Management Agency

30. Licensing of Radioactive Material (32 Ill. Adm. Code 330)
-Proposed Date: 4/1/11
-Adopted Date: 6/17/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

AGENCY RESPONSES

Aging

31. Elder Rights (89 Ill. Adm. Code 270; 34 Ill. Reg. 19133)

Elevator Safety Review Board

32. Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000; 34 Ill. Reg. 8872)

Illinois Law Enforcement Training and Standards Board

33. Intern Training Program (20 Ill. Adm. Code 1725; 35 Ill. Reg. 110

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 June 21, 2011 through June 27, 2011 and have been scheduled for review by the Committee at its July 12, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/5/11	State Board of Investment, Rules and Regulations of the Board (74 Ill. Adm. Code 800)	1/28/11 35 Ill. Reg. 1566	7/12/11
8/5/11	State Board of Investment, State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)	1/28/11 35 Ill. Reg. 1579	7/12/11
8/6/11	Department of Children and Family Services, Permanency Planning (89 Ill. Adm. Code 315)	12/27/10 34 Ill. Reg. 19788	7/12/11
8/6/11	Department of Children and Family Services, Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316)	12/27/10 34 Ill. Reg. 19796	7/12/11
8/6/11	Department of Public Health, Family Practice Residency Code (77 Ill. Adm. Code 590)	4/22/11 35 Ill. Reg. 6802	7/12/11
8/6/11	Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)	8/27/10 34 Ill. Reg. 12394	7/12/11
8/7/11	Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	4/15/11 35 Ill. Reg. 6293	7/12/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/10/11	Department of Public Health, Community Health Center Expansion (77 Ill. Adm. Code 975)	4/22/11 35 Ill. Reg. 6901	7/12/11
8/10/11	Department of Public Health, Illinois Rural Health Code (77 Ill. Adm. Code 596)	4/22/11 35 Ill. Reg. 6860	7/12/11

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

JULY 2011 REGULATORY AGENDA

a) Heading and Code Citations: Government Contracts, Procurement and Property Management (44 Ill. Adm. Code 1)

1) Rulemaking:

A) Description: The subject rules may be amended as necessary to reflect revisions to the Illinois Procurement Code made by Public Acts 96-795, 96-0920 and other relevant enactments.

B) Statutory Authority: Illinois Procurement Code [30 ILCS 500]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: These entities will be required to meet enhanced financial disclosure requirements and disclosure of their partnerships and corporate registry. Additionally these entities will be required to annually recertify these compliance documents. New requirements for contract execution prior to when deliverables may begin will also impact these organizations.

F) Agency contact person information:

Matt Brown
Chief Procurement Officer
401 South Spring Street
714 William Stratton Building
Springfield, Illinois 62706

217/558-2156

G) Related rulemaking and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

JULY 2011 REGULATORY AGENDA

a) Heading and Code Citations: Government Contracts, Procurement and Property Management (44 Ill. Adm. Code 4)

1) Rulemaking:

A) Description: The subject rules may be amended as necessary to reflect revisions to the Illinois Procurement Code made by Public Acts 96-795, 96-0920 and other relevant enactments.

B) Statutory Authority: Illinois Procurement Code [30 ILCS 500]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: These entities will be required to meet enhanced financial disclosure requirements and disclosure of their partnerships and corporate registry. Additionally these entities will be required to annually recertify these compliance documents. New requirements for contract execution prior to when deliverables may begin will also impact these organizations.

F) Agency contact person information:

Ben Bagby
Chief Procurement Officer
401 South Spring Street
513 William Stratton Building
Springfield, Illinois 62706

217/558-2156

G) Related rulemaking and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION

JULY 2011 REGULATORY AGENDA

a) Heading and Code Citations: Government Contracts, Procurement and Property Management (44 Ill. Adm. Code 6)

1) Rulemaking:

A) Description: The subject rules may be amended as necessary to reflect revisions to the Illinois Procurement Code made by Public Acts 96-795, 96-0920 and other relevant enactments.

