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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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
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26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
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49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

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 October 15, 2013 to January 2, 2014.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Proposed Action:
140.12	Amend
140.440	Amend

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The proposed amendments delay the requirement that contract pharmacies participate in the 340B program. Further, contract pharmacies are excluded from the requirement that 340B covered entities bill the Department using 340B inventory and that the covered entities charge the 340B actual acquisition cost. The contract pharmacies can continue to bill non-340B drugs for Medicaid patients.

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? Yes

Sections	Proposed Action	*Illinois Register* Citation
140.24	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.28	Amendment	37Ill. Reg. 3362; March 22, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013
140.80	Amendment	37 Ill. Reg. 10941; July 19, 2013
140.492	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.493	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.462	Amendment	37 Ill. Reg. 12637; August 16, 2013
140.523	Amendment	37 Ill. Reg. 13998; September 6, 2013

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded pharmacies

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: The need for this rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency

amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at

36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

a) Verify eligibility of recipients prior to providing each service;

b) Allow recipients the choice of accepting or rejecting medical or surgical care or treatment;

c) Provide supplies and services in full compliance with all applicable provisions of State and federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:

1) Full compliance with Title VI of the Civil Rights Act of 1964, which

prohibits discrimination on the basis of race, color or national origin;

2) Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and

3) Without discrimination on the basis of religious belief, political affiliation, sex, age or disability;

d) Comply with the requirements of applicable federal and State laws and not engage in practices prohibited by such laws;

e) Provide, and upon demand present documentation of, education of employees, contractors and agents regarding the federal False Claims Act (31 USC 3729-3733) that complies with all requirements of 42 USC 1396a(a)(68). Providers subject to this requirement include a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of the form of business structure or arrangement by which it exists), whether for-profit or not-for-profit, that receives or makes payments totaling at least $5 million annually;

f) Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;

g) Furnish to the Department, in the form and manner requested by it, any information it requests regarding payments for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;

h) Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;

i) Accept as payment in full the amounts established by the Department.

1) If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which reimbursement would have been available from the Department if the provider had timely and properly billed the Department. For purposes

of this subsection, "accepts" shall be deemed to include:

A) an affirmative representation to an individual that payment for services will be sought from the Department;

B) an individual presents the provider with his or her medical card and the provider does not indicate that other payment arrangements will be necessary; or

C) billing the Department for the covered medical service provided an eligible individual.

2) If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department.

j) Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department;

k) Complete an MCH (Maternal and Child Health) Primary Care Provider Agreement in order to participate in the Maternal and Child Health Program (see Section 140.924(a)(1)(D)); and

l) In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Liability of current and previous providers to the Department shall be joint and several. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. A current or previous owner or lessee may request from the Department a list of all known outstanding liabilities due the Department by the facility and of any known pending Department actions against a facility that may result in further liability. For purposes of this Section, "overpayment" shall include, but not be limited to:

1) Amounts established by final administrative decisions pursuant to 89 Ill. Adm. Code 104;

2) Overpayments resulting from advance C-13 payments made pursuant to Section 140.71;

3) Liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Sections 140.82, 140.84 and 140.94; and

4) Amounts identified during past, pending or future audits that pertain to audit periods prior to a change in ownership and are conducted pursuant to Sections 140.30 and 140.590. Liability of current owners or operators for amounts identified during such audits shall be as follows:

A) For past audits (audits completed before changes in ownership), liability shall be the amount established by final administrative decision.

B) For pending audits (audits initiated, but not completed prior to the change in ownership), liability shall be limited to the lesser of the amounts established by final administrative decision or two months of service revenue. Two months of service revenue is defined as the most recent two months of Medicaid patient days multiplied by the total Medicaid rate in effect on the date the new owner or operator is enrolled in the Program as a provider by the Department. The Medicaid rate in effect on the date of enrollment shall be used even if that rate is subsequently changed.

C) For future audits (audits initiated after the change in ownership but pertaining to an audit period prior to a change in ownership), liability shall be limited as described in subsection (l)(4)(B) of this Section.

m) A provider that is eligible to participate in the 340B federal Drug Pricing Program under section 340B of the federal Public Health Service Act (47 USC 201 et seq.), shall enroll in that program. No entity participating in the federal Drug Pricing Program under section 340B of the federal Public Health Services Act may exclude Medicaid from their participation in that program. A provider enrolled in the 340B federal Drug Pricing Program must charge the Department no more than its actual acquisition cost for the drug product, plus the Department established dispensing fee. This requirement is effective October 1, 2012 for 340B providers who own and/or operate a pharmacy that bills the Department for drugs, unless the 340B provider is a Hemophilia Treatment Center (HTC); July 1, 2013 for

providers who are eligible to participate in the 340B program as~~ Hemophilia Treatment Centers (~~ HTCs~~) and for 340B providers for drugs billed to the Department by a contract pharmacy~~; and January 1, 2013 for all other 340B-eligible providers who bill the Department for drugs.

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.440 Pharmacy Services

a) Payment shall be made only to pharmacies.

b) The following conditions apply to pharmacy participation:

1) The pharmacy must hold a current Drug Enforcement Administration (DEA) registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301 et seq.), as well as a current controlled substances license issued by the Illinois Department of Financial and Professional Regulation (see Controlled Substances Act [720 ILCS 570]) prior to enrolling with the Department.

2) Licensed Pharmacy Requirements

A) A licensed pharmacy located in and/or administratively associated with a group practice or long-term facility must:

i) provide the same scope of general pharmacy and professional services as a pharmacy not so affiliated; and

ii) be retail in nature, open and accessible to the general public.

B) The pharmacy shall not limit prescriptions filled to those written by practitioners connected with the group or facility for persons receiving care or services from the group or facility.

3) A hospital pharmacy that provides pharmaceutical services and supplies for inpatients, outpatient clinic patients and emergency room patients of the hospital may not enroll as a participating pharmacy unless licensed to

provide pharmaceutical services to the general public (Division 5 license).

4) Effective August 1, 2012, in order to dispense blood factor, a pharmacy must sign a standards of care agreement with the Department.

5) A pharmacy billing the Department for 340B-purchased drugs shall charge the Department no more than its~~the 340B entity's~~ actual acquisition cost (AAC) for the drug product plus the Department's established dispensing fee, unless the Department has calculated an allowable amount specific to 340B-purchased drugs for that drug. In that case, the pharmacy may bill the Department its usual and customary charges. For a pharmacy provider owned or operated by a Hemophilia Treatment Center, this requirement does not become effective until July 1, 2013.

c) The Department shall pay for the dispensing of pharmacy items, subject to the provisions of subsection (d) and Section 140.443, which are prescribed by a physician, dentist or podiatrist within the scope of their professional practice.

d) Beginning with drugs dispensed on or after April 1, 1991, Department coverage shall be limited to those drug manufacturers having rebate agreements in effect as provided under Section 1927 of Title XIX of the Social Security Act (42 USC 1396s). The Department shall provide all interested parties with an updated list of drug manufacturers having rebate agreements in effect.

e) The Department may require approval for the reimbursement of any drug except as provided in Section 140.442. When reviewing requests for prior authorization, approval decisions shall be medically based. The Department's electronic claims processing system shall be the mechanism for identification of whether a prescribed drug requires prior authorization to dispensing pharmacists. A printed listing of prescribed drugs available without prior approval shall be provided to other interested parties upon request.

f) An approved request does not guarantee payment. The recipient for whom the services/items are approved must be eligible at the time they are provided. In addition, a valid, current prescription for the requested medication must be on file and maintained by the pharmacy in accordance with the Pharmacy Practice Act of 1987 [225 ILCS 85].

g) For purposes of Sections 140.440 through 140.448, pertaining to reimbursement for drugs, the following definitions apply:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Nursing facility means any facility that provides medical group care services as defined in Section 140.500.

2) Generic drug means those legend drugs that are multiple source drugs marketed or sold by two or more labelers, marketed or sold by the same labeler under two or more different proprietary names or marketed both under a proprietary name and without such a name.

3) Brand name drug means single-source innovator drugs and innovator multiple-source drugs when prior authorization has been obtained for reimbursing the innovator product.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Summary Document and Disclaimer

2) Code Citation: 50 Ill. Adm. Code 3401

3) Section Number: 3401.ILLUSTRATION A
Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19]

5) A Complete Description of the Subjects and Issues Involved: The Illinois Life and Health Insurance Guaranty Association changed their address effective September 1, 2013. The rule is being amended to update the address in 3401.ILLUSTRATION A.

6) Any published studies or reports, along with the sources of underlying data, used when composing 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 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:

Joe Clennon, Staff Attorney
Department of Insurance
320 West Washington , 4th Floor
Springfield, IL 62767-0001

217/557-1396

or

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

217/558-0957

Fax: 217/524-9033

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: This rulemaking was not included on either of the 2 most recent agendas because the address change did not take place until after publication of the latest agenda.

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ll: LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

PART 3401
SUMMARY DOCUMENT AND DISCLAIMER

Section
3401.10 Applicability
3401.20 Purpose
3401.30 Definitions
3401.40 Delivery of Documents Required
3401.ILLUSTRATION A Summary Document and Disclaimer

AUTHORITY: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19].

SOURCE: Adopted at 19 Ill. Reg. 9134, effective July 1, 1995; expedited correction at 19 Ill. Reg. 13090, effective July 1, 1995; amended at 24 Ill. Reg. 16344, effective October 23, 2000; amended at 37 Ill. Reg. 15355, effective January 1, 2014; amended at 38 Ill. Reg. _____, effective _____.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

Section 3401.ILLUSTRATION A Summary Document and Disclaimer

NOTICE OF
PROTECTION PROVIDED BY
ILLINOIS LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

This notice provides a **brief summary** description of the Illinois Life and Health Insurance Guaranty Association (the Association) and the protection it provides for policyholders. This safety net was created under Illinois law that determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your member life, annuity or health insurance company becomes financially unable to meet its obligations and is placed into Receivership by the Insurance Department of the state in which the company is domiciled. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Illinois law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association per insolvency are:

- Life Insurance
  - $300,000 in death benefits
  - $100,000 in cash surrender or withdrawal values
- Health Insurance
  - $500,000 in hospital, medical and surgical insurance benefits*
  - $300,000 in disability insurance benefits
  - $300,000 in long-term care insurance benefits
  - $100,000 in other types of health insurance benefits
- Annuities
  - $250,000 in withdrawal and cash values

* The maximum amount of protection for each individual, regardless of the number of policies or contracts, is $300,000, except special rules apply to hospital, medical and surgical insurance benefits for which the maximum amount of protection is $500,000.

Note: Certain policies and contracts may not be covered or fully covered. For example, coverage does not extend to any portion of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also residency requirements

and other limitations under Illinois law.

To learn more about these protections, as well as protections relating to group contracts or retirement plans, please visit the Association's website at www.ilhiga.org or contact:

Illinois Life and Health Insurance Guaranty Association
1520 Kensington Road, Suite 112~~8420 West Bryn Mawr Avenue, Suite 550~~
Oak Brook, Illinois 60523-2140~~Chicago, Illinois 60631-3404~~
(773) 714-8050

Illinois Department of Insurance
4th Floor
320 West Washington Street
Springfield, Illinois 62767
(217) 782-4515

Insurance companies and agents are not allowed by Illinois law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Illinois law, then Illinois law will control.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Number: 720.111 Proposed Action: Amend

4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking of which the amendment to Part 720 is a single segment. Also affected are 35 Ill. Adm. Code 727, 810, 811, and 814, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

The Board reserved Docket R14-1 to update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the update period January 1, 2013 through June 30, 2013. Similarly, the Board reserved docket R14-2 to update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) during that period. Finally, the Board reserved Docket R14-3 to update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the period.

USEPA did not amend any of the pertinent regulations during the period. During the period January 1, 2013 through June 30, 2013, however, updates became available to the versions of several provisions of the Code of Federal Regulations and the United States Code that are incorporated by reference in the Illinois UIC, MSWLF, and hazardous waste rules.

Rather than dismiss the dockets for a lack of USEPA action in the three program areas that would require Board action, the Board is using this opportunity to update the incorporations by reference. The Board is further using this opportunity to make a series of corrections and minor revisions relating to the incorporations by reference and reliance

on them in substantive provisions. Finally, the Board is making a series of non-substantive revisions and corrections to the text of the open provisions that are not related to the incorporations by reference.

Specifically, the amendments to Part 720 update incorporations by reference to the Code of Federal Regulations and the United States Code.

Sections 13(c) and 22.4 of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

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

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

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

10) 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) (2012)].

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

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312/814-6924
michael.mccambridge@illinois.gov

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well or which generate, transport, treat, store, or dispose of hazardous waste. 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) (2012)]

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. 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) (2012)]

C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

The full text of the proposed rulemaking begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope, and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender
720.104 Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.123 Petitions for Regulation as Universal Waste
720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.134 Non-Waste Determinations
720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142 Notification Requirement for Hazardous Secondary Materials

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;

amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

"Accreditation Council for Graduate Medical Education: Glossary of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address: http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete," adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks," API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984.

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

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

ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete," approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis," approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes," approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of

Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance

of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions," December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry," Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at: water.epa.gov/scitech/methods/cwa/methods_index.cfm. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep/index.html.

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System," July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023,

referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20, C(2005)141, and C(2008)156:

"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141; and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of

Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO_2 Evolution (Modified Sturm Test), " referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from http://www.ddesb.pentagon.mil. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary

Sources, Revised," October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program – Guidance Manual for the Petitioner," March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

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

10 CFR 20.2006 (2013) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (2013) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2013) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (2013), as amended at 77 Fed. Reg. 39899 (July 6, 2012) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2013) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 (2013) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2013)~~(2012)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2013)~~(2012)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2013)~~(2012)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2013)~~(2012)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2013)~~(2012)~~ (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models," Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (2013)~~(2012)~~ (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2013)~~(2012), as amended at 77 Fed. Reg. 44488 (July 30, 2012); 77 Fed. Reg. 48433 (Aug. 14, 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 56421 (Sept. 12, 2012)~~ (Standards of Performance for

New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (2013)~~(2012)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Appendix A to 40 CFR 60 (2013)~~(2012)~~ (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in

35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 61 (2013)~~(2012)~~ (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2013)~~(2012)~~ (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61 (2013)~~(2012)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2013)~~(2012), as amended at 77 Fed. Reg. 41075 (July 12, 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 55698 (Sept. 11, 2012); 77 Fed. Reg. 58219 (Sept. 19, 2012); 77 Fed. Reg. 65135 (Oct. 25, 2012); 77 Fed. Reg. 75739 (Dec. 21, 2012)~~ (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (2013)~~(2012)~~ (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (2013)~~(2012)~~ (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2013)~~(2012)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 (2013)~~(2012)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2013)~~(2012)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2013)~~(2012)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2013)~~(2012)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2013)~~(2012)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2013)~~(2012)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (2013) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.

40 CFR 258 (2013)~~(2012)~~ (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2013)~~(2012)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2013)~~(2012)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2013)~~(2012)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 (2013)~~(2012)~~ (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 (2013)~~(2012)~~ (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 (2013)~~(2012)~~ (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 (2013)~~(2012)~~ (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 (2013)~~(2012)~~ (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 (2013)~~(2012)~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2013)~~(2012)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 (2013)~~(2012)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2013)~~(2012)~~ (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (2013)~~(2012)~~ (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2013)~~(2012)~~ (Political Jurisdictions in Which Compliance with section~~§~~ 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Appendix I to 40 CFR 265 (2013)~~(2012)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2013)~~(2012)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2013)~~(2012)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2013)~~(2012)~~ (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2013)~~(2012)~~ (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2013)~~(2012)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2013)~~(2012)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 (2013)~~(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2013)~~(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2013)~~(2012)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2013)~~(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2013)~~(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2013)~~(2012)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2013)~~(2012)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2013)~~(2012)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2013)~~(2012)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2013)~~(2012)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 (2013)~~(2012)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2013)~~(2012)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 (2013)~~(2012)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2013)~~(2012)~~ (Class 1 − Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2013)~~(2012)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2013)~~(2012)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 − Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2013)~~(2012)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2013)~~(2012)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2013)~~(2012)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2013)~~(2012)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2013)~~(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2013)~~(2012)~~ (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014)(2011), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)) (2012)~~(2011)~~, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) (2011), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit

2) Code Citation: 35 Ill. Adm. Code 727

3)

Section Number:	Proposed Action:
727.240	Amend

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 727 is a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 810, 811, and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendment to Part 727 makes a correction requested by JCAR.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Sections 13(c) and 22.4 of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

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

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well or which generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

14) Regulatory Agenda on which this rulemaking was summarized: June 2013

The full text of the proposed rulemaking begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 727
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

Section
727.100 General
727.110 General Facility Standards
727.130 Preparedness and Prevention
727.150 Contingency Plan and Emergency Procedures
727.170 Recordkeeping, Reporting, and Notifying
727.190 Releases from Solid Waste Management Units
727.210 Closure
727.240 Financial Requirements
727.270 Use and Management of Containers
727.290 Tank Systems
727.900 Containment Buildings
727.APPENDIX A Financial Assurance Forms
727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure
727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage
727.APPENDIX B Correlation of State and Federal Provisions
727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

Section 727.240 Financial Requirements

a) Applicability and substance of the financial requirements

1) The regulations in this Section apply to owners and operators who treat or store hazardous waste under a RCRA standardized permit, except as provided in Section 727.100(a)(2) or subsection (a)(4) of this Section.

2) The facility owner or operator must do each of the following:

A) It must prepare a closure cost estimate as required in subsection (c) of this Section;

B) It must demonstrate financial assurance for closure as required in subsection (d) of this Section; and

C) It must demonstrate financial assurance for liability as required in subsection (h) of this Section.

3) The owner or operator must notify the Agency if the owner or operator is named as a debtor in a bankruptcy proceeding under Title 11 (Bankruptcy) of the United States Code (see also subsection (i) of this Section).

4) States and the federal government are exempt from the requirements of this Section.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 267.140 (2013)~~(2012)~~.

b) Definitions of terms as used in this Section

1) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 727.210(c).

2) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsections (c)(1), (c)(2), and (c)(3) of this Section.

3) This subsection (b)(3) corresponds with 40 CFR 267.141(c), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

4) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator. In this instance, the owned corporation that is the facility owner or operator is deemed a "subsidiary" of the parent corporation.

5) This subsection (b)(5) corresponds with 40 CFR 267.141(e), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

6) The following terms are used in the specifications for the financial tests for closure and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"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.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

7) In the liability insurance requirements, the terms "bodily injury" and "property damage" have the meanings given them by applicable State law. However, these terms do not include those liabilities that, consistent with standard industry practices, are excluded from coverage in liability insurance policies for bodily injury and property damage. The Agency intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Sudden accidental occurrence" means an occurrence that is not continuous or repeated in nature.

8) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the facility owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law", as used in this subsection (b~~d~~)(8), means the laws of the State of Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 267.141 (2013)~~(2012)~~. Subsection (b)(8) is also derived from the discussion at 53 Fed.

Reg. 33938, 41-43 (Sept. 1, 1988). The term "substantial business relationship" is also independently defined in 35 Ill. Adm. Code 724.241(h) and 725.241(h). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to Section~~section~~ 40 of the Act [415 ILCS 5/40].

c) Cost estimate for closure

1) The facility owner or operator must have at the facility a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Section 727.210(b) through (f) and applicable closure requirements in Sections 727.270(g), 727.290(l), and 727.900(i).

A) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan (see Section 727.210(c)(2)).

B) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See the definition of parent corporation in subsection (b)(4) of this Section.) The owner or operator may use costs for on-site disposal if it can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

C) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.

D) The facility owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes that might have economic value.

2) During the active life of the facility, the facility owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (d) of this Section. For an owner or operator

using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the guarantor's fiscal year and before submission of updated information to the Agency as specified in subsection (n)(3) of this Section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross Domestic Product (Deflator) published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (c)(2)(A) and (c)(2)(B) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13.

3) During the active life of the facility, the facility owner or operator must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (c)(2) of this Section.

4) The facility owner or operator must keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with subsections (c)(1) and (c)(3) of this Section and, when this estimate has been adjusted in accordance with subsection (c)(2) of this Section, the latest adjusted closure cost estimate.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 267.142 (2013)~~(2012)~~.

d) Financial assurance for closure. The facility owner or operator must establish financial assurance for closure of each storage or treatment unit that it owns or operates. In establishing financial assurance for closure, the owner or operator must choose from among the financial assurance mechanisms in subsections (d)(1) through (d)(7) of this Section. The owner or operator can also use a combination of mechanisms for a single facility if the combination meets the requirement in subsection (d)(8) of this Section, or it may use a single mechanism for multiple facilities as in subsection (d)(9) of this Section. The Agency must release the owner or operator from the requirements of this subsection (d) after the owner or operator meets the criteria pursuant to subsection (d)(10) of this Section.

1) Closure trust fund. An owner or operator may use the "closure trust fund" that is specified in 35 Ill. Adm. Code 724.243(a)(1), (a)(2), and (a)(6) through (a)(11). For purposes of this subsection (d)(1), the following provisions also apply:

A) Payments into the trust fund for a new facility must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan, or over three years, whichever period is shorter. This period of time is hereafter referred to as the "pay-in period."

B) For a new facility, the facility owner or operator must make the first payment into the closure trust fund before the facility may accept the initial storage. A receipt from the trustee must be submitted by the owner or operator to the Agency before this initial storage of waste. The first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period, except as provided in subsection (d)(8) of this Section for multiple mechanisms. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The owner or operator determines the amount of each subsequent payment by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this

difference by the number of years remaining in the pay-in period. Mathematically, the formula is as follows:

$$NP = \frac{(CCE - CVTF)}{YRPP}$$

Where:

NP = the amount of the next payment

CCE = the current closure cost estimate

CVTF = the current value of the trust fund

YRPP = the years remaining in the pay-in period.

C) The owner or operator of a facility existing on the effective date of this subsection (d)(1) can establish a trust fund to meet the financial assurance requirements of this subsection (d)(1). If the value of the trust fund is less than the current closure cost estimate when a final approval of the permit is granted for the facility, the owner or operator must pay the difference into the trust fund within 60 days.

D) The facility owner or operator may accelerate payments into the trust fund or deposit the full amount of the closure cost estimate when establishing the trust fund. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsections (d)(1)(B) or (d)(1)(C) of this Section.

E) The facility owner or operator must submit a trust agreement with the wording specified~~designated~~ by the Agency pursuant to subsection (l)(3) of this Section.

2) Surety bond guaranteeing payment into a closure trust fund. An owner or operator may use the "surety bond guaranteeing payment into a closure trust fund," as specified in 35 Ill. Adm. Code 724.243(b), including the use of the surety bond instrument designated by the Agency pursuant to

subsection (1)(3) of this Section, and the standby trust specified at 35 Ill. Adm. Code 724.243(b)(3).

3) Surety bond guaranteeing performance of closure. An owner or operator may use the "surety bond guaranteeing performance of closure," as specified in 35 Ill. Adm. Code 724.243(c), the submission and use of the surety bond instrument designated by the Agency pursuant to subsection (1)(3) of this Section, and the standby trust specified at 35 Ill. Adm. Code 724.243(c)(3).

4) Closure letter of credit. An owner or operator may use the "closure letter of credit" specified in 35 Ill. Adm. Code 724.243(d), the submission and use of the irrevocable letter of credit instrument designated by the Agency pursuant to subsection (1)(3) of this Section, and the standby trust specified in 35 Ill. Adm. Code 724.243(d)(3).

5) Closure insurance. An owner or operator may use "closure insurance," as specified in 35 Ill. Adm. Code 724.243(e), utilizing the certificate of insurance for closure designated by the Agency pursuant to subsection (1)(3) of this Section.

6) Corporate financial test. An owner or operator that satisfies the requirements of this subsection (d)(6) may demonstrate financial assurance up to the amount specified in this subsection (d)(6).

A) Financial component. See subsection (m) of this Section.

BOARD NOTE: It was necessary for the Board to codify corresponding 40 CFR 267.143(f)(1) as subsection (m) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(A) also include added subsection (m) of this Section, as applicable.

B) Recordkeeping and reporting requirements. See subsection (n) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2) as subsection (n) of this Section to comport with

Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(B) also include added subsection (n) of this Section, as applicable.

7) Corporate guarantee

A) A facility owner or operator may meet the requirements of this subsection (d) by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsection (d)(6) of this Section and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (1)(3) of this Section. The certified copy of the guarantee must accompany the letter from the guarantor's chief financial officer and accountants' opinions. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

B) For a new facility, the guarantee must be effective and the guarantor must submit the items in subsection (d)(7)(A) of this Section and the items specified in subsection (n)(1) of this Section to the Agency at least 60 days before the owner or operator places waste in the facility.

C) The terms of the guarantee must provide as required by subsection (o) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(g)(3) as subsection (o) of this Section to comport with Illinois Administrative Code indent level codification

requirements. The Board intends that any citation to this subsection (d), (d)(7), or (d)(7)(C) also include added subsection (o) of this Section, as applicable.

D) If a corporate guarantor no longer meets the requirements of subsection (d)(6)(A) of this Section, the owner or operator must, within 90 days, obtain alternative assurance, and submit the assurance to the Agency for approval. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within the next 30 days, and submit it to the Agency for approval.

E) The guarantor is no longer required to meet the requirements of this subsection (d)(7) when either of the following occurs:

i) The facility owner or operator substitutes alternate financial assurance as specified in this subsection (d); or

ii) The facility owner or operator is released from the requirements of this subsection (d) in accordance with subsection (d)(10) of this Section.

8) Use of multiple financial mechanisms. An owner or operator may use more than one mechanism at a particular facility to satisfy the requirements of this subsection (d). The acceptable mechanisms are trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, insurance, the financial test, and the guarantee, except owners or operators cannot combine the financial test with the guarantee. The mechanisms must be as specified in subsections (d)(1), (d)(2), (d)(4), (d)(5), (d)(6), and (d)(7) of this Section, respectively, except it is the combination of mechanisms rather than a single mechanism that must provide assurance for an amount at least equal to the cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, it may use the trust fund as the standby trust for the other mechanisms. A single trust fund can be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

9) Use of a financial mechanism for multiple facilities. An owner or operator

may use a financial mechanism for multiple facilities, as specified in 35 Ill. Adm. Code 724.243(h).

10) Release of the owner or operator from the requirements of this subsection (d). Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency will notify the owner or operator in writing that the owner or operator is no longer required by this subsection (d) to maintain financial assurance for final closure of the facility, unless the Agency has reason to believe that final closure has not been completed in accordance with the approved closure plan. The Agency must provide the owner or operator with a detailed written statement of any such reasons to believe that closure has not been conducted in accordance with the approved closure plan.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 267.143 (2013)~~(2012)~~.

e) This subsection (e) corresponds with 40 CFR 267.144, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

f) This subsection (f) corresponds with 40 CFR 267.145, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

g) This subsection (g) corresponds with 40 CFR 267.146, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

h) Liability requirements

1) Coverage for sudden accidental occurrences. The owner or operator of a hazardous waste treatment or storage facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental

occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsection (h)(1)(A) through (h)(1)(G) of this Section:

A) Trust fund for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a trust fund for liability coverage as specified in 35 Ill. Adm. Code 724.247(j).

B) Surety bond for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a surety bond for liability coverage as specified in 35 Ill. Adm. Code 724.247(i).

C) Letter of credit for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a letter of credit for liability coverage as specified in 35 Ill. Adm. Code 724.247(h).

D) Insurance for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining liability insurance as specified in 35 Ill. Adm. Code 724.247(a)(1).

E) Financial test for liability coverage. The owner or operator may meet the requirements of this subsection (h) by passing a financial test as specified in subsection (h)(6) of this Section.

F) Guarantee for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a guarantee as specified in subsection (h)(7) of this Section.

G) Combination of mechanisms. The owner or operator may demonstrate the required liability coverage through the use of combinations of mechanisms as allowed by 35 Ill. Adm. Code 724.247(a)(6).

H) An owner or operator must~~shall~~ notify the Agency in writing within 30 days whenever either of the following occurs:

i) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (h)(1)(A) through (h)(1)(G) of this Section; or

ii) A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) of this Section; or

iii) A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) of this Section.

2) This subsection (h)(2) corresponds with 40 CFR 267.147(b), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

3) This subsection (h)(3) corresponds with 40 CFR 267.147(c), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

4) This subsection (h)(4) corresponds with 40 CFR 267.147(d), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

5) Period of coverage. Within 60 days after receiving certifications from the facility owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that he is no longer required by this section to maintain liability coverage from that facility, unless the Agency has reason to believe that

closure has not been in accordance with the approved closure plan.

6) Financial test for liability coverage. A facility owner or operator that satisfies the requirements of this subsection (h)(6) may demonstrate financial assurance for liability up to the amount specified in this subsection (h)(6):

A) Financial component

i) If using the financial test for only liability coverage, the owner or operator must have tangible net worth greater than the sum of the liability coverage to be demonstrated by this test plus $10 million.

ii) The owner or operator must have assets located in the United States amounting to at least the amount of liability covered by this financial test.

iii) An owner or operator who is demonstrating coverage for liability and any other environmental obligations, including closure pursuant to subsection (d)(6) of this Section, through a financial test must meet the requirements of subsection (d)(6) of this Section.

B) Recordkeeping and reporting requirements. See subsection (p) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(f)(2) as subsection (p) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(6), or (h)(6)(B) also include added subsection (p) of this Section, as applicable.

7) Guarantee for liability coverage

A) Subject to subsection (h)(7)(B) of this Section, a facility owner or operator may meet the requirements of this subsection (h) by obtaining a written guarantee, hereinafter referred to as

"guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (h)(6)(A) and (h)(6)(B) of this Section. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (1)(3) of this Section. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (h)(6)(B) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

i) If the facility owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden accidental occurrences arising from the operation of facilities covered by this corporate guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

ii) This subsection (h)(7)(A)(ii) corresponds with 40 CFR 267.147(g)(1)(ii), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

B) Foreign Corporations. See subsection (q) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(g)(2) as subsection (q) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this

subsection (h), (h)(7), or (h)(7)(B) also include added subsection (q) of this Section, as applicable. See the further explanation of the differences between subsection (q) of this Section and 40 CFR 267.147(g)(2) in the Board note appended to subsection (q).

BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR 267.147 (2013)~~(2012)~~.

i) Incapacity of owners or operators, guarantors, or financial institutions

1) The facility owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in subsections (d)(7) and (h)(7) of this Section must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee designated by the Agency pursuant to subsection (1)(3) of this Section.

2) An owner or operator who fulfills the requirements of subsection (d) or (h) of this Section by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

BOARD NOTE: Subsection (i) of this Section is derived from 40 CFR 267.148 (2013)~~(2012)~~.

j) This subsection (j) corresponds with 40 CFR 267.149, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

k) State assumption of responsibility

1) If the State either assumes legal responsibility for an owner's or operator's

compliance with the closure care or liability requirements of this Part or assures that funds will be available from State sources to cover those requirements, the owner or operator will be in compliance with the requirements of subsection (d) or (h) of this Section if USEPA Region 5 determines that the State's assumption of responsibility is at least equivalent to the financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 will evaluate the equivalency of State guarantees principally in terms of the following: the certainty of the availability of funds for the required closure care activities or liability coverage; and the amount of funds that will be made available. USEPA has stated that USEPA Region 5 may also consider other factors as it deems appropriate. The facility owner or operator must submit to USEPA Region 5 a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this Section. The letter from the State must include, or have attached to it, the following information: the facility's USEPA identification number, the facility name and address, and the amount of funds for closure care or liability coverage that are guaranteed by the State. USEPA has stated that USEPA Region 5 will notify the owner or operator of its~~his~~ determination regarding the acceptability of the State's guarantee in lieu of financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of subsection (d) or (h) of this Section, as applicable.

2) If a State's assumption of responsibility is found acceptable as specified in subsection (k)(1) of this Section except for the amount of funds available, the owner or operator may satisfy the requirements of this Section by use of both the State's assurance and additional financial mechanisms as specified in this Section. The amount of funds available through the State and federal mechanisms must at least equal the amount required by this Section.

BOARD NOTE: Subsection (k) of this Section is derived from 40 CFR 267.150 (2013)~~(2012)~~.

l) Wording of the instruments

1) Forms for using the corporate financial test to demonstrate financial assurance for closure. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6) of this Section. The letter must be worded as designated by the Agency pursuant to subsection (1)(3) of this Section.

2) Forms for using the financial test to demonstrate financial assurance for third-party liability. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6) of this Section. The letter must be worded as designated by the Agency pursuant to subsection (1)(3) of this Section.

3) The Agency must designate standardized forms based on 40 CFR 264.151 and 40 CFR 267.151 (Wording of the Instruments), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Section must do so only upon the standardized forms promulgated by the Agency. The Agency must reject any financial assurance document that is not submitted on such standardized forms.

BOARD NOTE: Subsection (l) of this Section is derived from 40 CFR 267.151 (2013)~~(2012)~~.

m) Financial component for using the corporate financial test to demonstrate financial assurance for closure

1) The facility owner or operator must satisfy one of the following three conditions:

A) A current rating for its senior unsecured 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 both of the following:

A) The sum of the current environmental obligations (see subsection (n)(1)(A)(i) of this Section), including guarantees, covered by a financial test plus $10 million, except as provided in subsection (m)(2)(B) of this Section; and

B) $10 million in tangible net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements provided all of the environmental obligations (see subsection (n)(1)(A)(i) of this Section) 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 facility owner or operator must have assets located in the United States amounting to at least the sum of environmental obligations covered by a financial test as described in subsection (n)(1)(A)(i) of this Section.

BOARD NOTE: Subsection (m) of this Section is derived from 40 CFR 267.143(f)(1) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(A) of this Section also include this added subsection (m), as applicable.

n) Recordkeeping and reporting requirements for using the corporate financial test to demonstrate financial assurance for closure

1) The facility owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides the following information:

i) It lists all the applicable current types, amounts, and sums of environmental obligations covered by a financial test. These obligations include both obligations in the programs that USEPA directly operates and obligations where USEPA has delegated authority to a State or approved a State's program. These obligations include, but are not limited to the information described in subsection (n)(1)(E) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vii*) as subsection (n)(1)(E) through (n)(1)(E)(vii) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) of this Section or to this subsection (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsection (n)(1)(E) through (n)(1)(E)(vii) of this Section, as applicable.

ii) It provides evidence demonstrating that the firm meets the conditions of either subsection (m)(1)(A), (m)(1)(B), or (m)(1)(C) of this Section and subsections (m)(2) and (m)(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 may 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 alternate financial assurance that meets the requirements of this section within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (m)(1)(B) or (m)(1)(C) of this Section that are different from data in the audited financial statements referred to in subsection (n)(1)(B) of this Section or any other audited financial statement or data filed with the SEC, 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~~shall~~ 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 (m)(2)(B) of this Section, then the letter must~~shall~~ 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.

E) Contents of the letter signed by the chief financial officer (for the purposes of subsection (n)(1)(A)(i) of this Section):

i) The liability, closure, post-closure and corrective action cost estimates required for hazardous waste treatment, storage, and disposal facilities pursuant to the applicable provisions of 35 Ill. Adm. Code 724.201, 724.242, 724.244, 724.247, 725.242, 725.244, and 725.247;

ii) The cost estimates required for municipal solid waste management facilities pursuant to the applicable provisions of Subpart G of 35 Ill. Adm. Code 811;

iii) The current plugging cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 704.212;

iv) The federally required cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280.93;

v) The federally required cost estimates required for PCB storage facilities pursuant to 40 CFR 761.65;

vi) Any federally required financial assurance required by or as part of an action undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.); and

vii) Any other environmental obligations that are assured through a financial test.

BOARD NOTE: Subsections (n)(1)(E) through (n)(1)(E)(vi) of this Section are derived from 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vi*) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), (d)(6)(B), (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) of this Section also include added subsections (n)(1)(E) through (n)(1)(E)(vi), as applicable.

2) The owner or operator of a new facility must submit the items specified in subsection (n)(1) of this Section to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (n)(1) of this Section, the owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may 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 (n)(1) of this Section.

4) The owner or operator is no longer required to submit the items specified in this subsection (n) of this Section or comply with the requirements of subsection (d)(6) of this Section when either of the following occurs:

A) The owner or operator substitutes alternate financial assurance as specified in subsection (d) of this Section that is not subject to these recordkeeping and reporting requirements; or

B) The Agency releases the owner or operator from the requirements of subsection (d) of this Section in accordance with subsection (d)(10) of this Section.

5) An owner or operator who no longer meets the requirements of subsection (m) of this Section cannot use the financial test to demonstrate financial assurance. Instead an owner or operator who no longer meets the requirements of subsection (m) of this Section, must do the following:

A) It must send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this subsection (n) and subsections (d), (m), and (o) of this Section; and

B) It must provide alternative financial assurance within 120 days after the end of such fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (m) of this Section, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (n). If the Agency finds that the owner or operator no longer meets the requirements of subsection (m) of this Section, the owner or operator must provide alternate financial assurance

that meets the requirements of subsection (d) of this Section.

BOARD NOTE: Subsection (n) of this Section is derived from 40 CFR 267.143(f)(2) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) of this Section also include this added subsection (n), as applicable.

o) The terms of the guarantee for using the corporate guarantee to demonstrate financial assurance for closure must provide as follows:

1) If the facility owner or operator fails to perform closure at a facility covered by the guarantee, the guarantor will accomplish the following:

A) It will perform, or pay a third party to perform closure (performance guarantee); or

B) It will establish a fully funded trust fund as specified in subsection (d)(1) of this Section in the name of the owner or operator (payment guarantee).

2) The guarantee will remain in force for as long as the facility owner or operator must comply with the applicable financial assurance requirements of this Section unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency as evidenced by the return receipts.

3) If notice of cancellation is given, the facility owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternate financial assurance, and submit documentation for that alternate financial assurance to the Agency. If the owner or operator fails to provide alternate financial assurance and obtain the written approval of such alternative assurance from the Agency within the 90-day period, the guarantor must provide that alternate assurance in the name of the owner or operator and submit the necessary documentation for the alternative assurance to the Agency within 120 days after the cancellation notice.

BOARD NOTE: Subsection (o) of this Section is derived from 40 CFR 267.143(g)(3) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(7), or (d)(7)(C) of this Section also include this added subsection (o), as applicable.

p) Recordkeeping and reporting requirements

1) The owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides evidence demonstrating that the firm meets the conditions of subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this Section. If the firm is providing only liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, the letter should use the wording in subsection (l)(2) of this Section. If the firm is providing only liability coverage through a financial test for facilities regulated pursuant to this Part 727, it should use the letter designated by the Agency pursuant to subsection (1)(3) of this Section. If the firm is providing liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, and it assures closure costs or any other environmental obligations through a financial test, it must use the letter in subsection (l)(1) of this Section for the facilities issued a permit pursuant to this Part 727.

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 may 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 alternate financial assurance that meets the requirements of this subsection (h) within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this Section that are different from data in the audited financial statements referred to in subsection (p)(1)(B) of this Section or any other audited financial statement or data filed with the SEC, 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~~shall~~ be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must~~shall~~ 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.

2) The owner or operator of a new facility must submit the items specified in subsection (p)(1) of this Section to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (p)(1) of this Section, the facility owner or operator must send updated information to the Agency within 90 days following the close of the owner or operator's fiscal year. The Agency may 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 (p)(1) of this Section.

4) The owner or operator is no longer required to submit the items specified in this subsection (p) or comply with the requirements of subsection (h)(6) of this Section when either of the following occurs:

A) The facility owner or operator substitutes alternate financial assurance as specified in subsection (h) of this Section that is not subject to these recordkeeping and reporting requirements; or

B) The Agency releases the facility owner or operator from the requirements of subsection (h) of this Section in accordance with subsection (d)(10) of this Section.

5) An owner or operator that no longer meets the requirements of subsection (h)(6)(A) of this Section cannot use the financial test to demonstrate financial assurance. An owner or operator who no longer meets the requirements of subsection (h)(6)(A) of this Section, must do the following:

A) Send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The facility owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this Section.

B) Provide alternative financial assurance within 120 days after the end of that fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (h)(6)(A) of this Section, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (p) of this Section. If the Agency finds that the owner or operator no longer meets the requirements of subsection (h)(6)(A) of this Section, the owner or operator must provide alternate financial assurance that meets the requirements of subsection (h) of this Section.