B) Statutory Authority: Illinois Procurement Code [30 ILCS 500]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: These entities will be required to meet enhanced financial disclosure requirements and disclosure of their partnerships and corporate registry. Additionally these entities will be required to annually recertify these compliance documents. New requirements for contract execution prior to when deliverables may begin will also impact these organizations.

F) Agency contact person information:

Bill Grunloh
Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764
217/558-5434

G) Related rulemaking and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

JULY 2011 REGULATORY AGENDA

a) Heading and Code Citations: Government Contracts, Procurement and Property Management (44 Ill. Adm. Code 8)

1) Rulemaking:

A) Description: The subject rules may be amended as necessary to reflect revisions to the Illinois Procurement Code made by Public Acts 96-795, 96-0920 and other relevant enactments.

B) Statutory Authority: Illinois Procurement Code [30 ILCS 500]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: These entities will be required to meet enhanced financial disclosure requirements and disclosure of their partnerships and corporate registry. Additionally these entities will be required to annually recertify these compliance documents. New requirements for contract execution prior to when deliverables may begin will also impact these organizations.

F) Agency contact person information:

Fred Hahn
Chief Procurement Officer
401 South Spring Street
513 William Stratton Building
Springfield, Illinois 62706

217/558-2156

G) Related rulemaking and other pertinent information: None

EXECUTIVE ETHICS COMMISSION

JULY 2011 REGULATORY AGENDA

a) Heading and Code Citations: Organization, Information, Rulemaking and Hearings 2 Ill. Adm. Code 1620

1) Rulemaking:

A) Description: The rulemaking is being promulgated to provide information regarding the Commission's procedures for removal for cause of chief internal auditors, chief procurement officers, state purchasing officers, or procurement compliance monitors.

B) Statutory Authority: State Officials and Employees Ethics Act [5 ILCS 430], Fiscal Control and Internal Auditing Act [30 ILCS 10/2002(c)], and Illinois Procurement Code [30 ILCS 500].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Commission anticipates filing the proposed rulemaking during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 South Spring Street
513 William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemaking and other pertinent information:

b) Heading and Code Citations: Organization, Information, Rulemaking and Hearings 2 Ill. Adm. Code 1620

1) Rulemaking:

EXECUTIVE ETHICS COMMISSION

JULY 2011 REGULATORY AGENDA

A) Description: This rulemaking is being promulgated to provide information regarding the Commission's procedures for approval or rejection of the appointment or employment of an Inspector General serving under the jurisdiction of a Regional Transit Board.

B) Statutory Authority: State Officials and Employees Ethics Act [5 ILCS 430]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Commission anticipates filing the proposed rulemaking during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 South Spring Street
513 William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): 2 Ill. Adm. Code 951, Access to Public Records

1) Rulemaking:

A) Description: The Rule is being substantially revised to reflect recent amendments to the Illinois Freedom of Information Act [5 ILCS 140] and to be in conformity with the Access to Records model rule issued by the Office of the Governor.

B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140], Section 401 of the Illinois Insurance Code [215 ILCS 5/401] and Sections 5-15 and 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15 and 5-75].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Susan Anders, Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767-0001
Telephone: (217) 785-8220

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Medical Malpractice Data Base, 50 Ill. Adm. Code 928

1) Rulemaking:

DEPARTMENT OF INSURANCE

JULY 2011 REGULATORY AGENDA

A) Description: On February 4, 2010, the Illinois Supreme Court held the limitation on non-economic damages in medical malpractice actions unconstitutional. Due to an inseverability provision in the Act in which the limitations (or "caps") were enacted (Public Act 94-677), the Supreme Court also held invalid the medical malpractice regulatory reforms contained in the Act. However, in its decision, the Supreme Court emphasized that other sections of Public Act 94-677 "are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate."

As a result of the ruling, the Department is revising 50 Ill. Adm. Code 928 to comply with the law currently in effect. The Department anticipates that the current rule on file with the Secretary of State will be the starting point for any proposed amendments submitted for First Notice.

B) Statutory Authority: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Joe Clennon, Staff Attorney
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001
217/557-1396

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Medical Liability Insurance Rules and Rate Filings, 50 Ill. Adm. Code 929

DEPARTMENT OF INSURANCE

JULY 2011 REGULATORY AGENDA

1) Rulemaking:

A) Description: On February 4, 2010, the Illinois Supreme Court held the limitation on non-economic damages in medical malpractice actions unconstitutional. Due to an inseverability provision in the Act in which the limitations (or "caps") were enacted (Public Act 94-677), the Supreme Court also held invalid the medical malpractice regulatory reforms contained in the Act. However, in its decision, the Supreme Court emphasized that other sections of Public Act 94-677 "are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate."

As a result of the ruling, the Department is revising 50 Ill. Adm. Code 929 to comply with the law currently in effect. The Department anticipates that the current rule on file with the Secretary of State will be the starting point for any proposed amendments submitted for First Notice. One requirement that the Department will propose is that the rate and rule filings be submitted electronically. This electronic filing will be similar to other filings that the Department currently receives electronically.

B) Statutory Authority: 215 ILCS 5/155.18

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Joe Clennon, Staff Attorney
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001
217/557-1396

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): 50 Ill. Adm. Code 1405, Construction and Filing of Life Insurance and Annuity Forms

1) Rulemaking:

A) Description: Amendments are needed to make the rule consistent with the recent changes proposed in SB1607 (if it is enacted).

B) Statutory Authority: 215 ILCS 5/224

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Susan Lamb, Associate Actuary
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001
217/782-1794

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Modified Guaranteed Annuity (MGA) Contracts, 50 Ill. Adm. Code 1410

1) Rulemaking:

A) Description: These amendments involve the nonforfeiture language contained in the rule. The conflicting interpretations of this language by industry have led to varying incorrect actions. Therefore, it is clear that the language must be clarified in order to meet the underlying intent.

B) Statutory Authority: Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XIV and 401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Susan Lamb, Associate Actuary
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001
217/782-1794

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Variable Contracts (50 Ill. Adm. Code 1451)

1) Rulemaking:

A) Description: The rulemaking focuses on the definition of variable contacts and the treatment of market value adjusted annuities. Clarification regarding the intent of how these items are to be treated is needed.

B) Statutory Authority: Implementing Article XIV ½ of the Illinois Insurance Code and authorized by Sections 5/401 and 5/245.24 of the Illinois Insurance Code. [215 ILCS 5/Art. XIV ½ and 5/245.24 and 5/401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Susan Lamb, Associate Actuary
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001
217/782-1794

G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Notice of Eligibility (50 Ill. Adm. Code 5301)

1) Rulemaking:

A) Description: Established pursuant to the federal Patient Protection and Affordable Care Act (P.L. 111-148), the Illinois Pre-Existing Condition Insurance Plan (IPXP) is a federally-funded alternative to the Illinois Comprehensive Health Insurance Program (CHIP). The IPXP has different eligibility requirements and may be more affordable for many consumers. By amending these notice requirements, Illinois consumers will be better informed about their options if they are turned down for health insurance for health reasons.

B) Statutory Authority: 215 ILCS 105/11

C) Scheduled meeting/hearing dates: None have been scheduled.

D) ate agency anticipates First Notice: Fall 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Ted Whalen, Staff Attorney

DEPARTMENT OF INSURANCE

JULY 2011 REGULATORY AGENDA

Department of Insurance
100 W. Randolph St., Ste. 9-301
Chicago, IL 60601
312/814-5425

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, 50 Ill. Adm. Code NEW

1) Rulemaking:

A) Description: The rulemaking is being proposed to set forth uniform standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of senior-specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with a life insurance or annuity product, in keeping with the NAIC's Model Regulation regarding this issue.

B) Statutory Authority: Section 401(a) of the Illinois Insurance Code [215 ILCS 5/401(a)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Kelly Kruger, Assistant Deputy Director – Producer Section
Department of Insurance
320 West Washington, 1st Floor
Springfield, Illinois 62767-0001
217/785-2263

G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF INSURANCE

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i) Part(s) (Heading and Code Citation): Assurance Organizations, 50 Ill. Adm. Code NEW

1) Rulemaking:

A) Description: This rule will establish minimum standards and procedures for the approval and conduct of an assurance organization for qualified employee leasing companies.