BOARD NOTE: Subsection (p) of this Section is derived from 40 CFR 267.147(f)(2) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(6), or (h)(6)(B) of this Section also include this added subsection (p), as applicable.

q) Foreign corporations

1) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

2) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

BOARD NOTE: Subsection (q) of this Section is derived from 40 CFR 267.147(g)(2) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(7), or (h)(7)(B) of this Section also include this added subsection (q), as applicable. The text of 40 CFR 267.147(g)(2) is substantially identical to that of 40 CFR 264.147(g)(2). The Board has substituted the language of 35 Ill. Adm. Code 724.247(g)(2), which corresponds with 40 CFR 264.147(g)(2), for that of 40 CFR 267.147(g)(2).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Solid Waste Disposal: General Provisions

2) Code Citation: 35 Ill. Adm. Code 810

3) Section Number: 810.104 Proposed Action: Amend

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 810 is a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 811 and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendment to Part 810 update incorporations by reference to the Code of Federal Regulations and correct some incorporations by reference. The Board has included one correction to the main source note.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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 proposed rulemaking contain incorporations by reference? Yes

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

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

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

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

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

14) Regulatory Agenda on which this rulemaking was summarized: June 2013

The full text of the proposed rulemaking begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED 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. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2013)~~, 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 (2013)~~, 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 (2013)~~, 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 (2013)~~, 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 (2013)~~(2005)~~ (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

Appendix I to 40 CFR 258 (2013), referenced in 35 Ill. Adm. Code 811.319~~.Appendix I (2006)~~.

Appendix II to 40 CFR 258 (2013), referenced in 35 Ill. Adm. Code 811.319~~.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, referenced in 35 Ill. Adm. Code 811.715.

American Institute of Certified Public Accountants (AICPA) Professional Standards – Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

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, referenced in 35 Ill. Adm. Code 817.103.

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water," approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

4) GASB. Governmental 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, referenced in 35 Ill. Adm. Code 811.716.

5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

6) U.S. Government Printing Office, Washington DC 20402, Ph: 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "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~~ EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

b) This incorporation includes no later amendments or editions.

(Source: Amended at 38 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:
811.107	Amend
811.319	Amend
811.715	Amend
811.716	Amend

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27

5) A Complete Description of the Subject and Issues Involved: The amendments to Part 811 are a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 810, and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 811 correct and amend various references to incorporations by reference. The Board has included a limited number of corrections and clarifying amendments that are not directly related to incorporations by reference, such as updating references to the Code of Federal Regulations, revising the format of references to State and federal regulations, correction of a reference name, and corrections in grammar and style.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides

that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

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

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

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

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

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

312/814-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph 11-500
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michael.mccambridge@illinois.gov

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013

The full text of the proposed rulemaking 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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. 18882, effective October 24, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.107 Operating Standards

a) Phasing of Operations

1) Waste must be placed in a manner and at such a rate that mass stability is provided during all phases of operation. Mass stability means that the mass of waste deposited will not undergo settling or slope failure that interrupts operations at the facility or causes damage to any of the various landfill operations or structures, such as the liner, leachate or drainage collection system, gas collection system, or monitoring system.

2) The phasing of operations at the facility must be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.

3) The operator must design and sequence the waste placement operation in each discrete unit or parts of units, in conjunction with the overall operations of the facility, so as to shorten the operational phase and allow wastes to be built up to the planned final grade.

b) Size and Slope of Working Face

1) The working face of the unit must be no larger than is necessary, based on the terrain and equipment used in waste placement, to conduct operations in a safe and efficient manner.

2) The slopes of the working face area must be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.

c) Equipment. Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part

d) Utilities. All utilities, including but not limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.

e) Maintenance. The operation must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operation in compliance with this Part.

f) Open Burning. Open burning is prohibited, except in accordance with 35 Ill. Adm. Code 200 through 245.

g) Dust Control. The operator must implement methods for controlling dust, so as to prevent wind dispersal of particulate matter.

h) Noise Control. The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the facility. The facility must not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act [415 ILCS 5/24].

i) Vector Control. The operator must implement measures to control the population of disease and nuisance vectors.

j) Fire Protection. The operator must institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.

k) Litter Control

1) The operator must patrol the facility daily to check for litter accumulation. All litter must be collected and placed in the fill or in a secure, covered container for later disposal.

2) The facility must not accept solid waste from vehicles that do not utilize devices such as covers or tarpaulins to control litter, unless the nature of the solid waste load is such that it cannot cause any litter during its transportation to the facility.

l) Mud Tracking. The facility must implement methods, such as use of wheel washing units, to prevent tracking of mud by hauling vehicles onto public roadways.

m) Liquids Restrictions for MSWLF Units

1) Bulk or noncontainerized liquid waste may not be placed in MSWLF units, unless one of the following conditions is true:

A) The waste is household waste other than septic waste;

B) The waste is leachate or gas condensate derived from the MSWLF

unit and the MSWLF unit, whether it is a new or existing MSWLF unit or lateral expansion, is designed with a composite liner and leachate collection system that complies with the requirements of Sections 811.306 through 811.309; or

C) The Agency has issued an RD&D permit pursuant to 35 Ill. Adm. Code 813.112(a)(2) that allows the placement of noncontainerized liquids in the landfill, and that permit is in effect.

2) Containers holding liquid waste may not be placed in an MSWLF unit, unless one of the following conditions is true:

A) The container is a small container similar in size to that normally found in household waste;

B) The container is designed to hold liquids for use other than storage; or

C) The waste is household waste.

3) For purposes of this Section, the following definitions apply:

A) "Liquid waste" means any waste material that is determined to contain "free liquids," as defined by Method 9095B (Paint Filter Liquids Test) (Revision 2, November 2004), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods,", incorporated by reference in 35 Ill. Adm. Code 810.104.

B) "Gas condensate" means the liquid generated as a result of gas recovery processes at the MSWLF unit.

BOARD NOTE: Subsections (m)(1) through (m)(3) of this Section are derived from 40 CFR 258.28 (2013). Subsection (m)(1)(C) of this Section relating to RD&D permits is derived from 40 CFR 258.4(a)(2) (2013).

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

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.319 Groundwater Monitoring Programs

a) Detection Monitoring Program. Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The operator must~~shall~~ implement a detection monitoring program in accordance with the following requirements:

1) Monitoring Schedule and Frequency

A) The monitoring period must~~shall~~ begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring must~~shall~~ continue for a minimum period of 15~~fifteen~~ years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C) of this Section. The operator must~~shall~~ sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point must~~shall~~ be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency must~~shall~~ allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute a threat to groundwater. For the purposes of this Section, the source must~~shall~~ be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to 35 Ill. Adm. Code 814.~~,~~Subpart D, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A) of this Section, the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring must~~shall~~ return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or

ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.

C) Monitoring must~~shall~~ be continued for a minimum period of: 30 years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E) of this Section; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or 15 years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or

ii) Immediately after contaminated leachate is no longer generated by the unit.

D) The Agency may reduce the groundwater monitoring 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.

E) An owner or operator of a MSWLF unit must~~shall~~ petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the post-closure ~~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); and

iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A), ~~and~~ (a)(1)(C), ~~and subsections~~ (a)(1)(D), and (a)(1)(E) of this Section are derived from 40 CFR 258.61 (2013)~~(1992)~~.

2) Criteria for Choosing Constituents to be Monitored

A) The operator must~~shall~~ monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents must~~shall~~ be chosen for monitoring if they meet the following requirements:

i) The constituent appears in, or is expected to be in, the leachate; and

ii) Is contained within the following list of constituents:

Ammonia – Nitrogen (dissolved)
Arsenic (dissolved)
Boron (dissolved)
Cadmium (dissolved)

Chloride (dissolved)
Chromium (dissolved)
Cyanide (total)
Lead (dissolved)
Magnesium (dissolved)
Mercury (dissolved)
Nitrate (dissolved)
Sulfate (dissolved)
Total Dissolved Solids (TDS)
Zinc (dissolved)

iii) This is the minimum list for MSWLFs.

iv) Any facility accepting more than 50% by volume non-municipal waste must determine additional indicator parameters based upon leachate characteristic and waste content.

B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.

3) Organic Chemicals Monitoring. The operator must~~shall~~ monitor each existing well that is being used as a part of the monitoring well network at the facility within one year after~~of~~ the effective date of this Part, and monitor each new well within the three months after~~of~~ its establishment. The monitoring required by this subsection (a)(3) must~~shall~~ be for a broad range of organic chemical contaminants in accordance with the following procedures:

A) The analysis must~~shall~~ be at least as comprehensive and sensitive as the tests for the 51 organic chemicals in drinking water described at 40 CFR 141.40~~ (1988)~~ and 40 CFR 258.appendix~~Appendix~~ I (2006), each incorporated by reference at 35 Ill. Adm. Code 810.104 and:

Acetone

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Acrylonitrile
Benzene
Bromobenzene
Bromochloromethane
Bromodichloromethane
Bromoform; Tribromomethane
n-Butylbenzene
sec-Butylbenzene
tert-Butylbenzene
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Chloroethane
Chloroform; Trichloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromochloromethane
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
trans-1,4-Dichloro-2-butene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dicloroethylene
1,2-Dichloropropane
1,3-Dichloropropane

2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene
Ethylbenzene
Hexachlorobutadiene
2-Hexanone; Methyl butyl ketone
Isopropylbenzene
p-Isopropyltoluene
Methyl bromide; Bromomethane
Methyl chloride; Chloromethane
Methylene bromide; Dibromomethane
Dichloromethane
Methyl ethyl ketone
Methyl iodide; Iodomethane
4-Methyl-2-pentanone
Naphthalene
Oil and Grease (hexane soluble)
n-Propylbenzene
Styrene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Tetrahydrofuran
Toluene
Total Phenolics
1,2,3-Trichlorobenzene
1,2,4-Trichlorobenzene ~~trichlorbenzene~~
1,1,1-Trichloroethane
1,1,2-Trichloroethane

Trichloroethylene
Trichlorofluoromethane
1,2,3-Trichloropropane
1,2,4-Trimethylbenzene
1,3,5-Trimethylbenzene
Vinyl acetate
Vinyl chloride
Xylenes

B) At least once every two years, the operator must~~shall~~ monitor each well in accordance with subsection (a)(3)(A) of this Section.

C) The operator of a MSWLF unit must~~shall~~ monitor each well in accordance with subsection (a)(3)(A) of this Section on a semi-annual basis.

BOARD NOTE: Subsection (a)(3)(C) of this Section is derived from 40 CFR 258.54(b) (2013)~~(1992)~~.

4) Confirmation of Monitored Increase

A) The confirmation procedures of this subsection must~~shall~~ be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator must~~shall~~ institute the confirmation procedures of subsection (a)(4)(B) of this Section after notifying the Agency in writing, within ten days, of observed increases:

i) The concentration of any inorganic constituent monitored in accordance with subsections (a)(1) and (a)(2) of this Section shows a progressive increase over eight consecutive monitoring events;

ii) The concentration of any constituent exceeds the maximum

allowable predicted concentration at an established monitoring point within the zone of attenuation;

iii) The concentration of any constituent monitored in accordance with subsection (a)(3) of this Section exceeds the preceding measured concentration at any established monitoring point; and

iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.

B) The confirmation procedures must~~shall~~ include the following:

i) The operator must~~shall~~ verify any observed increase by taking additional samples within 90 days after the initial sampling event and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator must~~shall~~ notify the Agency of any confirmed increase before the end of the next business day following the confirmation.

ii) The operator must~~shall~~ determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.

iii) The operator must~~shall~~ notify the Agency in writing of any confirmed increase. The notification must demonstrate a source other than the facility and provide the rationale used in such a determination. The notification must be submitted to the Agency no later than 180 days after the original sampling event. If the facility is permitted by the Agency, the notification must be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B.

iv) If an alternative source demonstration described in subsections (a)(4)(B)(ii) and (a)(4)(B)(iii) of this Section cannot be made, assessment monitoring is required in accordance with subsection (b) of this Section.

v) If an alternative source demonstration, submitted to the Agency as an application, is denied pursuant to 35 Ill. Adm. Code 813.105, the operator must commence sampling for the constituents listed in subsection (b)(5) of this Section, and submit an assessment monitoring plan as a significant permit modification, both within 30 days after the dated notification of Agency denial. The operator must sample the well or wells that exhibited the confirmed increase.

b) Assessment Monitoring. The operator must begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c) of this Section. The assessment monitoring program must be conducted in accordance with the following requirements:

1) The assessment monitoring must~~shall~~ be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit must~~shall~~ comply with the additional requirements prescribed in subsection (b)(5) of this Section. The assessment monitoring must~~shall~~ consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to the following:

A) More frequent sampling of the wells in which the observation occurred;

B) More frequent sampling of any surrounding wells; and

C) The placement of additional monitoring wells to determine the

source and extent of the contamination.

2) Except as provided for in subsections (a)(4)(B)(iii) and (a)(4)(B)(v) of this Section, the operator of the facility for which assessment monitoring is required must~~shall~~ file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans must~~shall~~ be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B within 180 days after the original sampling event. The assessment monitoring program must~~shall~~ be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) of this Section or, in the case of permitted facilities, within 45 days after Agency approval.

3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator must~~shall~~ determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and must~~shall~~ implement the remedial action in accordance with subsection (d) of this Section.

4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator must~~shall~~ conduct a groundwater impact assessment in accordance with the requirements of subsection (c) of this Section.

5) In addition to the requirements of subsection (b)(1) of this Section, to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:

A) The monitoring of additional constituents pursuant to subsection (b)(1) of this Section must include, at a minimum (except as otherwise provided in subsection (b)(5)(E) of this Section), the constituents listed in 40 CFR 258.appenidx~~Appendix~~ II,

incorporated by reference at 35 Ill. Adm. Code 810.104 and constituents from 35 Ill. Adm. Code 620.410.

BOARD NOTE: Subsection (b)(5)(A) of this Section is derived from 40 CFR 258.55(b) (2013)~~(1992)~~.

B) Within 14 days after obtaining the results of sampling required under subsection (b)(5)(A) of this Section, the owner or operator must do as follows~~shall~~:

i) The owner or operator must place~~Place~~ a notice in the operating record identifying the constituents that have been detected; and

ii) The owner or operator must notify~~Notify~~ the Agency that such a notice has been placed in the operating record.

BOARD NOTE: Subsection (b)(5)(B) of this Section is derived from 40 CFR 258.55(d)(1) (2013)~~(1992)~~.

C) The owner or operator must~~shall~~ establish background concentrations for any constituents detected pursuant to subsection (b)(5)(A) of this Section in accordance with Section 811.320(e).

BOARD NOTE: Subsection (b)(5)(C) of this Section is derived from 40 CFR 258.55(d)(3) (2013)~~(1992)~~.

D) Within 90 days after the initial monitoring in accordance with subsection (b)(5)(A) of this Section, the owner or operator must monitor for the detected constituents listed in 40 CFR 258. appendix~~Appendix~~ II, incorporated by reference in 35 Ill Adm. Code 810.104 and 35 Ill. Adm. Code 620.410 on a semiannual basis during the assessment monitoring. The operator must monitor all the constituents listed in 40 CFR 258.appendix~~Appendix~~ II and 35 Ill. Adm. Code 620.410 on an annual basis during assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) of this Section is derived from 40 CFR 258.55(d)(2) (2012)~~(1992)~~.

E) The owner or operator may request the Agency to delete any of the 40 CFR 258~~.Appendix II~~ and 35 Ill. Adm. Code 620.410 constituents by demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the leachate.

BOARD NOTE: Subsection (b)(5)(E) of this Section is derived from 40 CFR 258.55(b) (2013)~~(1992)~~.

F) Within 14 days after finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3) of this Section, the owner or operator must do as follows~~shall~~:

i) The owner or operator must place~~Place~~ a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) of this Section that have exceeded the groundwater quality standard;

ii) The owner or operator must notify~~Notify~~ the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and

iii) The owner or operator must notify~~Notify~~ all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) of this Section is derived from 40 CFR 258.55(g)(1)(i) through (iii) (2012)~~(1992)~~.

G) If the concentrations of all constituents in 40 CFR 258.appendix~~Appendix~~ II, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 c~~onstituents~~ are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator must~~shall~~ notify the Agency of this finding and may stop monitoring the 40 CFR

258.appendix~~Appendix~~ II and 35 Ill. Adm. Code 620.410 constituents.

BOARD NOTE: Subsection (b)(5)(G) of this Section is derived from 40 CFR 258.55(e) (2013)~~(1992)~~.

c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) of this Section must~~shall~~ assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following requirements ~~shall~~ apply:

1) The operator must~~shall~~ utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

2) The operator must~~shall~~ submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) of this Section to the Agency within 180 days after the start of the assessment monitoring program.

d) Remedial Action. The owner or operator of a MSWLF unit must~~shall~~ conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, must~~shall~~ conduct remedial action in accordance with this subsection (d).

1) The operator must~~shall~~ submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring must~~shall~~ be submitted within 90 days after determination of either of the following:

A) The groundwater impact assessment, performed in accordance with subsection (c) of this Section, indicates that remedial action is needed; or

B) Any confirmed increase above the applicable groundwater quality

standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b) of this Section.

2) If the facility has been issued a permit by the Agency, then the operator must~~shall~~ submit this information as an application for significant modification to the permit;

3) The operator must~~shall~~ implement the plan for remedial action program within 90 days after the following:

A) Completion of the groundwater impact assessment that requires remedial action;

B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3) of this Section; or

C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

4) The remedial action program must~~shall~~ consist of one or a combination of one of more of the following solutions:

A) Retrofit additional groundwater protective measures within the unit;

B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;

C) Pump and treat the contaminated groundwater; or

D) Any other equivalent technique which will prevent further contamination of groundwater.

5) Termination of the Remedial Action Program

A) The remedial action program must~~shall~~ continue in accordance

with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.

B) The operator must~~shall~~ submit to the Agency all information collected under subsection (d)(5)(A) of this Section. If the facility is permitted then the operator must~~shall~~ submit this information as a significant modification of the permit.

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

SUBPART G: FINANCIAL ASSURANCE

Section 811.715 Self-Insurance for Non-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 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 of the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board that are incorporated by reference in~~at~~ 35 Ill. Adm. Code 810.104~~(a)(2)~~.

"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~~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~~without surety~~. An owner or operator utilizing self-insurance must provide a bond without surety on the forms specified in Appendix A, Illustration G of this Part. 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 care in accordance with the closure and post-closure care plans.

d) Gross Revenue Test~~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~~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 the following~~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 either of the following means:

1) Demonstrating that a corporation that owns an interest in the owner or operator meets the requirements of this Section; 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 811.711(d), (e), (f), and (g) of this Part.

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

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~~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~~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~~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.

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 Government~~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 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, 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) (2013)~~(2005)~~.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Existing Landfills and Units

2) Code Citation: 35 Ill. Adm. Code 814

3)

Section Numbers:	Proposed Action:
814.601	Amend
814.701	Amend
814.901	Amend
814.902	Amend

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27.

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 814 are a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 810, and 811, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 814 correct and amend various references to incorporations by reference. The Board has included a limited number of corrections and clarifying amendments that are not directly related to incorporations by reference, such as updating references to the Code of Federal Regulations, revising the format of references to State and federal regulations, correction of a reference name, and corrections in grammar and style.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides

that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

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

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph 11-500
Chicago, IL 60601

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

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]

14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013.

The full text of the proposed rulemaking 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 814
STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

Section
814.101 Scope and Applicability
814.102 Compliance Date
814.103 Notification to Agency
814.104 Applications for Significant Modification of Permits
814.105 Effect of Timely Filing of Notification and Application for Significant Modification
814.106 Agency Action on Applications for Significant Modifications to Existing Permits
814.107 Compliance Dates for Existing MSWLF Units
814.108 Interim Permit Requirements for Existing MSWLF Units
814.109 Permit Requirements for Lateral Expansions at Existing MSWLF Units
814.110 Electronic Reporting

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section
814.201 Scope and Applicability
814.202 Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section
814.301 Scope and Applicability
814.302 Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
814.401 Scope and Applicability
814.402 Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.501 Scope and Applicability
814.502 Standards for Operation and Closure

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section
814.601 Scope and Applicability
814.602 Applicable Standards

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section
814.701 Scope and Applicability
814.702 Applicable Standards

SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE, OR ACCEPTING ONLY LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.801 Scope and Applicability
814.802 Standards for Operation and Closure

SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS

Section
814.901 Scope and Applicability
814.902 Standards for Operation and Closure

814.APPENDIX A Additional Requirements for Existing MSWLF Units and Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807.

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. 15850, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472, effective December 20, 2006; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.601 Scope and Applicability

a) The standards in this Subpart F are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) of this Section. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart F may remain open for an indefinite period of time beyond seven years after September 18, 1990.

b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart G or

Subpart H of this Part.

c) An owner or operator must~~shall~~ demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:

1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or

2) Extracting leachate from representative core samples obtained from the existing unit. The core samples must~~shall~~ be individually extracted by using ASTM Method D3987-85, incorporated by reference ~~specified~~ in 35 Ill. Adm. Code 810.104,~~817.103(a)~~ and the resulting leachate must~~shall~~ be used for waste classification purposes.

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

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section 814.701 Scope and Applicability

a) The standards in this Subpart G are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) ~~below~~. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart G must~~shall~~ initiate closure between two and seven years after August 1,1994.

b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H of this Part.

c) An owner or operator must~~shall~~ demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:

1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or

2) Extracting leachate from representative core samples obtained from the existing unit. The core samples must~~shall~~ be individually extracted by using ASTM Method D3987-85, incorporated by reference ~~specified~~ in 35 Ill. Adm. Code 810.104,~~817.103(a)~~ and the resulting leachate must~~shall~~ be used for waste classification purposes.

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

SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS

Section 814.901 Scope and Applicability

a) The standards in this Subpart I are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept only potentially usable waste and are classified as potentially usable waste landfills in accordance with subsection (c) of this Section ~~below~~. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart I may remain open for an indefinite period of time after August 1, 1994.

b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H of this Part.

c) An owner or operator must~~shall~~ demonstrate that the existing landfill unit is a potentially usable waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:

1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance 35 Ill. Adm. Code 817.103(b)(3); or

2) Extracting leachate from representative core samples obtained from the existing unit. The core samples must~~shall~~ be individually extracted by using ASTM method D3987-85, incorporated by reference ~~specified~~ in 35 Ill. Adm. Code 810.104,~~817.103(a)~~ and the resulting leachate must~~shall~~ be used for waste classification purposes.

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

Section 814.902 Standards for Operation and Closure

a) All units regulated in this Subpart I are subject to all requirements in 35 Ill. Adm. Code 817.Subpart C.

b) If an owner or operator of a unit regulated under this Subpart I is unable to obtain the representative leachate samples required pursuant to 35 Ill. Adm. Code 817.305(a), representative core samples must~~shall~~ be taken at appropriate locations in the unit. Each sample must~~shall~~ be individually subjected to the ASTM Method D3987-85 extraction procedure, incorporated by reference ~~prescribed~~ in 35 Ill. Adm. Code 810.104~~817.103(a)~~. The resulting leachate from the extraction procedure must~~shall~~ be substituted for that to be collected pursuant to 35 Ill. Adm. Code 817.305(a).

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Numbers:	Proposed Action:
1030.1	Amend
1030.85	Amend
1030.Appendix A	Amend
1030.Appendix B	Amend

4) Statutory Authority: 625 ILCS 5/6-107; 5/6-110; 5/6-508 and 5/6-521(c)

5) A Complete Description of the Subjects and Issues Involved: PA 98-52, effective January 1, 2014, requires the Secretary of State to waive the skills tests required for a commercial driver's license (CDL) to current and recently discharged veterans, so long as the applicant complies with federal rule 49 CFR 383.77 (October 1, 2012).
In a previous rulemaking, to come into compliance with Federal Motor Carrier Safety Regulations, the Secretary of State removed the J48 restriction regarding school bus permits from Section 1030.92. However, definitions relating to the J48 restriction were inadvertently left in Section 1030.1. This rulemaking will remove the definitions pertaining to the J48 restriction.

Appendix A is being amended to implement PA 98-168, which will prohibit the Secretary of State from issuing a first-time driver's license to an applicant under the age of 18 if the applicant has a pending citation. A question will be added to the driver's license application that asks the applicant if they have a pending citation.
Appendix B is being amended to implement PA 98-323, which allows a peace officer to use his or her business address in lieu of a home address on a driver's license or identification card.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, IL 62723

217/557-4462

13) Initial Regulatory Flexibility Analysis:

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

ii) Reporting, bookkeeping or other procedures required for compliance: The Military Skills Test Waiver will need to be completed by the applicant.

iii) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2013

The full text of the proposed rulemaking begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.1 Definitions
1030.5 Procedure for Obtaining a Driver's License
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.22 Medical Examiner's Certificate − CDL Holders
1030.25 Safe Driver License Renewals
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements

1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Person with a Disability Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Endorsement or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg.

15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002;

amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. _____, effective _____.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" − a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" − an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; *or*

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" − a Secretary of State employee with a supervisory position.

"Authorized Source" −

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309. [625 ILCS 5/6-500(5.3)]

"CDLIS Motor Vehicle Record" or "CDLIS MVR" − a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4) (2011)*, subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725).* [625 ILCS 5/6-500(5.5)]

"Commercial Driver's License Downgrade" − a state:

allows the driver to change his or her self certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391 (2011)*, as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3* (2011)*;*

allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a

license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" − the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" − a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" − *a license issued by a state* or other jurisdiction, in accordance with the standards contained in 49 CFR 383, *to an*

individual, *that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

> *has a gross combination weight rating of* 11,794 kilograms *(26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or*
>
> *has a gross vehicle weight rating of* 11,794 kilograms *(26,001 pounds) or more; or*
>
> *is designed to transport 16 or more passengers, including the driver; or*
>
> *is of any size and is used in the transportation of hazardous materials* as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5 (October 1, 2012)). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" − a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30

day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Consular Identification Document" – an official identification card issued by a foreign government that meets the criteria set forth in Section 5 of the Consular Identification Document Act [5 ILCS 230/5] and the issuing consulate has filed with the Department of State Police a copy of the consular identification document and a certification of the procedures that are used to satisfy Sections 2 and 3 of the Consular Identification Document Act.

"Conviction" − A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Certificate" – a certificate prescribed by the Secretary of State indicating a successfully-completed road test, subject to spot check by the Secretary of State, was administered to a driver education student, who has successfully completed driver training by an Illinois State Board of Education approved driver education instructor.

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" − the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" − any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" − a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" − the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" − the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" − the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" − the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

"Disability" − an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" − a disqualification means any of the following three actions:

> *the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;*
>
> *any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*
>
> *a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391* (October 1, 2012). [625 ILCS 5/1-115.3]

"Disseminating Agency" − an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" − operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" − a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" − a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" − a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 (October 1, 2012) *from all or part of the qualification requirements of 49 CFR 391* (October 1, 2012) *and is not required to obtain a medical examiner's certificate by 49 CFR 391.45* (October 1, 2012). [625 ILCS 5/6-500(15.3)]

"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" − structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" − a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/ mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" − a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" − examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of

State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5 (October 1, 2012). [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (October 1, 2012) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (October 1, 2012).

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" − a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" − a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" − a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" − a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" − the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]

"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive. [625 ILCS 5/6-500(21.2)]

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 (October 1, 2012).

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 (October 1, 2012).

"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:

> *an exemption letter permitting operation of a CMV pursuant to 49 CFR 381* (October 1, 2012)*, subpart C or 49 CFR 391.64* (October 1, 2012)*; or*
>
> *a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49* (October 1, 2012). [625 ILCS 5/6-500 (21.5)]

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" − a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" − every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

> *First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*
>
> *Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.* [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(22.2)]

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" − the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391 (October 1, 2012)*, and is required to obtain a medical examiner's certificate by 49 CFR 391.45* (October 1, 2012)*.* [625 ILCS 5/6-500(22.7)]

"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" − acceptable forms of proof of insurance include, but are not limited to, the following:

> Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);
>
> *Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card* [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" − a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" − a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S Endorsement" − an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" − the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Visa Status Temporary Visitor's Driver's License pursuant to IVC Section 6-105.1(a).

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a

school bus, but only when accompanied by a properly classified driver with a school bus permit.

~~"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.~~

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (2011), which allows the driver to operate a CMV.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" − the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171 (2011). [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70º from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to:

a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State (referred to in this Part as "Visa status"); or

an applicant who:

resided in this State for a period in excess of one year;

is ineligible to obtain a social security number; and

is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country [625 ILCS 5/6-105.1(a-5)] referred to in this Part as "non-Visa status".

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" − a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" − a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" − a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" − U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the ISP who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Verification of Residency Form" – a form printed by the Secretary of State that non-Visa status temporary visitor's driver's license applicants shall complete and that contains all Illinois addresses at which the applicant has resided for the 12 months immediately prior to application.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

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

Section 1030.85 Driver's License Testing/Road Test

a) Classification of licenses is established in Section 1030.30.

b) Persons applying for a Class C or Class D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a First Division vehicle who are required by IVC Section 6-109 to complete a road test shall be evaluated on the following driving skills: start, posture, use of mirrors, steering, lane observance,

right-of-way, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, and use of clutch or automatic transmission.

c) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (CDL) shall also be evaluated on the following:

1) Pre-Trip Inspection − the applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:

A) locate and verbally identify air brake operating controls and monitoring devices;

B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;

C) inspect low pressure warning devices to ensure they will activate in emergency situations;

D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;

E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

F) operationally check the brake system for proper performance.

2) Vehicle skills test that shall include dock parking, straight line backing, stop at marked line, and predetermined right turn.

3) Additional road test driving skills of use of gears, railroad crossing, expressway, bridge and underpass.

d) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (non-CDL) shall also be evaluated on straight line backing.

e) In addition to those maneuvers listed in subsection (c), persons applying for a school bus driver permit must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, and use of flasher lights.

f) Applicants for a Class L or Class M driver's license who are required to complete a road test shall be evaluated by using of the following drive tests: ALMOST – Alternate Motorcycle Operator Skill Test; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.

1) Test exercises for the ALMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both Class L and Class M, shall consist of the following: stalling (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).

2) Test exercises for the 5 dot test, for both Class L and Class M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.

g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL Class A, B, C or D license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a Second Division school bus permit are allowed 40 points. Applicants for a First Division school bus permit are allowed 36 points. Applicants for a Class L or M license taking the ALMOST or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation shall be allowed 11 points. Applicants for an L or M license taking the 5 dot test shall be allowed seven points.

h) The following acts will result in immediate disqualification: violation in which an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.

i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous; or an accident occurs for which the applicant does not receive a ticket.

j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for any applicants who may require a translator and for the training and evaluation of facility personnel.

k) Any applicant who is suspected by a Driver Services Facility employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility manager prior to being administered the road test. If a Driver Services Facility manager has reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include, but not be limited to, one or more of the following conditions:

1) the applicant admits he/she has consumed alcohol and/or drugs;

2) the applicant has a strong odor of alcohol on his/her breath;

3) the applicant's eyes are red and the pupils are dilated;

4) the applicant's speech is slurred; or

5) the applicant is unsteady when walking.

l) All persons applying for a CDL, with the exception of those persons renewing their Illinois CDL, shall be required to successfully complete the examinations set forth in subsections (c) and (d) pursuant to IVC Section 6-508(a)(1).

m) Military personnel are exempt from the CDL administered pre-trip, skills and road test (excluding school bus and passenger endorsements) if:

1) In the two-year period immediately prior to application for a CDL the applicant has not:

A) had more than one license, except for a military-issued driver's license;

B) had any driver's license suspended, revoked or cancelled;

C) had any convictions in any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b) (October 1, 2012);

D) had more than one conviction in any type of motor vehicle for a serious traffic violation contained in 49 CFR 383.51(c) (October 1, 2012); and

E) had any conviction for a violation of military, state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

2) The applicant certifies that:

A) he/she is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle;

B) he/she was exempted from the CDL requirements of 49 CFR 383.3(c) (October 1, 2012); and

C) he/she was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.

3) The applicant submits a completed Secretary of State CDL-ST WVR form, including signature of the applicant's commanding officer.

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

Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on or be provided with an application for a driver's license:

If you are applying for an Identification (ID) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10.

1) Is your driver's license or ID card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state or country under this or any other name? (If yes, a letter of clearance is required.)

2) Do you presently hold a valid driver's license or ID card in this or any other state?

3) Is your driver's license being held by a court in lieu of bail?

4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)

5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a signed medical agreement are required.)

6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement and a signed medical agreement are required.)

7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement and a signed medical agreement may be required.)

8) If you are under age 18 and this is your initial application for a Graduated Driver's License, have you been issued any citation for which a disposition has not yet been rendered by a court of law?

9)~~8)~~ Are your commercial driver's license privileges currently disqualified or subject to an out-of-service order?

10)~~9)~~ Do you certify that you meet the "Qualifications of Driver's" portion of Part 391 of the Federal Motor Carrier Safety Regulations and operate in non-excepted interstate commerce? (If the applicant answers yes to this question, the applicant checks a box marked "NI". If the applicant answers no to this question, the applicant must check one of 3 boxes that set forth the type of driving in which the applicant will engage.)

11)~~10)~~ Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants).

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

Section 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit

a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B and C and two documents from Group D as outlined in subsection (f).

b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall affirm under penalty of perjury that they are ineligible to obtain a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.

c) Except as provided for in subsections (m), (n) and (o), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.

e) Applicants renewing a current Illinois driver's license or identification card need

only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).

f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (dated within 90 days prior to application)

Cooperative Driver Certificate

Court Order

Credit Card/Debit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card − Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

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Affidavit − Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion − dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead − dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City or Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Utility Bill − Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).

h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.

i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.

j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.

k) Group D documents, as outlined in subsection (f), must contain the applicant's full

residence address.

l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).

n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).

o) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.

p) A peace officer who wishes to change his or her residence address or mailing address to his or her business address is required to present only a Secretary of State Request to Change Residence/Mailing Address form and his or her peace officer badge.

q)~~p)~~ Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Service-Disabled and Veteran-Owned Small Businesses

2) Code Citation: 44 Ill. Adm. Code 20

3)

Section Numbers:	Adopted Action:
20.10	New
20.20	New
20.100	New
20.110	New
20.120	New
20.130	New
20.140	New
20.150	New
20.200	New
20.300	New
20.400	New
20.410	New
20.500	New
20.510	New
20.520	New
20.530	New
20.540	New
20.550	New
20.560	New
20.570	New
20.580	New
20.590	New
20.600	New
20.610	New
20.620	New
20.700	New
20.800	New
20.810	New
20.900	New

4) Statutory Authority: Implementing and authorized by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57]

5) Effective Date of Rule: December 5, 2013

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 7820; June 14, 2013

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

11) Differences between Proposal and Final Version: Added definitions for 'Construction', 'Construction-related services', 'Construction agency', and 'Utilization Plan' to Section 20.20. Amended Section 20.100 to allow the procuring agency to set goals for construction and construction-related services contracts. Removed references to Universities in Section 20.120(b)(1). Amended Section 20.130 to more clearly outline the available exemptions regarding SDVOSBs and VOSBs, and the required documentation needed to support the exemption. Amended Section 20.200 to insert reporting criteria and correctly reflect statutory language. Amended Section 20.530 to place responsibility of reporting the denial/loss of vendor certification or recertification by another certifying entity on the applicant. Amended Section 20.810 to further clarify vendor's good faith efforts to meet the stated goal both during the bid/offer and throughout the duration of the contract, including supporting documentation necessary, as well as the issuance of a waiver. Amended Section 20.900 to clarify that the State, in consultation with the CPO's office, may cancel contracts if certain criteria are not met; also clarifies that the CPO or may suspend a vendor for violation of the Procurement Code or the Rule pursuant to the relevant statute. CMS also agrees that for 8 months after adoption of this rulemaking, it will consult with the Chief Procurement Officers, the Procurement Policy Board and vendors to review operational difficulties that may have emerged in program implementation, and address any shortcomings or potential improvements by pursuing further legislative action or rulemaking. Of particular interest is a requirement that vendors with $10 million or more in contracts in any fiscal year report to the CPOs on the status of their efforts to obtain SDVOSBs and VOSBs as participants in State contracts.

12) Have all of the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all agreed upon changes have been made.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

15) Summary and Purpose of Rulemaking: This rulemaking addresses how the Department will administer the veterans' procurement preference established in the Procurement Code [30 ILCS 500/45-57]. The veterans' preference establishes a 3% State contracting goal for veteran-owned and service-disabled veteran-owned businesses [30 ILCS 500/45-57(a)].

This rulemaking outlines the processes for establishing goals and monitoring agency compliance with the preference. In addition, the rulemaking outlines a certification process for veteran-owned and service-disabled veteran-owned businesses and implements solicitation and contract requirements to ensure prospective vendors demonstrate good faith efforts to utilize these businesses.

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

Mary Matheny
Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/557-5404
fax: 217-558-2697
mary.matheny@illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER V: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 20
SERVICE-DISABLED AND VETERAN-OWNED SMALL BUSINESSES

SUBPART A: GENERAL

Section
20.10 Introduction
20.20 Definitions

SUBPART B: GOAL AND GOAL MEASUREMENT

Section
20.100 Goal
20.110 Contracts and Expenditures Subject to the Goal
20.120 Categories of Contracts and Expenditures Exempt from the Goal
20.130 Review of Agency Requests for Specific Exemptions
20.140 Goal Measurement
20.150 Subcontracting

SUBPART C: AGENCY COMPLIANCE AND REPORTING

Section
20.200 Agency Compliance and Reporting

SUBPART D: PROGRAM ELIGIBILITY

Section
20.300 Program Eligibility

SUBPART E: CERTIFICATION

Section
20.400 General
20.410 Program Information

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SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

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20.500 Application
20.510 Application Requirements
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20.530 Certification by Other Certifying Entities
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20.550 State Residency
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20.570 Ownership
20.580 Control
20.590 Notice of Certification or Denial

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section
20.600 Review and Reconsideration
20.610 Decertification Process
20.620 Annual Confirmation of Eligibility

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section
20.700 Special Assistance

SUBPART I: SOLICITATION/CONTRACT REQUIREMENTS

Section
20.800 Change in Eligibility
20.810 Good Faith Efforts and Waiver Request Procedures

SUBPART J: VIOLATIONS BY VENDOR

Section
20.900 Violations by Vendor

AUTHORITY: Implementing and authorized by Section 45-57 of the Illinois Procurement Code

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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[30 ILCS 500/45-57]

SOURCE: Adopted at 37 Ill. Reg. 20168, effective December 5, 2013.

SUBPART A: GENERAL

Section 20.10 Introduction

It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses and veteran-owned small businesses participate in the State's procurement process as both prime contractors and subcontractors.

Section 20.20 Definitions

"Armed Forces of the United States" means *the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 USC 101. Service in the Merchant Marine that constitutes active duty under section 401 of PL 95-202 shall also be considered service in the armed forces for purposes of this Section.* [30 ILCS 500/45-57(e)]

"Certification" means *a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, may also select and designate whether that business is to be certified as a "female-owned business", "minority-owned business" or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.* [30 ILCS 500/45-57(e)]

"CMS" refers to the Department of Central Management Services.

"Committee" means a group made up of 5 individuals appointed by the Director of CMS and the Director of the Department of Veterans' Affairs (DVA) for the purpose of overseeing the certification process for qualified service-disabled veteran-owned small businesses and qualified veteran-owned small businesses.

The Director of CMS will appoint 2 persons and the Director of DVA will appoint 3 persons. The appointees will serve for 2 years. The committee shall select a chair person who shall serve until his or her term expires.

"Control" means *the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.* [30 ILCS 500/45-57(e)]

"Construction" means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Construction-related Services" means those services including construction design, layout, inspection, support, feasibility or location study, research, development, planning or other investigative study undertaken by a construction agency concerning construction or potential construction.

"Construction Agency" means the Capital Development Board for construction or construction-related services of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; and the Illinois State Toll Highway Authority for construction or maintenance of toll highways.

"Eligible Group Member" means a person who meets the eligibility requirements set forth in Section 20.300.