B) Statutory Authority: 215 ILCS 113/56

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: Unknown.

F) Agency contact person for information:

Kelly Kruger, Assistant Deputy Director – Producer Section
Department of Insurance
320 West Washington, 1st Floor
Springfield, Illinois 62767-0001
217/785-2263

or

John Gatlin, Supervisor, Property and Casualty Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001
217/782-1786

G) Related rulemakings and other pertinent information: None.

j) Part(s) (Heading and Code Citation): Discount Rate – Periodic Payments – Medical Malpractice 50 Ill. Adm. Code NEW

DEPARTMENT OF INSURANCE

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1) Rulemaking:

A) Description: 735 ILCS 5/2-1719 requires the Director of Insurance to promulgate rules and procedures:

1) for determining which insurers, self-insurers, plans, arrangements, reciprocals or other entities under his or her regulation are financially qualified to provide the security required under Section 1711 and to be designated as qualified insurers;

2) to require insurers to post security under Section 2-1711 if found by the court to be obligated and capable of posting security; and

3) for publishing prior to January 1 of each year the rate of discount per annum set out in subsection (c) of Section 2-1709.

The proposed rule will fulfill these requirements.

B) Statutory Authority: 735 ILCS 5/2-1719, 215 ILCS 5/401

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Fall 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Joe Clennon, Staff Attorney
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001
217/557-1396

G) Related rulemakings and other pertinent information: None.

ILLINOIS DEPARTMENT OF LABOR

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Access to Information; 2 Ill. Adm. Code 1400

1) Rulemaking:

A) Description: Amendments are needed to make necessary changes due to the passage of PA 96-542.

B) Statutory Authority: 5 ILCS 140

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
217/558-1270

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Employee Classification; 56 Ill. Adm. Code 240

1) Rulemaking:

2) Description: Amendments will be made to add an informal investigative hearing process to contest findings made by the Division and add guidelines and criteria for assessing the amount of a civil penalty.

3) Statutory Authority: 820 ILCS 185/65

4) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Carmela Gonzalez
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
312/793-1808

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): The Employment of Illinois Workers on Public Works Act; PA 96-0929

1) Rulemaking:

A) Description: Pursuant to Section 7.20 of PA 96-0929, a new Part may be necessary to allow the Department to adopt reasonable rules to implement and administer the Act.

B) Statutory Authority: 30 ILCS 570/0.01

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

ILLINOIS DEPARTMENT OF LABOR

JULY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
217/558-1270

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation):

1) Rulemaking: Illinois Child Labor Law; 56 Ill. Adm. Code 250

A) Description: Amendments may be necessary to comply with PA 96-1247 to avoid any confusion as to the process by which an out of state minor may obtain an Illinois employment certificate.

B) Statutory Authority: 820 ILCS 205/8; 820 ILCS 205/11

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
217/558-1270

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources – 17 Ill. Adm. Code 110

1) Rulemaking:

A) Description: The Department plans to amend this Part to address the use of power driven motor devices by the disabled on Department-owned properties.

B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

A) Description: This Part is updated on an annual basis to: update application/permit requirements, statewide regulations, sites open to hunting and site-specific information.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: December 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)

1) Rulemaking:

A) Description: This Part is amended on an annual basis to update: statewide regulations, application/permit requirements, sites open to hunting and site-specific information.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: December 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)

1) Rulemaking:

A) Description: This Part is amended on an annual basis to update: open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: December 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710

1) Rulemaking:

A) Description: This Part is amended on an annual basis to update: hunting season dates, hunting regulations, sites open for hunting and site specific information.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

f) Part(s) (Heading and Code Citation): Salvage Permits for Deer - 17 Ill. Adm. Code 750

1) Rulemaking:

A) Description: This Part will be amended to update information regarding reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Donation of Unclaimed Meat by Licensed Meat Processing Facilities - 17 Ill. Adm. Code 755

1) Rulemaking:

A) Description: If Senate Bill 2804 (P.A. 95-196) is signed by the Governor, the Department will propose a rule containing the regulations for implementation of this program whereby Licensed Meat Processing Facilities can give away unclaimed meat for a reasonable and customary processing fee.