"General Discharge (Under Honorable Conditions)" means a confirmation of an administrative separation of a service member from military service whose service has been honest and faithful and appropriate to characterize that service

under honorable conditions. A general discharge (under honorable conditions) meets the qualification standard under the SDVOSB and VOSB Program. (See DoD Dir. 1332.14.E3.A2.1.3.2 and E4.3.b(2)(b).)

"Illinois Procurement Code" or "Code" means 30 ILCS 500.

"Qualified Service-Disabled Veteran" means *a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense* [30 ILCS 500/45-57(e)].

"Qualified Service-Disabled Veteran-Owned Small Business" or "SDVOSB" means *a small business that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled veterans living in Illinois; that has its home office in Illinois; and for which* these ownership requirements *are factually verified annually by CMS.* [30 ILCS 500/45-57(e)]

"Qualified Veteran-Owned Small Business" or "VOSB" means *a small business that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; that has its home office in Illinois; and for which* these ownership requirements *are factually verified annually by CMS.* [30 ILCS 500/45-57(e)]

"Service-Connected Disability" means *a disability incurred in the line of duty in the active military, naval, or air service as described in 38 USC 101(16).* [30 ILCS 500/45-57(e)]

"Small Business" means *a business that has annual gross sales of less than $75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to CMS for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on* the *SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans.* [30 ILCS 500/45-57(e)]

"State Agency" means *all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the*

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Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers. [30 ILCS 575/2(6)]

"Time of Hostilities with a Foreign Country" means *any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.* [30 ILCS 500/45-57(e)]

"Utilization Plan" means a plan that describes how the bidder/offeror intends to utilize SDVOSBs or VOSBs to meet the State goal in a solicitation.

"Veteran" means *a person who has been a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and has served under one or more of the following conditions:*

the veteran served a total of at least 6 months;

the veteran served for the duration of hostilities regardless of the length of the engagement;

the veteran was discharged on the basis of hardship; or

the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions. [30 ILCS 500/45-57(e)]

"Veterans Small Business Program" or "Program" means the State's program that:

fosters economic opportunities for Illinois' military veterans by

encouraging the establishment of SDVOSBs and VOSBs; and

establishes an annual, ongoing, percentage goal for all State agencies' award of supplies and services contracts and construction-related State spending that shall be set aside for competitive bidding by Illinois SDVOSBs and VOSBs.

SUBPART B: GOAL AND GOAL MEASUREMENT

Section 20.100 Goal

In accordance with Section 45-57(a) of the Code, not less than 3% of the total dollar amount of State contracts, as defined by the Director of CMS, shall be the goal for awarding contracts to SDVOSBs and VOSBs. For contracts other than for construction and construction-related services entered into by a construction agency, CMS will determine goals for individual contracts unless that authority is delegated to the procuring State agency. For contracts for construction and construction-related services entered into by a construction agency, CMS delegates to the construction agency the authority to determine the goal for the individual contract.

Section 20.110 Contracts and Expenditures Subject to the Goal

All contracts funded in whole or in part with funds appropriated by the General Assembly are subject to the goal unless exempted elsewhere in this Part.

Section 20.120 Categories of Contracts and Expenditures Exempt from the Goal

a) Contracts shall be exempt from the goal if:

1) The contract is subject to federal reimbursement; or

2) Receipt of funds for a contract would be jeopardized by including them in the Program.

b) CMS has determined that the following categories of contracts and expenditures, including but not limited to the detailed expenditure accounts listed below each category, are exempt from the goal. This determination was made based on the best information available that these categories do not represent procurement opportunities for SDVOSBs or VOSBs, or that there are not sufficient SDVOSBs

or VOSBs to ensure competition and an expectation of reasonable prices. The detailed expenditure accounts have the same meaning as used by the State Comptroller (see the Statewide Accounting Management System (SAMS) manual, available from CMS).

1) Contracts between, or within, State agencies that do not include payments to private vendors.

2) Contracts with or payments to other governmental entities:

   A) Payments to Local Governments for Employees;

   B) Reimbursements to Governmental Units;

   C) Postage and Postal Charges;

   D) Operating Taxes, Licenses and Fees;

   E) Revenue Stamps;

   F) Taxes and Transfers;

   G) Fire Protection Services;

   H) Shared Waterway Agreements; and

   I) Shared Revenue Payments.

3) Employee wages, salaries and other payroll and employee related costs:

   A) Payments into Pension Funds;

   B) Pensions, Annuities and Benefits;

   C) Purchase of Investments;

   D) Employee Tuition Fees;

   E) Social Security;

F) Retirement;

G) Unemployment Compensation Payments;

H) Legislative Staff Services;

I) Registration Fees and Conference Expenses;

J) Industrial Commission Awards or Settlement Awards for Injured Employees; and

K) Awards, Benefits and Treatment Expenses − Injured Employees.

4) Payments of money to individuals or groups in the nature of reimbursement, settlement, entitlement or assistance:

A) Assistance Payments to Individuals;

B) Awards and Grants to Students;

C) Burial Expense Awards;

D) Community Services for Department of Human Services-Divisions of Mental Health and Developmental Disabilities Clients and the Chemically Dependent;

E) Court of Claims Awards;

F) Reimbursement for Living Expenses for State Wards Outside State Institutions;

G) Tuition, Training Supplies and Equipment for Aided Persons;

H) Lottery Prizes;

I) Interviewee Expenses; and

J) Tort Claims.

5) Debt retirement and refunds of money:

A) Debt Retirement;

B) Loans; and

C) Refunds.

6) Grants:

A) Grants for Educational Purposes − School Districts;

B) Grants for Educational Purposes − Higher Education;

C) Grants to Local Governments (other);

D) Grants to Non-Profit Organizations;

E) Grants to Other State Agencies; and

F) Grants to or on Behalf of Veterans and their Dependents who Qualified under Wartime Service.

7) Public utility contracts and payments:

A) Electricity;

B) Gas (Natural Gas);

C) Telecommunications (regulated service only);

D) Water; and

E) Utilities (Other).

8) Real estate acquisition:

A) Land, Relocation Costs;

B) Land, Relocation Costs (Highways);

C) Land, Relocation Costs (Waterways);

D) Land, Rights of Way and Easements;

E) Land, Rights of Way and Easements (Highway); and

F) Land, Rights of Way and Easements (Waterways).

9) Miscellaneous contracts and expenditures:

A) Association Dues; and

B) Periodical Subscriptions.

c) Prior to the end of each fiscal year, CMS shall investigate the categories of contracts and expenditures to determine whether, based on the best information available, these categories continue to represent procurements in which there are no opportunities for SDVOSBs or VOSBs, or that there are not sufficient SDVOSBs or VOSBs to ensure competition and an expectation of reasonable prices.

Section 20.130 Review of Agency Requests for Specific Exemptions

a) A contract may be exempted from the goal prior to the solicitation being posted if it is determined that the specific contract does not represent a procurement opportunity for SDVOSBs and VOSBs as defined in Section 20.120, or that there are not sufficient SDVOSBs and VOSBs to ensure competition and an expectation of reasonable prices.

b) The exemption request must be documented in a written memorandum of decision. The memorandum must indicate, based on the best information available, that the particular contract does not represent a procurement opportunity for SDVOSBs and VOSBs, or that there are not sufficient SDVOSBs and VOSBs to ensure competition and an expectation of reasonable prices. The memorandum must be approved in writing by the agency Director.

c) CMS or the procuring State agency, as delegated by CMS, shall exempt specific contracts from the goal if it determines that the agency did provide reasonable proof that certified SDVOSBs and VOSBs are not available to meet the contracting need.

d) A construction agency may exempt specific contracts from the goal if it documents reasonable proof that certified SDVOSBs and VOSBs are not available to meet the contracting need.

Section 20.140 Goal Measurement

a) The goal shall be measured on a full fiscal year basis and shall be measured against the total dollar amount of expenditures subject to the goal. Expenditures not subject to the goal are those described in Sections 20.110 and 20.120.

b) Contract expenditures established by an agency shall be included in the agency's goal attainment statistics. Orders by a user agency against contracts established on behalf of one or more user agencies shall be counted toward goal attainment statistics of the user agency.

Section 20.150 Subcontracting

An agency may satisfy its goal, in whole or in part, by counting expenditures made by State vendors to certified SDVOSBs and VOSBs as subcontractors.

SUBPART C: AGENCY COMPLIANCE AND REPORTING

Section 20.200 Agency Compliance and Reporting

a) All State agencies, including the construction agencies, shall report to the Committee and CMS each quarter all of the following:

1) The aggregate amount of dollars spent on State contracts with SDVOSBs and VOSBs;

2) The number of approved memorandums exempting specific contracts from the goal and the reason for the exemption; and

3) The number of good faith effort waivers granted.

b) *Fiscal Year Reports: By each September 1, each Chief Procurement Officer* (CPO) *shall report to CMS on all of the following for the immediately preceding fiscal year, and by each March 1 CMS shall compile and report that information to the General Assembly:*

1) *The total number of SDVOSB*s, *and the number of* VOSBs, *who submitted bids* and/or proposals under this Part.

2) *The total number of SDVOSBs, and the number of VOSBs, who entered into contracts with the State under this* Part *and the total value of those contracts.* [30 ILCS 500/45-57(b)]

c) *Yearly Review and Recommendations*: *Each year, each CPO shall review the progress of all State agencies under its jurisdiction in meeting the goal described in* Section 20.100, *with input from statewide veterans' service organizations and from the business community, including* SDVOSBs and VOSBs. Each *CPO shall make recommendations to be included in the CMS report to the General Assembly regarding continuation, increases, or decreases of the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified veterans and on the continued need to encourage and promote businesses owned by qualified veterans.* [30 ILCS 500/45-57(c)]

SUBPART D: PROGRAM ELIGIBILITY

Section 20.300 Program Eligibility

To qualify as a SDVOSB or VOSB:

a) The business must be owned and controlled by veterans and/or service-disabled veterans;

b) It must be a small business that does not exceed the sales limitation established in the definition in Section 20.20;

c) It must be an authorized business registered within the State of Illinois;

d) Qualified veterans who are Illinois residents must hold 51% of ownership of the business; and

e) The business home office must be in the State of Illinois.

SUBPART E: CERTIFICATION

Section 20.400 General

a) The certification process verifies that the business is owned and controlled by eligible individuals in accordance with requirements of the Code and this Part. CMS will oversee the certification process outlined in this Section.

1) CMS will certify an entity, business or firm that meets the requirements listed in this Part. All certifications, new and existing, shall be valid for a period of 5 years from the effective date of the certification, subject to annual confirmation.

2) Only certified SDVOSBs and VOSBs are eligible for the benefits of the Program. Agencies may count only those expenditures with a certified business or certified business subcontractor toward meeting the goal.

3) A business owned and controlled by at least 51% service-disabled veterans and veterans shall be counted as a business owned and controlled by the eligible group that has the largest percentage of ownership.

b) These classifications facilitate consistent accounting of agency contract awards to businesses covered by the Code. Certification under the Program does not preclude those businesses from receiving any contract that may be awarded under the Code or other applicable law.

Section 20.410 Program Information

a) CMS shall compile a list of businesses certified under the Code and may compile and maintain other information regarding the Program, including general vendor lists.

b) The list will contain the name, address, telephone and facsimile numbers, e-mail address, type of certification (SDVOSB or VOSB) and business classification (e.g., accounting or furniture sales) of certified businesses.

c) The list shall be available to the Chief Procurement Officers and State Purchasing Officers defined in the Code and to other interested State agencies for use in State purchasing.

d) The list of certified businesses shall be available to the public. This list and other information shall be provided electronically via the CMS website (http://www2.illinois.gov/cms/business/).

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

Section 20.500 Application

The business seeking certification must complete an application package. CMS personnel may conduct a personal interview with the applicant that may include a telephone interview and/or an on-site visit. Additional on-site visits may be conducted at any time during the life of a certification to verify continued eligibility for the Program.

Section 20.510 Application Requirements

The applicant for initial certification, or recertification, must meet all of the requirements set forth in the Code and this Part. Should the applicant fail to meet any of the certification requirements, or refuse to supply information requested by CMS, the applicant will be denied certification or recertification. These requirements include, but are not limited to, the veteran's certification application; DD-214 (Report of Separation) which will confirm veteran's characterization of service and discharge status; and the U.S. Department of Veterans Affairs Rating Decision Letter which will confirm the veteran's service and non-service connected disability compensation rating.

Section 20.520 Eligibility Determination

CMS shall contact all applicants seeking certification, via U.S. Mail or electronic correspondence, within 60 days after receipt of the application and all supporting documents. CMS shall grant certification, deny certification, or request additional or clarifying information necessary to make the certification decision.

Section 20.530 Certification by Other Certifying Entities

a) CMS may accept a certification by another entity, such as a local government or a federal program for veteran small business owners. That entity must have

certification requirements and procedures equaling or exceeding those required by the Code and under Subpart D of this Part (Program Eligibility).

b) CMS shall investigate requirements and procedures of other certifying entities and shall maintain a list of those certifying entities whose certifications can be accepted.

1) CMS may periodically meet with the other certifying entities to ensure compliance.

2) If the other entities' requirements or procedures no longer equal or exceed the requirements and procedures of CMS, CMS will no longer accept those certifications.

3) Applicants must immediately report the denial/loss of certification or recertification by another certifying entity to CMS, along with detailed reasons for the action.

Section 20.540 Sales Limitation; Exception

a) Annual gross sales must be less than $75 million. In determining the annual gross sales, sales of any affiliated business shall also be counted.

b) An affiliated business is one related to the other by virtue of significant commonality of management or commonality of ownership (at least 5% of one company owned by owner or management personnel of the other). Other factors that may be considered in determining affiliation include, but are not limited to, sharing of office space, workers or equipment.

Section 20.550 State Residency

a) The veterans claiming 51% ownership and control of the applicant business must be living in the State of Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in the State of Illinois. Proof of residency may include Illinois driver's license or ID card, Illinois tax documents, or W-2s.

b) Qualifying SDVOSBs or VOSBs must provide proof that they have a home office in the State of Illinois.

Section 20.560 Ownership/Control by Members of Eligible Groups

a) Individuals claiming ownership and control of the applicant business must be members of the eligible groups identified in Section 20.300.

b) The applicant must provide proof of eligible veteran group status. Proof must be in the form of official documentation, i.e., the DD-214 (Report of Separation) and the U.S. Department of Veterans Affairs Rating Decision Letter.

Section 20.570 Ownership

a) The individuals claiming ownership and control of the applicant business must own at least 51% of the business.

b) The ownership shall be real, substantial and continuing and not simply a matter of form. "Real" is a bona fide investment in the business done at arm's length and in good faith. "Substantial" is the level of investment necessary to initiate or acquire the particular business in light of its value, the business field, the organization of the concern, and the potential sources of outside financing. The following factors, among others, are weighed together to help determine whether ownership is real, substantial, continuing and not a matter of form.

1) How ownership was obtained, including, but not limited to, purchase, gift or inheritance.

2) How substantial was the contribution toward ownership in terms of expertise, money or other such factors? The following are some examples of factors that may indicate insufficient contribution:

A) Minimal cash outlay or personal investment;

B) A promise or agreement to contribute capital;

C) A note payable to the firm or other owners who are not eligible group members;

D) Contributions for services rather than capital, except when services are unique, specialized or of a value commensurate with the ownership value of the services;

E) Payment of contribution with funds loaned by a non-eligible group, former employer or stockholder;

F) No recourse loans when the borrower assumes no liability for repayment upon default; and

G) No recourse stock purchases in which the purchaser assumes no liability upon default of payment other than transaction of shares.

3) How the applicant holds ownership. In terms of stock holdings, the following are factors that may indicate ownership is not as stated:

A) Minimal cash outlay or personal investment;

B) A promise or agreement to buy stock;

C) Stock issued, but not purchased;

D) Stock certificates purchased but not in the possession of the applicant; or

E) Stock held in trust.

4) The applicant must provide documentary proof of ownership, including, but not limited to, the following:

A) Canceled checks or bookkeeping entries;

B) Signed purchase agreements;

C) Stock certificates, transfer ledgers and stockholder agreements;

D) Partnership agreements;

E) Profit sharing agreements; and

F) Buy-out-right agreements.

Section 20.580 Control

a) Ownership by eligible group members does not equate to control.

b) The individuals claiming ownership and control of the applicant business must actually control the applicant business. Those individuals must be in direct control of the day to day operations and must have, and exercise, the power to make major decisions on management, policy, fiscal and operational matters. At a minimum, the following factors will be considered in determining control:

1) Do the articles of incorporation show the eligible group owners were involved at the time of incorporation and in what way? If the eligible group owners were not involved at the time of incorporation, when did they become involved?

2) Corporate by-laws will be reviewed to determine:

A) The duties of the directors and officers who occupy these positions;

B) The voting rights of the shareholders; and

C) Any restrictive language that may affect the eligible group owner's stock voting rights.

3) Are there any stock options/shareholders agreements that, if exercised, will dilute or eliminate eligible group owner control?

4) Do the eligible group owners make decisions independently?

5) Does a review of resumes show the eligible group owners have sufficient background, including education and training, to run the particular business and for the responsibilities assigned?

6) Do the eligible group owners continue to work for a firm not eligible to be certified SDVOSBs or VOSBs and, if so, what is the relationship of the

firm to the applicant business?

7) Who in the firm negotiates contracts and loans, prepares estimates and makes other management and supervisory decisions?

Section 20.590 Notice of Certification or Denial

a) Notification of Certification
When CMS has determined that the applicant meets the requirements of this Part, CMS will notify the applicant in writing that it has been certified.

b) Notification of Denial of Certification
When CMS determines that the applicant does not meet the requirements of this Part, CMS will send a letter to the applicant setting forth the rationale for the determination and advising the applicant of the appeal review process.

c) Effect of Denial
After all reconsiderations and reviews provided in this Part have been exhausted, if the decision remains to deny certification, the vendor will not be included in the list of certified vendors.

d) Reapplication
If a certification application is denied, the business may reapply one year after the date of denial. Applications submitted prior to that date will not be considered.

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section 20.600 Review and Reconsideration

a) The applicant may request that CMS reconsider a certification denial. CMS shall inform the applicant of the reconsideration decision within 60 days after receipt of the request for reconsideration.

b) The applicant may request a review of an unfavorable reconsideration decision of CMS. The applicant must submit this request in writing to CMS postmarked no later than 30 days after the applicant received the decision. The request must state why the applicant believes the decision is wrong, must address all points raised in the decision and must include any supportive documentation. Upon receipt of this request, CMS shall refer all documentation to the Committee for review.

c) The Committee (see Section 20.20) shall consider any requested appeal reviews from CMS. CMS will attempt to schedule a Committee meeting within 30 days after receipt of the request for review. The meeting may be held in Chicago or Springfield and CMS will notify the applicant at least 10 days prior to the meeting of the location, date and time.

d) CMS shall provide each Committee member with a copy of the request for review, other relevant information and a response to the points raised in the request for review. Each Committee member shall review the files prior to the meeting.

e) The Committee Chair shall call the meeting to order, announce the matter at issue and explain the meeting procedures. The Chair shall briefly restate the reasons given for the decision for denial and open the floor to the applicant. The meeting shall proceed in an informal manner within these procedures. All information obtained shall be considered.

f) The applicant may make an opening statement, but must respond to each of the reasons for denial given in the decision. The applicant may bring and question any witnesses. The Committee may ask questions of the applicant, CMS or any other person present. CMS may comment at any time. When the applicant is finished, CMS may call witnesses. Both the applicant and CMS may make closing statements. Although the applicant may have an attorney or other representatives assisting at the meeting, the applicant must be present and respond to questions of the Committee.

g) The Committee shall consider the information obtained at the meeting. The Committee's decision will be based upon majority vote to be given at a Committee meeting or submitted individually to CMS, who shall record and report the vote.

h) If the decision is favorable to the applicant, CMS will reverse its denial decision, notify the applicant, and place the applicant on the list of certified vendors. If the decision is adverse to the applicant, CMS will notify the applicant accordingly, providing the Committee's reasons for supporting CMS' original denial decision.

Section 20.610 Decertification Process

a) The State, or a third-party, may challenge the certification status of a SDVOSB or VOSB at any time.

b) Upon receipt of information that questions the validity of a certification, CMS shall conduct an investigation. This may include on-site or telephone interviews, review of existing records, or collection and examination of new records to supplement, explain or clarify records previously submitted.

c) If the investigation results in a finding that the firm is no longer eligible for SDVOSB or VOSB status, CMS shall notify the firm that it is decertified. The applicant may appeal using the review and reconsideration procedure of this Subpart G. After decertification, the applicant may not reapply for certification until one year has passed since the date of decertification. A certification of the applicant by another entity shall not be accepted during the one year period following decertification.

Section 20.620 Annual Confirmation of Eligibility

a) To maintain its certification, a certified business must file a No Change Affidavit with CMS on an annual basis, confirming there have been no changes in ownership or control from the last certification that would affect the eligibility of the certification and shall provide any additional information requested by CMS. The No Change Affidavit shall be in the form specified by CMS and shall include, but not be limited to, owner demographics, annual gross sales, current licensing, ownership interest, certification documentation with other entities, and a signed and notarized affidavit.

b) At least 60 days prior to the anniversary of a certification, CMS shall send a notice to the certified business advising that it must complete and return the No Change Affidavit, postmarked by the date specified in the notice.

c) If the certified business fails to submit the No Change Affidavit, CMS shall issue a provisional revocation of the certification and so notify the business. If the No Change Affidavit is not received within 30 days after the mailing of the provisional revocation to the certified business, the revocation shall become final and the business shall be decertified.

d) If the certified business submits a No Change Affidavit that indicates that ownership or control has changed so that the certified business is, or may be, no

longer eligible for certification, CMS may request further information or may issue a final decertification.

e) Upon receipt of the notice of final decertification, the decertified business must submit a new and complete application for certification.

f) In addition to the annual confirmation, CMS may require confirmation of eligibility at any time during the term of certification.

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section 20.700 Special Assistance

a) Purchasing agencies may waive or reduce bond requirements for certified vendors when allowed by law and when the reduced bond amount would adequately protect the State's interests.

b) Purchasing agencies may enter into contracts with certified vendors that contain a provision allowing advance or progress payments or both, except that a construction contract may not contain an advance payment provision. The advance or progress payment provision may be added to a contract at any time by agreement of the parties. Agencies must consider the application of Section 9.05 of the State Finance Act [30 ILCS 105/9.05] before including the provisions in contracts.

SUBPART I: SOLICITATION/CONTRACT REQUIREMENTS

Section 20.800 Change in Eligibility

a) Any contract awarded to a SDVOSB or VOSB may not be assigned to another vendor without approval of the CPO, in consultation with CMS.

b) Should a vendor who received a contract with the advance or progress payment provisions cease to qualify as a SDVOSB or VOSB during contract performance, the purchasing agency may cancel the contract immediately without penalty to a State agency. Any change in the eligibility status of a vendor awarded a contract with advance or progress payment provisions shall be reported to the Program and the purchasing agency.

Section 20.810 Good Faith Efforts and Waiver Request Procedures

a) Vendors must make a good faith effort to meet the stated goal. A vendor that fails to meet the goal may still be awarded a contract if it can establish that it made a good faith effort to do so. CMS will determine whether a vendor has made a good faith effort to meet the goal unless that authority is delegated to the procuring agency. For contracts for construction and construction-related services entered into by a construction agency, the construction agency, if delegated that authority by CMS, will determine whether a vendor has made a good faith effort to meet the goal.

b) Vendors must submit a utilization plan with each bid or offer that demonstrates the vendor has either met or exceeded the goal or made good faith efforts toward meeting the goal. Any vendor claiming good faith relief must fully document in the utilization plan the steps taken to obtain SDVOSBs or VOSBs as subcontractors. CMS or the construction agency will consider the quality, quantity and intensity of the vendor's efforts.

c) The following is a list of types of actions that CMS or the construction agency may consider as evidence of the vendor's good faith efforts to meet the goal. Other factors or efforts brought to the attention of CMS may be relevant in appropriate cases.

1) Utilize the Sell2Illinois website (www.Sell2.illinois.gov) to identify certified SDVOSBs or VOSBs.

2) Soliciting through all reasonable and available means (e.g., attendance at a vendor conference, advertising and/or written notices) the interest of certified SDVOSBs or VOSBs that have the capability to perform the work of the contract. The Vendor must solicit this interest within sufficient time to allow certified SDVOSBs or VOSBs to respond to the solicitation. The vendor must determine with certainty if the certified SDVOSBs or VOSBs are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal. The vendor must provide interested certified SDVOSBs or VOSBs with adequate information about the plans, specifications and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.

3) Selecting portions of the work to be performed by certified SDVOSBs or VOSBs in order to increase the likelihood that the goal will be achieved. This includes, when appropriate, breaking out contract work items into economically feasible units to facilitate certified SDVOSBs or VOSBs participation, even when the vendor might otherwise prefer to perform these work items with its own forces.

4) Making a portion of the work available to certified SDVOSBs or VOSBs and selecting those portions of the work or material needs consistent with their availability, so as to facilitate certified SDVOSBs or VOSBs participation. Availability may include considerations of how the location of the SDVOSBs or VOSBs would affect the performance or cost of the contract.

5) Negotiating in good faith with interested certified SDVOSBs or VOSBs. Evidence of such negotiation must include the names, addresses and telephone numbers of certified SDVOSBs or VOSBs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting, and evidence as to why additional agreements could not be reached for certified SDVOSBs or VOSBs to perform the work. A vendor using good business judgment may consider a number of factors in negotiating with certified SDVOSBs or VOSBs and may take a firm's price and capabilities into consideration. The fact that there may be some additional costs involved in finding and using certified SDVOSBs or VOSBs may not be in itself sufficient reason for a vendor's failure to meet the goal, as long as such costs are reasonable. Vendors are not required to accept higher quotes from certified SDVOSBs or VOSBs if the price difference is excessive or unreasonable.

6) Thoroughly investigating the capabilities of certified SDVOSBs or VOSBs and not rejecting them as unqualified without documented reasons.

7) Making efforts to assist interested certified SDVOSBs or VOSBs in obtaining lines of credit or insurance as required by the State.

8) Making efforts to assist interested certified SDVOSBs or VOSBs in obtaining necessary equipment, supplies, materials, or related assistance or

services.

d) If CMS or the construction agency determines that a vendor demonstrated good faith efforts towards meeting the stated goal on a bid or offer, a waiver will be issued. If CMS or the construction agency determines that a vendor did not demonstrate good faith efforts towards meeting the goal on a bid or offer, the bid or offer may be deemed non-responsible by the CPO.

e) A vendor who obtains a State contract requiring the utilization of SDVOSBs or VOSBs, or who makes a voluntary contractual commitment to hire SDVOSBs or VOSBs, and who fails to do so is subject to having the contract canceled. If a vendor seeks a waiver of its contractual commitment to utilize or hire SDVOSBs/VOSBs, the agency must contact the SDVOSB or VOSB prior to granting the waiver to substantiate the vendor's claim. If the agency cancels the contract, the vendor may be liable for any damages the State suffers as a result of the cancellation. A vendor may not make changes to its certified SDVOSB or VOSB commitments or substitute certified SDVOSBs or VOSBs without the prior written approval of the State.

SUBPART J: VIOLATIONS BY VENDOR

Section 20.900 Violations by Vendor

Should a vendor violate the Code, this Part, or the terms of contracts let pursuant to this Program, the State may pursue any or all of the following actions:

a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:

1) Refusal to supply information sufficient for the Program or the Committee to make a determination for eligibility or continued eligibility;

2) Refusal to supply additional proof of eligibility for the Program, particularly after receiving a contract with the advance or progress payment (Special Assistance) provisions;

3) Accepting a contract with the advance or progress payment (Special Assistance) provisions when the vendor does not qualify for the Program; or

4) Any other violation of the Code or this Part.

b) The State, in consultation with the CPO's office, may cancel, without penalty to the State, any contract entered into by a vendor in violation of:

1) The Code or this Part;

2) The requirements of a contract let with the advance or progress payment (Special Assistance) provisions; or

3) Commitments regarding use of certified vendors, including, but not limited to, those in Section 20.540 (Sales Limitation; Exception) and Section 20.810 (Good Faith Efforts and Waiver Request Procedures).

c) In the case of a cancellation, the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proven.

d) Suspension of Vendor

1) The CPO or CMS, pursuant to the relevant statute, may suspend a vendor for a period of not less than 3 years and a contracting agency may cancel a contract for a violation of:

A) The Code or this Part;

B) The requirements of a contract let with the advance or progress payment (Special Assistance) provisions; or

C) Commitments regarding use of certified vendors, including, but not limited to, those in Section 20.540 (Sales Limitation; Exception) and Section 20.810 (Good Faith Efforts and Waiver Request Procedures).

2) Except for any person who commits a violation of Section 17-10.3 (Deception of a Public Agency) or 33E-6(d) (Interference with a Public

Agency) of the Illinois Criminal Code of 2012 [720 ILCS 5], will be suspended for a period of not less than 3 years.

e) Depending on the seriousness of the violation, the suspension shall be:

1) From participation in the Program; or

2) From further contracting with the State.

f) A vendor may appeal any of the actions of the Committee taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).

g) CMS shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of SDVOSBs or VOSBs whose certification has been either suspended or revoked within 3 business days.

h) If any agency finds or suspects that a business is in violation of the Code or this Part, the violation should be reported to CMS immediately upon that finding.

i) Each State agency shall report to CMS any violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012. CMS shall monitor the status of reported violations of these statutes and subsequently report all such allegations to the Attorney General, who shall further determine whether to bring civil action against any person for the violation.

j) CMS shall monitor the status of all reported violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012.

k) If a person is suspended for violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012, a State agency shall not enter into any contract with that person or with any contractor using the services of that person as a subcontractor for the entire suspension period.

l) If a person is suspended for violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012 and is certified as a SDVOSB or VOSB, then CMS shall revoke the business' certification for a period not less than 3 years. An additional or subsequent violation shall extend the periods of suspension and revocation for a period not less than 5 years. The suspension and revocation shall apply to

principals of the business and any subsequent business formed or financed by, or affiliated with, those principals.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for Protection Against Laser Radiation

2) Code Citation: 32 Ill. Adm. Code 315

3)

Section Numbers:	Adopted Action:
315.30	Amendment
315.40	Amendment
315.60	Amendment
315.70	Amendment
315.80	Amendment
315.100	Amendment
315.130	Amendment
315.140	Amendment
315.150	Amendment
315.160	Amendment
315.170	Amendment
315.180	Amendment
315.190	New

4) Statutory Authority: Implementing and authorized by Sections 30 and 35 of the Laser System Act of 1997 [420 ILCS 56/30 and 35]

5) Effective Date of Rulemaking: December 9, 2013

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 13013; August 16, 2013

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

11) Differences between Proposal and Final Version: In Section 315.40, the definition of "μ" was deleted.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

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

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

15) Summary and Purpose of Rulemaking: This rulemaking changes all references from "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to establish a registration fee.

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

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

217/785-9860 (voice)
217/524-3698 (fax)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 315
STANDARDS FOR PROTECTION AGAINST LASER RADIATION

Section
315.10 Purpose
315.20 Scope
315.30 Incorporations by Reference
315.40 Definitions
315.50 Exemptions
315.60 Registration
315.70 Amendments and Changes in Status
315.80 Registration Requirements for Out-of-State Laser Facilities
315.90 Laser Safety Officer Qualifications, Duties and Responsibilities
315.100 General Operator Requirements
315.110 Additional Requirements for Infrared Laser Systems
315.120 Additional Requirements for Optical Fiber Communications Systems
315.130 Additional Requirements for Medical Laser Applications
315.140 Additional Requirements for Entertainment Laser Light Show
315.150 Caution Signs, Labels and Postings
315.160 Notifications and Reports
315.170 Records/Information
315.180 Inspections and Investigations
315.190 Annual Registration Fee
315.APPENDIX A Sample Standard Operating Procedures
315.TABLE A MPE for Ocular Exposure (Intrabeam Viewing)
315.TABLE B MPE for Skin Exposure
315.TABLE C Parameters and Correction Factors
315.TABLE D Limiting Apertures for Hazard Evaluation and AEL Determination
315.TABLE E Measurement Apertures for Classification
315.ILLUSTRATION A Sample Warning Sign for Class 3b Laser Facilities
315.ILLUSTRATION B Sample Warning Sign for Class 4 Laser Facilities

AUTHORITY: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 25 Ill. Reg. 6920, effective May 17, 2001; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 37 Ill. Reg. 20200, effective December 9, 2013.

Section 315.30 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: In this Part, the Agency~~Department~~ has incorporated by reference Title 21 of the Code of Federal Regulations, 21 CFR 1040, 2000 edition, published April 1, 2000; the American National Standard for Safe Use of Lasers, ANSI Z136.1-2000, effective June 28, 2000; the American National Standard for the Safe Use of Optical Fiber Communication Systems Utilizing Laser Diode and LED Sources, ANSI Z136.2, effective August 12, 1997; and the American National Standard for Safe Use of Lasers in Health Care Facilities, ANSI Z136.3, effective February 7, 1996.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.40 Definitions

As used in this Part, the following definitions apply:

"Act" means the Laser System Act of 1997 [420 ILCS 56].

"Agency" means the Illinois Emergency Management Agency.

"ANSI" means the American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

"Aperture" means any opening in a protective housing through which laser radiation can pass.

"Attenuation" means the decrease in the radiant power of any optical beam as it passes through an absorbing and/or scattering medium.

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"Certified laser system" means that the system is certified by a manufacturer pursuant to the requirements of 21 CFR 1010.2.

"Class 1 laser" means any laser that meets the criteria of a Class 1 laser, as defined in 21 CFR 1040.

"Class 2 laser" means any laser that meets the criteria of a Class 2 laser, as defined in 21 CFR 1040.

"Class 2a laser" means any laser that meets the criteria of a Class 2a laser, as defined in 21 CFR 1040.

"Class 3 laser" means any laser that meets the criteria of a Class 3 laser, as defined in 21 CFR 1040. Class 3 lasers are separately designated as Class 3a or Class 3b.

"Class 4 laser" means any laser that meets the criteria of a Class 4 laser, as defined in 21 CFR 1040.

"Controlled area" means any area where the occupancy and access of those within is subject to control and supervision by the registrant for the purpose of protection from laser radiation hazards.

~~"Department" means Department of Nuclear Safety.~~

"Director" means the Director of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~.

"Embedded laser" means an enclosed laser with an assigned class number higher than the inherent capability of the laser system in which it is incorporated, where the system's lower classification (Class 1, 2, 3a or 3b) is appropriate due to the engineering features limiting accessible emission.

"Enclosed laser" means a laser that is contained within a protective housing of itself or of the laser or laser system in which it is incorporated.

"Energy" means the capacity for doing work. Energy content is commonly used to characterize the output from pulsed lasers and is generally expressed in joules

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"Facility" means a laser installation.

"FDA" means the Food and Drug Administration of the United States Department of Health and Human Services.

"Fire-resistant material" means a material that is not combustible when used for its intended purpose in conjunction with a laser system.

"Incident" means an event or occurrence that results in a real or suspected intentional or accidental exposure to laser radiation that caused or has the potential to cause biological damage.

"Irradiance" means the radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter (W cm^{-2}).

"Joule" or "~~(~~J~~)~~" means a unit of energy: 1 joule = 1 watt second.

"Laser" means any device that can produce or amplify electromagnetic radiation at wavelengths greater than 180 nanometers but less than 1 millimeter, primarily by the process of controlled stimulated emission.

"Laser installation" means a location or facility where laser systems are produced, stored, disposed of or used for any purpose [420 ILCS 56/15].

"Laser radiation" means an electromagnetic radiation emitted from a laser system and includes all reflected radiation, any secondary radiation or other forms of energy resulting from the primary laser beam [420 ILCS 56/15].

"Laser safety officer" means any individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by the registrant to have the authority and responsibility to establish and administer the laser radiation protection program for a particular laser installation.

"Laser system" means a device, machine, equipment or other apparatus that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a cohesive beam capable of

transmitting the energy developed in a manner that may be harmful to living tissues, including but not limited to electromagnetic waves in the range of visible, infrared or ultraviolet light. Such systems in schools, colleges, occupational schools, and State colleges and other State institutions are also included in the definition of "laser systems". [420 ILCS 56/15]

"Maintenance" means the performance of those adjustments or procedures by the user to keep equipment in its intended operating condition. Maintenance does not include operation or service as defined in this Section.

"Maximum permissible exposure" or "~~(~~MPE"~~)~~ means that level of laser radiation to which persons may be exposed without adverse biological change in the eye or skin.

"Medical laser" means a laser system that is a medical device, as defined in 21 USC 321(h), and is manufactured, designed or intended for laser irradiation of any part of the human body for the purpose of diagnosis, surgery or therapy (see 21 CFR 1040.10(b)).

"Operation" means the performance of tasks required for the equipment to perform its intended functions. It does not include maintenance or service tasks as defined in this Section.

"Operator" is an individual, group of individuals, partnership, firm, corporation, or association conducting the business or activities carried on within a laser installation [420 ILCS 56/15].

"Optical density" or "~~(~~OD"~~)~~ means a logarithmic expression of the optical attenuation afforded by a material.

$$\text{OD} = \log_{10} \frac{\text{incident power}}{\text{transmitted power}}$$

"Optical fiber communications system" or "~~(~~OFCS"~~)~~ means a system consisting of one or more laser transmitters, each of which is coupled to an individual optical fiber and is used for the transmission of information, e.g., voice or data.

"Person" means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group,

agency, political subdivision of this State, any other state or political subdivision or agency thereof and any legal successor, representative, agent or agency of the foregoing.

"Protective housing" means those portions of a laser system that are designed to prevent human access to laser radiation above the applicable MPE level.

"Pulse duration" means the time increment measured between the half-peak power points at the leading and trailing edges of a pulse.

"Radiant energy" means energy emitted, transferred or received in the form of laser radiation, expressed in joules (J).

"Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter (J cm^{-2}).

"Radiant power" means power emitted, transferred or received in the form of laser radiation expressed in watts (W). Radiant power also means output power.

"Registrant" means any person who registers a laser installation with the Agency~~Department~~ pursuant to this Part.

"Scanning laser" means a laser having a time-varying direction, origin or pattern of propagation with respect to a stationary frame of reference.

"Service" means the performance of adjustments, repairs or procedures required to return equipment to its intended state. These adjustments and procedures usually require specialized training and/or tools. Service does not include operation or maintenance as defined in this Section.

"Watt" or "~~(~~W"~~)~~ means the unit of radiant power, 1 watt = 1 joule per second (J sec^{1})

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.60 Registration

a) Installation Registration

1) Any operator of a laser installation shall register the laser installation with the Agency~~Department~~. The operator shall register the installation before the installation is placed in operation on a form prescribed by the Agency~~Department~~, which shall include, but not be limited to:

A) The operator's name;

B) The location of the laser installation;

C) The classification number and room location of laser systems possessed; and

D) The name of the individual designated as the laser safety officer.

AGENCY NOTE: Prior to designation of the laser safety officer, the registrant should carefully review the requirements of Section 315.90~~ of this Part~~.

2) Installation registration, as specified in subsection (a)~~ of this Section~~, shall be required only at the time the laser installation is placed in operation.

3) Laser systems that are located in a single building or in a group of buildings that are contiguous to one another, and used by the same operator, shall be treated as a single laser installation unless requested otherwise in writing by the operator and approved by the Agency~~Department~~.

b) Laser System Registration

1) Any operator of a laser installation where laser systems are located shall register the systems annually on a form prescribed by the Agency~~Department~~.

2) The form shall include, but not be limited to, the manufacturer, model serial number, output power, wavelength and class of each laser system.

3) Any operator of a laser installation that possesses multiple laser systems of the same manufacturer and model may register those~~such~~ laser systems on

a single form, provided that the operator includes a listing of serial numbers for each laser system.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.70 Amendments and Changes in Status

a) Operators of laser installations that have been registered pursuant to Section 315.60~~ of this Part~~ shall notify the Agency~~Department~~ within 30 days after the installation of new, used, relocated or reactivated laser systems.

b) If any operator discontinues using a laser system, the operator shall notify the Agency~~Department~~ within 30 days after the discontinuance. The notification shall include the date of discontinuance, including the name, address and telephone number of the person who received the laser and the disposition of the laser system.

c) Within 30 days after changing the operator of a laser installation, the new operator shall notify the Agency~~Department~~ in writing or by telephone or other electronic means.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.80 Registration Requirements for Out-of-State Laser Facilities

a) Whenever any Class 3b or Class 4 laser system is to be brought into this State, for any temporary use, the person proposing to bring the laser system into this State shall:

1) Register the installation and laser systems in accordance with Section 315.60~~ of this Part~~.