DEPARTMENT OF NATURAL RESOURCES

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B) Statutory Authority: Implementing and authorized by Section 2.36 of the Wildlife Code [520 ILCS 5/2.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Will allow Licensed Meat Processing Facilities to give away unclaimed meat for a reasonable and customary processing fee.

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810

1) Rulemaking:

A) Description: This Part is amended on an annual basis to update: site-specific fishing regulations, individual site specific fishing regulations by water area and Free Fishing Days.

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

D) Date agency anticipates First Notice: November 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Viral Hemorrhagic Septicemia (VHS) - 17 Ill. Adm. Code 875

1) Rulemaking:

A) Description: The Department is currently reviewing the impact this rulemaking has on commercial fishermen to determine if amendments are necessary.

B) Statutory Authority: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Commercial fisherman are required to comply with the regulations in this Part.

F) Agency contact person for information:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Designation of Restricted Waters in the State of Illinois - 17 Ill. Adm. Code 2030

1) Rulemaking:

A) Description: An amendment to this Part will be made to designate an area as restricted.

B) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Once an area receives designation, compliance with the provisions of this rulemaking are required by all watercraft operated in the area.

F) Agency contact person for information:

Bob Mool, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Operation of Watercraft Carrying Passengers for Hire on Illinois Waters - 17 Ill. Adm. Code 2080

1) Rulemaking:

A) Description: This Part is being amended to update application and compliance regulations.

B) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Owners of watercraft carrying passengers for hire on waters of this State must comply with the regulations set forth in this rulemaking.

F) Agency contact person for information:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2011 REGULATORY AGENDA

l) Part(s) (Heading and Code Citation): Snowmobile Trail Establishment Fund Grant Program - 17 Ill. Adm. Code 3020

1) Rulemaking:

A) Description: This Part is being amended to update program compliance requirements

B) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Recipients of Snowmobile Trail Establishment Fund Grants are required to comply with these regulations.

F) Agency contact person for information:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Allocation of Water from Lake Michigan - 17 Ill. Adm. Code 3730

1) Rulemaking:

A) Description: The Department plans to amend this rulemaking to update conservation standards.

DEPARTMENT OF NATURAL RESOURCES

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B) Statutory Authority: Implementing and authorized by the Level of Lake Michigan Act [615 ILCS 50].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: Regional organizations, municipalities, political subdivisions, agencies, instrumentalities, organizations, associations, or individuals that have an allocation permit for water from the Lake Michigan diversion are required to comply with the provisions of this rulemaking.

F) Agency contact person for information:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

PROCUREMENT POLICY BOARD

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Proposed Lease Review; Objection by Board (2 Ill. Adm. Code 3002.1500)

1) Rulemaking:

A) Description: New Part updated Procurement Policy Board policies for proposed Lease review

B) Statutory Authority: [30 ILCS 500/40-20(e)]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Aaron Carter, Executive Director
511 West Capitol, Suite 102
Springfield IL 62704
217/785-3988

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citations): Access to Records of the Procurement Policy Board (2 Ill. Adm. Code 3001)

1) Rulemaking:

A) Description: Amendments are necessary to update changes made to the FOIA Act

B) Statutory Authority: [5 ILCS 140]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2011

PROCUREMENT POLICY BOARD

JULY 2011 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: Improves flow of information to general public as well as small businesses, small municipalities and non profit corporations.

F) Agency contact person for information:

Aaron Carter, Executive Director
511 West Capitol, Suite 102
Springfield IL 62704
217/785-3988

G) Related rulemakings and other pertinent information: (2 Ill. Adm. Code 3001)

c) Part(s) (Heading and Code Citations): Personnel Organization Chart (2 Ill. Adm. Code 3000 Appendix A)

1) Rulemaking:

A) Description: Updates the Procurement Policy Board Organization Personnel Chart

B) Statutory Authority: [30 ILCS 500/5-5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Aaron Carter, Executive Director
511 West Capitol, Suite 102
Springfield IL 62704
217/785-3988

PROCUREMENT POLICY BOARD

JULY 2011 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: (2 Ill. Adm. Code 3000 Appendix A)

STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Open Meetings Act (80 Ill. Adm. Code 1600.120)

1) Rulemaking: No docket number presently assigned.

A) Description: A revision to the Section clarifying the definition of "Meeting" given the revised size of the Board that resulted from PA96-006, as well as adopting detailed procedures with respect to the recording or taping of Board and Committee meetings.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Participation Requirements (80 Ill. Adm. Code 1600.200)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section clarifying the definition of “employee” under Section 15-107 of the Illinois Pension Code, 40 ILCS 5/15-107.

STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2011 REGULATORY AGENDA

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Making Preliminary Estimated Payments (80 Ill. Adm. Code 1600.420)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2011 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Tier II (80 Ill. Adm. Code 1600.800)

1) Rulemaking: No docket number presently assigned.

A) Description: Promulgate rules for implementation of P.A. 96-889.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2011 REGULATORY AGENDA

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

G) Related rulemakings and other pertinent information:

DEPARTMENT OF TRANSPORTATION

JULY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Contract Procurement, 44 Ill. Adm. Code 660

1) Rulemaking:

A) Description: This Part will soon be recodified, by the Index Division, to 44 Ill. Adm. Code 6 and the new Part heading will be "Chief Procurement Officer for the Department of Transportation Contract Procurement". After the transfer is completed, the Department will be revising the Part for consistency with Public Acts 96-793 and 96-920, effective July 1, 2010 as those Public Acts pertain to the procurement practices of the Department. A detailed description of the substance of the proposed amendments will be published in the Department's Notice of Proposed Amendments when the rulemaking is published in the *Illinois Register* for the start of the public comment period.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not-for-profit corporations: The new reporting requirements prescribed by the Public Acts will impact small businesses no differently than any other entity doing business with the Department under this Part.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Inspection Procedures for Special Education School Buses, 92 Ill. Adm. Code 445

DEPARTMENT OF TRANSPORTATION

JULY 2011 REGULATORY AGENDA

1) Rulemaking:

A) Description: The Department will be updating the Division's inspection procedures that govern special education school buses by incorporating by reference the October 2010 edition of 49 CFR 571.1 through 49 CFR 571.404, adding new definitions, and amending or adding components.

B) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will impact small businesses that inspect or repair special education school buses.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Business Logo Signing Program, 92 Ill. Adm. Code 542

1) Rulemaking:

A) Description: The Department is proposing to amend this Part to allow more than one sign for any one type of service, under some

circumstances, as permitted by a recent change to the national Manual on Uniform Traffic Control Devices.

B) Statutory Authority: 225 ILCS 440/4.08, 605 ILCS 5/4-201.1, and 225 ILCS 440/14.01

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will affect small businesses desiring to participate in the program.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/ 524-3838

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): School Bus Driver's Pretrip Inspection Requirements, 92 Ill. Adm. Code 458

1) Rulemaking:

A) Description: The Department will be updating this Part pursuant to industry's request to clarify time frames and procedures for school bus pretrip inspections.

B) Statutory Authority: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking affects small businesses that operate school buses and employ school bus drivers.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Inspection Procedures for Multifunction School Activity Buses, 92 Ill. Adm. Code 436 and Minimum Safety Standards for Construction of Multifunction School Activity Buses; 92 Ill. Adm. Code 435

1) Rulemaking:

A) Description: The Department will promulgate two new Parts establishing inspection criteria and construction standards for multifunction school activity buses pursuant to Public Act 96-410, effective July 1, 2010.

B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m) and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2011

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking affects school districts or small

businesses that own, operate, manufacture or sell multifunction school activity buses registered for use in Illinois.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554

1) Rulemaking:

A) Description: These revisions will update and clarify procedures for trucking firms involved in the movement of oversize and overweight loads on State highways.

B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.

F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway

DEPARTMENT OF TRANSPORTATION

JULY 2011 REGULATORY AGENDA

Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
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