2) Give written notice to the Agency~~Department~~ at least 10 working days before the laser system is to be used in this State. The notice shall:

A) Include the nature, duration and scope of use;

B) Include the exact locations where the laser system is to be used; and

C) Comply with all applicable requirements of this Part.

b) A pre-operational inspection by the Agency~~Department~~ of the out-of-state laser system may be required within 24 hours prior to the laser system being used in this State.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.100 General Operator Requirements

a) Administrative and Procedural Controls

1) The registrant shall provide personnel operating lasers written operating and safety procedures. These procedures shall include restrictions required for the safe operation of each laser and shall include the topics listed in the laser safety program of subsection (a)(2)~~ of this Section~~.

AGENCY NOTE: Sample standard operating procedures for the use of laser systems are contained in Appendix A~~ of this Part~~. The Agency~~Department~~ recommends these procedures be modified and adopted for each registrant's specific use of lasers.

2) The registrant shall provide for initial and annual in-service training in laser safety for individuals using laser systems to ensure their awareness of the registrant's laser safety practices and policies. The in-service training shall include the following topics:

A) Operating and emergency procedures for the lasers;

B) Use of laser protective devices, including selection and use of protective eyewear;

C) Clear warnings and precautions to avoid possible exposure to laser radiation in excess of the MPE; and

D) Requirements for safe operation of lasers as described in this Part.

3) Personnel operating lasers shall be instructed in and able to demonstrate

competence with the registrant's operating and safety procedures.

4) Alignment of laser optical systems (e.g., mirrors, lenses and beam deflectors) shall be performed in a manner that assures that no one is exposed to laser radiation above the MPE.

5) A controlled area shall be established when exposure to laser radiation in excess of the MPE limit is possible. The controlled area shall meet the following requirements:

A) Be posted as required by Section 315.150~~ of this Part~~.

B) Access shall be only by permission of the laser safety officer or a trained designated representative.

6) Unenclosed Beam Paths

A) An evaluation of the expected beam path and the potential hazards from reflective surfaces that may be encountered shall be conducted before operating the laser. All reflective surfaces shall be excluded from the beam path at all points where the laser radiation exceeds the MPE.

B) If applicable, the stability of the laser platform shall be evaluated to determine the constraints that shall be placed upon the beam traverse and the extent of the range of control.

C) No laser shall be operated or made ready for operation until the area along all points of the beam path where the laser radiation will exceed the MPE is clear of individuals, unless the individuals are wearing appropriate protective devices.

b) Requirements for Safe Operation

1) Operator Supervision

A) The laser system shall be operated at all times under the direct supervision or control of an experienced, trained operator who shall maintain visual surveillance of conditions for safe use and

terminate laser emission in the event of malfunction or any other condition of unsafe use.

B) Unattended use of the laser system shall be permitted only when the laser safety officer has implemented appropriate control measures that provide adequate protection and laser safety training to those who may enter the laser controlled area during times of unattended use.

2) Maximum Permissible Exposure (MPE)

A) No individual shall be exposed to levels of laser radiation higher than the MPE, as described in Tables A and B~~ of this Part~~.

B) In those cases in which~~where no~~ MPE is known for particular wavelengths and pulse durations, exposure to laser radiation shall be prohibited.

C) Measurements and calculations performed to determine MPE limits shall be made in a manner consistent with the criteria contained in ANSI Z136.1-2000.

3) The minimum laser radiant energy or laser power level required for the application shall be used.

4) All service procedures shall be performed by qualified personnel who are trained in laser radiation protection.

5) Protective eyewear, when specified by the laser safety officer, when engineering or other procedural and administrative controls are inadequate to eliminate potential exposure in excess of the applicable MPE, shall be worn by all individuals with access to Class 3b and Class 4 levels of laser radiation. The protective eyewear devices shall meet the following requirements:

A) Provide a comfortable and appropriate fit all around the area of the eyes sufficient to protect the eyes from laser radiation.

B) Be in proper condition to ensure the optical filters and holder

provide the required optical density or greater at the desired wavelengths, and retain all protective properties during use of the device.

C) Be suitable for the specific wavelength of the laser and be of optical density adequate for the energy of the laser.

D) Have the optical density or densities and associated wavelengths permanently labeled on the filters or otherwise permanently identified.

E) Be examined by the registrant's laser safety officer, or designee, at intervals not to exceed 6 months, to ensure the reliability of the protective filters and integrity of the protective filter frames.

F) Eyewear not meeting the requirements of this subsection (b)(5) shall not be utilized as protective eyewear.

6) When there is a possibility of exposure to laser radiation that exceeds the MPE limits for skin as specified in Table B~~ of this Part~~, the registrant shall require the appropriate use of protective gloves, clothing and shields.

7) Laser products certified by a manufacturer to be compliant with the requirements of 21 CFR 1040 applicable at the date of manufacture shall be maintained in compliance with the requirements. Certified laser products that have been modified shall comply with this Part.

c) Engineering Controls

1) Each laser product shall have a protective housing that prevents, during operation, human access to laser radiation that exceeds the limits of a Class 1 laser (see 21 CFR 1040.10, Table I), wherever and whenever human access is not necessary in order for the laser system to perform its intended function.

2) Safety Interlocks

A) A safety interlock, which ensures that laser radiation is not accessible above MPE limits, shall be provided for any portion of

the protective housing that, by design, can be removed or displaced without the use of tools during normal operation or maintenance.

B) Adjustment during operation, service, testing or maintenance of a laser containing interlocks shall not cause the interlocks to become inoperative or the laser radiation to exceed MPE limits outside the protective housing except where a controlled area, as specified in subsection (a)(5)~~ of this Section~~, is established.

C) For pulsed lasers, interlocks shall prevent firing of the laser.

D) For continuous wave lasers, the interlocks shall turn off the power supply or interrupt the beam.

E) An interlock shall not allow access to laser radiation in excess of MPE limits when the interlock is closed.

F) Multiple safety interlocks, or a means to preclude removal or displacement of the interlocked portion of the protective housing upon failure, shall be provided if failure of a single interlock would allow human access to levels of Class 3b or Class 4 laser radiation.

3) Viewing Optics and Windows

A) All viewing ports, viewing optics or display screens included as an integral part of an enclosed laser or laser system shall incorporate suitable means to attenuate the laser radiation transmitted through the port to less than the MPE during maintenance or operation of the laser.

B) When optical systems such as lenses, telescopes and microscopes are used that were not supplied as part of a certified laser product, the laser safety officer shall determine the potential hazard and specify administrative procedures and the use of controls such as interlocks or filters.

4) Warning Systems

A) Each laser system shall provide visual or aural indication during

the emission of accessible laser radiation.

B) Any visual indicator shall be clearly visible through protective eyewear designed specifically for the wavelengths of the emitted laser radiation.

C) Visual indicators shall be positioned so that viewing does not result in exposure to laser radiation in excess of the MPE.

D) An indication shall be provided prior to emission of the radiation to allow appropriate action to avoid exposure.

5) Additional Requirements for Indoor Class 4 Laser Controlled Areas

A) Latches, interlocks or other appropriate means shall be used to restrict access to controlled areas.

B) Measures shall be designed to allow both rapid exit by the laser personnel at all times and entrance to the controlled area in an emergency condition.

C) For emergency conditions, a control-disconnect switch or equivalent device (panic button) shall be available for deactivating the laser or closing the shutter.

D) During tests requiring continuous operation, the laser safety officer or a trained designated representative shall be permitted to momentarily override the safety interlocks to allow access to other authorized personnel if it is clearly evident that:

i) There is no optical radiation hazard at the point of entry; and

ii) The necessary protective devices are being worn by the entering personnel.

E) Optical paths (e.g., windows) from an indoor facility shall be controlled in such a manner as to reduce the transmitted values of the laser radiation to levels at or below the MPE. When the laser

beam must exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the operator shall be responsible for ensuring that the beam path is limited to controlled air space or controlled ground space when the beam irradiance or radiant exposure is above the appropriate MPE.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.130 Additional Requirements for Medical Laser Applications

a) Medical lasers used for human irradiation shall be calibrated in accordance with the manufacturer's specified calibration procedure at intervals not to exceed those specified by the manufacturer. Calibration records shall be maintained at the facility for inspection by the Agency~~Department~~.

b) Each medical laser shall incorporate a means for measurement of the level of laser radiation intended for human irradiation, with an error in measurement of no greater than plus or minus 20 percent, when calibrated in accordance with the laser manufacturer's calibration procedure.

c) Any footswitch that is used to control patient exposure to laser radiation shall have a guard mechanism to prevent inadvertent exposure.

d) The operator shall ensure that medical lasers shall not be used for human irradiation unless all applicable requirements of this Part are met.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.140 Additional Requirements for Entertainment Laser Light Show

a) The operator shall notify the Agency~~Department~~ in writing or facsimile, at least 10 working days in advance of the proposed laser light show, and shall include the following information:

1) Name, address and telephone number of:

A) Laser registrant;

B) Laser safety officer;

C) Individual in charge of the laser light show;

2) The location, time and date of the show;

3) Documentation that a variance has been obtained in accordance with 21 CFR 1040.11;

4) For outdoor performances, a copy of the notification to the Federal Aviation Administration;

5) Manufacturer, class, wavelength and output power of the laser systems to be used; and

6) Sketches showing the location of the laser systems, operators, performers, laser beam paths, viewing screens, walls, mirror balls and other reflective or diffusive surfaces that may be struck by the laser beam.

b) The operator shall also supply additional information as may be required by the Agency~~Department~~ for the evaluation of the safety of the proposed laser light show.

c) Requirements for Safe Operations

1) Laser radiation emissions outside the spectral range of 400 to 700 nanometers shall not exceed the limits of a Class 1 laser.

2) Levels of laser radiation where the audience is located, and where operators, performers and employees are located if the laser radiation is intended to be viewed by them, shall not exceed the limits of a Class 1 laser.

3) Operators, performers and employees shall be able to perform their functions without being exposed to laser radiation exceeding the limits of a Class 2 laser when the laser radiation is not intended to be viewed by them.

4) Areas where levels of laser radiation exceed the limits of a Class 2 laser shall be identified by posting of warning signs and through use of barriers

or guards to prevent individuals from entering these areas.

5) Scanning lasers shall not, as a result of scan failure or any other failure causing a change in either angular velocity or amplitude, permit audience exposure to laser radiation in excess of the limits of a Class 1 laser.

6) Where a mirror ball is used with a scanning laser, the conditions of subsections (c)(1) and (c)(2)~~ of this Section~~ shall be met with the mirror ball stationary or during any failure mode resulting in a change in rotational speed of the mirror ball.

7) Laser light shows shall be, at all times, under the direct and personal supervision of the laser operator, except:

A) In cases in which~~where~~ the maximum laser output power level is less than 5 milliwatts (all spectral lines);

B) When the laser beam path is located at least 6 meters above any surface upon which an individual in the audience is permitted to stand; or

C) When the laser beam path is located at least 2.5 meters in lateral separation from any position where an individual in the audience is permitted during the performance.

8) Laser radiation levels shall not exceed the limits of a Class 2 laser at any point less than 3 meters above any surface upon which any individual in the audience is permitted to stand, and 2.5 meters in lateral separation from any position where an individual in the audience is permitted, unless physical barriers are present that prevent human access to these levels.

9) All safety devices and procedures necessary to comply with this Part shall be functionally tested and evaluated after setup and prior to the laser light show to ensure compliance.

10) The laser system, when not in use, shall be secured against unauthorized operation or tampering.

11) Laser alignment procedures shall be performed with the laser output

power reduced to the lowest practicable level, and protective eyewear shall be worn where necessary to prevent exposure to laser radiation levels exceeding the MPE. Unless specifically authorized by the laser safety officer, only individuals required to perform the alignment shall be present during these procedures.

12) The operator shall ensure that no laser light show is conducted except as specifically authorized in a variance issued in accordance with 21 CFR 1040.11 and applicable requirements of this Part.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.150 Caution Signs, Labels and Postings

a) Except as otherwise authorized by the Agency~~Department~~, signs and labels prescribed by this Section shall use the design and colors specified in Illustration A or B of this Part.

b) Controlled areas shall be conspicuously posted with appropriate sign or signs as specified in subsection (c)~~ of this Section~~.

c) Labeling and Posting Laser Systems and Laser Facilities

1) Class 3b lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration A~~ of this Part~~ and that include~~including~~ the following wording:

(Position 1 on the logotype)

"LASER RADIATION − AVOID DIRECT EXPOSURE TO BEAM"

(Position 3 on the logotype)

"CLASS 3b LASER"

2) Class 4 lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration B~~ of this Part~~ and that include~~including~~ the following wording:

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(Position 1 on the logotype)

"LASER RADIATION − AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"

(Position 3 on the logotype)

"CLASS 4 LASER"

3) Each laser, except lasers used in the practice of medicine, shall have labels in close proximity to each aperture through which is emitted accessible laser radiation in excess of the MPE with the following wording as applicable:

A) "AVOID EXPOSURE − Laser radiation is emitted from this aperture", if the radiation emitted through the~~such~~ aperture is laser radiation.

B) "AVOID EXPOSURE − Hazardous electromagnetic radiation is emitted from this aperture", if the radiation emitted through the~~such~~ aperture is electromagnetic radiation.

C) "AVOID EXPOSURE − Hazardous x-rays are emitted from this aperture", if the radiation emitted through the~~such~~ aperture is x-ray radiation.

4) Each label specified in this subsection (c) shall state, at position 2 on the required warning logotype, the maximum output of laser radiation, the pulse duration when appropriate, and the laser medium or emitted wavelengths.

5) Each noninterlocked or defeatably interlocked portion of the protective housing or enclosure that is designed to be displaced or removed during normal operation, maintenance or servicing and that would permit human access to laser radiation shall have labels as follows:

A) For Class 3b laser radiation, the wording: "DANGER − Laser radiation when open, AVOID DIRECT EXPOSURE TO BEAM".

B) For Class 4 laser radiation, the wording: "DANGER − Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION".

C) For protective housings or enclosures that provide a defeatable interlock, the phrase "and interlock defeated" shall be inserted after the word "open" on the labels specified in subsections (c)(5)(A) and (B) of this Section.

6) The word "invisible" shall precede the word "laser" on labels and signs required by this Part for wavelengths of laser radiation that are outside of the range of 400 to 710 nanometers.

7) The words "visible and invisible" shall precede the word "laser" on labels and signs required by this Part for wavelengths of laser radiation that are both within and outside the range of 400 to 710 nanometers. For laser products emitting only visible wavelengths, the phrase "laser light" may be used in lieu of "laser radiation".

8) All labels placed on lasers or signs posted in laser facilities shall be positioned so as to make unnecessary, during reading, human exposure to laser radiation in excess of the MPE.

9) Labels and signs required by this Part shall be clearly visible, legible and permanently attached to the laser or facility.

AGENCY NOTE: With respect to laser systems only, the labeling requirements found in 21 CFR 1040, and labels otherwise approved by the FDA, may be used in lieu of subsection (c)~~ of this Section~~.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.160 Notifications and Reports

a) Each registrant shall notify the Agency~~Department~~ immediately of any incident involving exposure to laser radiation that has or may have caused *accidental injury to an individual in the course of use, handling, operation, manufacture or discharge of a laser system* [420 ILCS 56/40], including:

1) An exposure to an individual of greater than 100 times the MPE;

2) An exposure to an individual that involves the partial or total loss of sight in either eye; or

3) An exposure to an individual that involves perforation of the skin or other serious injury exclusive of eye injury.

b) Each registrant shall notify the Agency~~Department~~ within 24 hours of any incident involving exposure to laser radiation that has or may have caused:

1) An exposure to an individual of greater than 5 times the MPE; or

2) An exposure to an individual that involves second or third degree burns to the skin.

c) Each registrant shall make a report in writing within 30 days to the Agency~~Department~~ of any incident for which notification is required by subsection (a) or (b)~~ of this Section~~.

d) Each report filed with the Agency~~Department~~ pursuant to this Section shall include the full name of each individual exposed to laser radiation, including estimates of each individual's exposure, levels of laser radiation involved, the cause of the exposure, a description of any injuries, and corrective steps taken or planned to be taken to assure against a recurrence.

e) When a registrant is required pursuant to this Section to report to the Agency~~Department~~ any exposure of an individual to laser radiation, the registrant shall also provide to the individual a report on that exposure data. The report to the individual shall be transmitted at a time not later than the date of transmittal to the Agency~~Department~~.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.170 Records/Information

a) Each registrant shall maintain, for a period of 5 years, records that shall be kept current and available for inspection by the Agency~~Department~~, showing:

1) A listing of all individuals who have been authorized by the registrant to operate lasers.

2) The results of all inspections of protective eyewear required by Section 315.100~~ of this Part~~.

3) The results of all instrument calibrations required by Section 315.130~~ of this Part~~.

4) The reports of incidents as described under Section 315.160~~ of this Part~~.

b) Each operator shall make records maintained pursuant to this Part available to the Agency~~Department~~ for review and copying.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.180 Inspections and Investigations

a) The Agency~~Department~~ is authorized *to enter upon, inspect, and investigate the premises and operations of all laser systems of this State, whether or not the systems are required to be registered by* the Act [420 ILCS 56/35].

b) Each operator of a laser installation shall afford the Agency~~Department~~ the opportunity to enter upon, inspect and investigate the laser installation at all reasonable times.

(Source: Amended at 37 Ill. Reg. 20200, effective December 9, 2013)

Section 315.190 Annual Registration Fee

a) Each laser installation required to be registered pursuant to the Act and this Part shall pay an annual registration fee of $50. Payment of this fee is required by those laser installations that possess a laser system capable of emitting laser or laser light.

b) The Agency shall bill each laser installation as soon as practicable after October 1 of each year.

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c) The appropriate fees shall be paid within 60 days after the date on the invoice issued by the Agency. Failure to pay a properly assessed fee shall result in the Agency taking action as authorized in Section 30 of the Act.

d) All fees assessed in accordance with this Section are non-refundable.

(Source: Added at 37 Ill. Reg. 20200, effective December 9, 2013)

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1) Heading of the Part: Fees for Radioactive Material Licensees

2) Code Citation: 32 Ill. Adm. Code 331

3)

Section Numbers:	Adopted Action:
331.200	Amendment
331.APPENDIX F	Amendment

4) Statutory Authority: Implementing and authorized by Sections 10 and 12 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 12]

5) Effective Date of Rule: December 9, 2013

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 13677; August 23, 2013

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

11) Differences between Proposal and Final Version: None

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

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

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

15) Summary and Purpose of Rulemaking The Agency is proposing this rulemaking to increase the fees for radioactive material licenses in order to cover the cost of operating the radioactive material security, licensing and inspection programs.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
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217/785-9860 (voice)
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The full text of the Adopted Amendments begin on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 331
FEES FOR RADIOACTIVE MATERIAL LICENSEES

Section
331.10 Purpose
331.20 Scope
331.30 Definitions
331.110 Exemptions
331.115 Radioactive Material Recovery and Remediation Fee
331.120 Payment of Fees
331.125 Implementation (Repealed)
331.130 Refunds of Full Cost Recovery Deposits
331.200 Full Cost Recovery
331.210 Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310 Failure by Applicant or Licensee to Pay Prescribed Fee

331.APPENDIX A Schedule of License Fees (Repealed)
331.TABLE A License Fees – Jan. 1, 1988-Dec. 31, 1988 (Repealed)
331.TABLE B License Fees – Jan. 1, 1989-Dec. 31, 1989 (Repealed)
331.TABLE C License Fees – Jan. 1, 1990-Dec. 31, 1990 (Repealed)
331.APPENDIX B Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX C Fee Schedule For Sealed Source And Device Evaluations (Repealed)
331.APPENDIX D Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX E Primary Material Use Categories for Radioactive Material Licensees
331.APPENDIX F Fee Schedule for Radioactive Material Licensees

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25

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Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4298, effective March 9, 2009; amended at 36 Ill. Reg. 17387, effective November 30, 2012; amended at 37 Ill. Reg. 20225, effective December 9, 2013.

Section 331.200 Full Cost Recovery

Initial applications, amendments and renewals for licenses designated as full cost recovery in Appendix F, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost recovery of review and inspection efforts. Full cost recovery fees are calculated based on the following:

a) The time required by Agency professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f)~~ of this Section~~.

b) The time required by Agency professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f)~~ of this Section~~.

c) For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Agency's cost for overseeing decontamination activities at unlicensed properties contaminated with source or byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f)~~ of this Section~~.

d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of that~~such~~ equipment.

e) The contractual support service costs, if any, incurred by the Agency in conjunction with the review, inspections and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited

to, rental of specialized equipment, acquisition of additional professional expertise not available within the Agency and laboratory fees charged to the Agency.

f) The hourly rate for full cost recovery shall be $263~~202~~.

AGENCY NOTE: Full cost recovery activities are billed to the nearest tenth of an hour.

(Source: Amended at 37 Ill. Reg. 20225, effective December 9, 2013)

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Section 331.APPENDIX F Fee Schedule for Radioactive Material Licensees

Primary Category	Description	Annual Fee	Recovery and Remediation Fee	Remote Site Fee
MANUFACTURING/DISTRIBUTION				
201A.	Broad Scope Manufacturing and/or Distribution	$25,142 ~~19,340~~	$300	$10,036 ~~7,720~~
201B.	Specific Manufacturing and/or Distribution	$7,183 ~~5,525~~	$300	$5,491 ~~4,224~~
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	$7,059 ~~5,430~~	$300	$4,966 ~~3,820~~
201D.	Distribution	$4,277 ~~3,290~~	$300	$736 ~~566~~
IRRADIATORS				
202A.	Category I Irradiator	$1,716 ~~1,320~~	$300	$806 ~~620~~
202B.	Category II, III or IV Irradiator (less than 10,000 curies (370 TBq))	$6,741 ~~5,185~~	$300	$6,929 ~~5,330~~
202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more) ~~(One-time Deposit of~~	$42,270 ~~Full Cost~~	$300	$29,589 ~~Full Cost~~

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~~$10,000)~~

RESEARCH AND DEVELOPMENT

203A.	Broad Scope Research and Development	$12,929 ~~9,945~~	$300	$9,048 ~~6,960~~
203B.	Other Research and Development	$4,752 ~~3,655~~	$300	$2,054 ~~1,580~~

PORTABLE AND FIXED GAUGES

204A.	Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers	$1,547 ~~1,190~~	$300	$419 ~~322~~
204B.	Portable Gauges and Portable X-Ray Fluorescence Analyzers	$2,321 ~~1,785~~	$300	$767 ~~590~~
204C.	Fixed Gauges	$2,321 ~~1,785~~	$300	$832 ~~640~~

SERVICE

205A.	Service	$3,887 ~~2,990~~	$300	$1,170 ~~900~~
205B.	Nuclear Laundries ~~(One-time Deposit of $10,000)~~	$13,830 ~~Full Cost~~	$300	$9,681 ~~Full Cost~~
205C.	Decontamination Facilities ~~(One-time Deposit of $10,000)~~	$4,470 ~~Full Cost~~	$300	$3,129 ~~Full Cost~~

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WIRELINE (Well Logging)

206.	Wireline Service Operations	$3,757 ~~2,890~~	$300	$1,287 ~~990~~

INDUSTRIAL RADIOGRAPHY

207.	Industrial Radiography	$9,685 ~~7,450~~	$300	$6,838 ~~5,260~~

MEDICAL/VETERINARY

208A.	Broad Scope Medical/ Veterinary Use	$21,801 ~~16,770~~	$300	$7,462 ~~5,740~~
208B.	Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader	$9,555 ~~7,350~~	$300	$3,315 ~~2,550~~
208C.	Medical/Veterinary Use	$4,310 ~~3,315~~	$300	$1,373 ~~1,056~~
208D.	Diagnostic Use Only	$2,652 ~~2,040~~	$300	$1,014 ~~780~~
208E.	Limited Medical/Veterinary Use	$2,392 ~~1,840~~	$300	$1,066 ~~820~~
208F.	Mobile Nuclear Medicine	$4,310 ~~3,315~~	$300	$1,807 ~~1,390~~

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GENERAL LICENSES				
209A.	Persons with Prepackaged Units for In Vitro Testing	$170	$300	N/A
209B.	Persons with Generally Licensed Devices	$400 ~~350~~	$300	N/A
SOURCE MATERIAL				
210A.	Possession and Use of Source Material and Byproduct Material (One-time Deposit of $25,000)	Full Cost	$300	Full Cost
210B.	Possession and Use of Source Material (One-time Deposit of $25,000)	Full Cost	$300	Full Cost
WASTE DISPOSAL AND TREATMENT FACILITIES				
211A.	Low-Level Radioactive Waste Disposal Facilities ~~(One-time Deposit of $25,000)~~	Full Cost	$300	Full Cost
211B.	Low-Level Radioactive Waste Treatment Facilities (One-time Deposit of $25,000)	Full Cost	$300	Full Cost
211B.	Low-Level Radioactive Waste Treatment Facilities (For all new licenses after October 1, 2013)	$13,830	$300	$9,681
211C.	Centralized Radioactive Waste Storage Facilities	$13,830 ~~Full Cost~~	$300	$9,681 ~~Full Cost~~

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	~~(One-time Deposit of $25,000)~~			
211D.	Other Low-Level Radioactive Waste (One-time Deposit of $25,000)	Full Cost	$300	Full Cost
OTHER				
212A.	Storage Only	$2,321 ~~1,785~~	$300	$1,092 ~~840~~
212B.	Possession Incident to Exempt Distribution	$2,249 ~~1,730~~	$300	$686 ~~528~~
212C.	Other (uses not specified elsewhere in this schedule)	$2,301 ~~1,770~~	$300	$572~~440~~
212D.	Reciprocity for Exhibition and Demonstration Only	$400~~350~~	N/A	N/A
212E.	Sealed Source and Device Evaluation Maintenance Fee	$845~~650~~	N/A	N/A

(Source: Amended at 37 Ill. Reg. 20225, effective December 9, 2013)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography

2) Code Citation: 32 Ill. Adm. Code 405

3)

Section Numbers:	Adopted Action:
405.110	Amend
405.120	Amend

4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a]

5) Effective Date of Rulemaking: December 9, 2013

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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 13038; August 16, 2013

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

11) Differences between Proposal and Final Version: None

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

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

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

15) Summary and Purpose of Rulemaking: The Agency is proposing this rulemaking to increase the fee for the industrial radiography certification and exam to cover the costs of providing the program and examination. In addition, Section 405.120 is being amended to allow the Agency to consider all evidence of enforcement prior to issuance of reciprocal certification to an individual.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
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PART 405
CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

405.10 Purpose and Scope
405.20 Definitions
405.30 Application for Certification
405.40 Categories of Certification
405.50 Examination Requirements
405.60 Examinations
405.70 Approved Training Program
405.80 Experience Requirements for Certification
405.90 Requirements for Issuance of Certification
405.100 Duration of Certification
405.110 Fees
405.120 Reciprocity
405.130 Requirements for Renewal of Certification
405.140 Suspension, Revocation and Denial of Certification
405.150 Civil Penalties
405.APPENDIX A Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3483, effective February 25, 2002; amended at 27 Ill. Reg. 2169, effective February 1, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 13161, effective July 24, 2008; amended at 37 Ill. Reg. 20235, effective December 9, 2013.

Section 405.110 Fees

a) The application fees for examination or certification are non-refundable and are as follows:

1) Each application for examination by the Agency ..... $150~~100~~

2) Each application for certification

A) Certified Industrial Radiographer ..... $125~~100~~

B) Certified Industrial Radiographer Trainee ..... $125~~100~~

b) The appropriate fees shall accompany the application when filing with the Agency.

(Source: Amended at 37 Ill. Reg. 20235, effective December 9, 2013)

Section 405.120 Reciprocity

a) The Agency may~~shall~~ issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of Nondestructive Testing (ASNT), provided that:

1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;

2) The standards and procedures for the certification issued by the state, jurisdiction or ASNT are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;

3) The applicant presents a legible copy of the certification document issued by the other state or jurisdiction, or by the ASNT, to the Agency; and

4) The applicant submits the application fee in accordance with Section 405.110(a).

b) Individuals who are certified by reciprocity shall either:

1) Maintain the certification upon which the reciprocal certification was issued; or

2) Satisfy the requirements of Section 405.90 prior to the expiration of the certification upon which reciprocal certification was issued.

c) Enforcement actions by the Agency, another agreement state or the Nuclear Regulatory Commission, or sanctions by an independent certifying entity may be considered when the Agency reviews a request for reciprocal recognition from a certified radiographer.

d) The Agency may refuse to issue or renew a certification under this Section for any one or a combination of the causes in Section 405.140.

(Source: Amended at 37 Ill. Reg. 20235, effective December 9, 2013)

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1) Heading of the Part: Regulations for Radon Service Providers

2) Code Citation: 32 Ill. Adm. Code 422

3)

Section Numbers:	Adopted Action:
422.20	Amend
422.30	Amend
422.45	Amend
422.50	Amend
422.60	Amend
422.65	New
422.70	Amend
422.90	Amend
422.100	Amend
422.110	Amend
422.120	Amend
422.130	Amend
422.140	Amend
422.150	Amend
422.160	New
422. APPENDIX A	Amend

4) Statutory Authority: Implementing and authorized by Section 20 of the Radon Industry Licensing Act [420 ILCS 44/20]

5) Effective Date of Rule: December 9, 2013

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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 6987; May 24, 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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11) Differences between Proposal and Final Version:

1. Changed the Main Source Note to add "and Section 10 of the Radon Resistant Construction Act [420 ILCS 52/10]".

2. In Section 20, add a definition of "Batch".

3. In Sec. 20, added a definition of "Crawlspace".

4. Changed Sec. 30(g) to "A residential building contractor or his or her subcontractor that installs radon resistant construction.".

5. In Sec. 45(b), after the first "Agency" added "make his or her records required in accordance with this Part, and".

6. In Sec. 60(c)(3)(A), struck "December 15, 1999" and added "June 29, 2005".

7. In Sec. 100(f), changed "July 1, 2013" to "January 1, 2014".

8. In Sec. 110(a)(6), after "use" added "and if the system is ASD, include the mitigation tag number for systems installed after November 1, 2009".

9. Change Sec.130(g)(6)(D) to
   "D) Licensees using passive monitors shall conduct spiked measurements at the rate required in Sec. 422.140(a)(2)(B)(ii)"

10. In Sec. 130(o)(1)(H), after "tag number" add "for systems installed after November 1, 2009".

11. Change Sec. 140(a)(2)(B)(ii) to
    ii) Licensees using passive monitors~~measurement devices~~ shall conduct spiked measurements (i.e., exposure in a radon chamber where the environmental radon level is controlled) to aid the Agency in verifying the accuracy of the entire measurement system. The licensee shall conduct 3 spiked measurements per 100 measurements, with a minimum of 3 spiked measurements per year. For example, a licensee conducting only 70 measurements in

a year must conduct at least 3 spiked measurements. A licensee conducting 500 measurements during a one-year period must conduct at least 15 spiked measurements (3 per each 100). No more than 6 spiked measurements will be required to be taken within any single month. For example, a licensee performing more than 200 measurements in one month is not required to perform more than 6 spiked measurements that month. Licensees are encouraged to take their spiked measurements from multiple batches when possible and to take more than the minimally required spiked measurements at their discretion. ~~at a rate of 3 per 100 measurements with a minimum of 3 per year and a maximum required of 6 per month.~~Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L.

12. In Sec. 150(f)(1), after "basements" added "or air ducts under the slab of any foundation" and strike "or operation windows" and add "operability of windows".

13. Strike Sec. 150(h)(2) and added "Radon resistant construction is required of new one- and two-family building construction. Active mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician.".

14. In Sec. 150(h)(3)(C), after "inch." Added "The rodent screen or wire mesh shall be installed in a manner that allows for easy removal for cleaning.".

15. In Sec. 150(h)(7)(A), after "systems" added "except in accordance with Section 422.150(h)(7)(J)".

16. In Sec. 150(h)(7)(J), after "point." Added "The radon vent shall include provisions for the removal of the sump lid for maintenance of the sump pump.".

17. In Sec. 150(h)(13)(K), changed "shall" to "may".

Added Sec. 150(h)(13)(L):

L) The juncture of each radon vent pipe with the roof line shall be made water right by an approved flashing. Radon vent pipes discharge large quantities of water vapor that

will freeze at the discharge point, therefore lead vent flashings or any other flashing or cap that would impede the exhaust from the radon vent are prohibited from use."

18. In Sec. 160(b)(2), after "gases" added "The geotextile matting shall have a cross-sectional area of not less than 12 square inches (77 sq. cm) and shall be placed at a minimum, along the entire inside perimeter of the foundation at a distance of 12 inches (30 cm) to 18 inches (46 cm) distance to the foundation wall to the edge of the drainage matting. Deviation from the 12 inches (30 cm) to 18 inches (46 cm) distance to the foundation wall shall be allowed to avoid obstacles such as plumbing and other utilities."

19. Sec. 160(d)(2), changed "caulk or sealant" to "polyurethane caulk" and delete "or other elastmeric sealant".

20. Sec. 160(d)(7), deleted "in crawlspaces".

21. Changed Sec. 160(d)(8) to "Underground and crawlspace duct systems shall be sealed in accordance with Section M1601.4 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.), incorporated by reference in accordance with Section 422.15."

22. In Sec. 160(d)(10), changed "between basements and adjoining" to "into" and change "filled" to "sealed".

23. In Sec. 160(e)(1) to "Crawlspaces shall be provided with vents to the exterior of the building in accordance with Section R408 of the 2012 International Residential Code for One- and Two-Family Dwellings."

24. In Sec. 160(e)(3), before the 2nd period added "or in accordance with specific procedures submitted by radon contractors as part of their license application and approved by the Agency".

25. In Sec. 160(e)(4), after "connection" added "fitted with not less than 5 feet (105m) of perforated pipe extending from each horizontal opening of the tee". And before "highest" add "penetration in the".

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

26. Changed Sec. 160(f) to "Passive Sub-Slab Depressurization (SSD) System. Buildings with a basement, crawlspace or slab-on grade concrete floor in contact with the earth or grade shall have the following components of a passive SSD system that shall be installed during construction.".

27. Changed Sec. 160(f)(1)to:

1) A minimum 3-inch diameter (76 mm) Schedule 40 PVC shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cased.

A) A plumbing tee or other approved connection fitted with not less than 5 feet (105 m) of perforated pipe extending from each horizontal opening of the tee shall be inserted horizontally within the sub-slab permeable material to ensure that the pipe opening remains within the sub-slab. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location of at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3084 mm) from any window or other opening in adjoining or adjacent buildings; or

B) A penetration into the sub-slab permeable material may be cored through sub-slab after the slab is cased. A minimum 3-inch diameter (76 mm) Schedule 40 PVD shall be embedded vertically into the sub-slab aggregate or other permeable material and extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

28. In Sec. 160(k), deleted "in unconditioned" and change "city" to "appropriate local

government".

29. In Sec. 160(l), before "approved" added "accessible".

30. In Sec. 160, added:

"m) To provide for future installation of an active SSD, the piping length in the attic of the building shall have a minimum height of 3 feet to allow for the anticipated installation of a radon mitigation fan in the vent pipe.

n) The juncture of each radon vent pipe with the roof line shall be made water tight by an approved flashing. Lead vent flashings or any other flashing or cap that would impede the exhaust from the radon vent are prohibited from use.".

The Agency also made a number of non-substantive technical, grammatical or style changes.

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

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

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

15) Summary and Purpose of Rulemaking: The Agency is proposing these amendments to be consistent with the Radon Industry Licensing Act [420 ILCS 44], Radon Resistant Construction Act [420 ILCS 52] and the School Code [105 ILCS 5]; to allow the Agency to conduct performance audits of licensees' records at Agency offices; to clarify license application and termination requirements; to allow variances for building contractors; to allow for an exam fee and remove fee waivers; to allow licensed home inspectors to perform required activities during a measurement; to clarify quality control requirements for school and commercial building measurements; to clarify device protocol to ensure only laboratories authorized by the manufacturer performed calibration and maintenance on electret devices; and to allow drain tile to be used beneath soil gas retarders.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 422
REGULATIONS FOR RADON SERVICE PROVIDERS

Section

422.10 Purpose and Scope
422.15 Incorporations by Reference
422.20 Definitions
422.30 Exemptions from Requirements for a License
422.40 Categories of Licenses
422.45 Form, Location and Retention of Records
422.50 Application for Licenses
422.60 Requirements for Issuance or Renewal of Licenses
422.65 Terminating a License
422.70 Conditions of Licenses
422.75 State Radon License Exam
422.80 Continuing Education Requirements
422.85 Agency Approval of Radon Courses
422.90 Renewal ~~and Termination~~ of Licenses
422.100 Fees
422.110 Reports to the Agency
422.120 Disciplinary Action by the Agency
422.130 Measurement Protocol
422.140 Device Protocol
422.150 Mitigation Standard for Existing Housing
422.160 Mitigation Standard for New Residential Construction
422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)
422.APPENDIX B Recommended Testing Strategy for Measurements in Buildings Involved in Real Estate Transactions
422.APPENDIX C Radon and Radon Decay Product Measurement Method Categories
422.APPENDIX D Sample Notice
422.APPENDIX E Diagram of Room Worksheet for Radon Measurements

AUTHORITY: Implementing and authorized by Section 20 of the Radon Industry Licensing

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Act [420 ILCS 44/20] and Section 10 of the Radon Resistant Construction Act [420 ILCS 52/10].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 1568, effective January 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 10499, effective June 1, 1998; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 3212, effective February 22, 2005; amended at 33 Ill. Reg. 14479, effective October 9, 2009; amended at 37 Ill. Reg. 20240, effective December 9, 2013.

Section 422.20 Definitions

As used in this Part:

"Act" means the Radon Industry Licensing Act [420 ILCS 44].

"Active Mitigation System", also known as "Active Soil Depressurization" or "ASD", means *a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).* [420 ILCS 52]

~~"Active Soil Depressurization" or "ASD" means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).~~

"Agency" means the Illinois Emergency Management Agency (IEMA).

"Altering" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design.

"As Low As Is Reasonably Achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and

in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Backdrafting" means a condition where the normal movement of combustion products up a flue, resulting from the buoyant forces on the hot gases, is reversed, so that the combustion products can enter the house. Backdrafting of combustion appliances (such as fireplaces and furnaces) can occur when depressurization in the house overwhelms the buoyant force on the hot gases. Backdrafting can also be caused by high air pressures or blockage at the chimney or flue termination.

"Backer Rod" means a semi-rigid foam material resembling a rope of various diameters used to fill around pipes, etc., and to assist in making a sealed penetration. For example, where a pipe is inserted through a concrete slab, a length of backer rod is jammed into the opening around the pipe. Caulking is then applied to the space above the backer rod and between the outside of the pipe and the slab opening. The purpose of the backer rod is to hold the semi-fluid caulk in place until it sets or hardens. It is most important that a sealant only adhere to the 2 sides of the joint and not the base of the joint (third side). Adhesion to all 3 sides will prevent the sealant from elongating properly and will cause sealant failure.

"Batch" means a group of passive detectors manufactured by the same entity at the same time.

"Block Wall Depressurization" means a radon mitigation technique that depressurizes the void network within a block wall foundation by drawing air from inside the wall and venting it to the outside.

"Client" means any person who contracts for measurement or mitigation services.

"Combination Foundations" means buildings constructed with more than one foundation type, e.g., basement/crawlspace or basement/slab-on-grade.

"Commercial Building" means a type of building that is designed for commercial use, but not limited to office buildings, warehouses, retail facilities, schools, recreational facilities, assisted living facilities and buildings that combine these uses.

"Communication Test" means a diagnostic test designed to qualitatively measure

the ability of a suction field and air flow to extend through the material beneath a concrete slab floor and thus evaluate the potential effectiveness of a sub-slab depressurization system. This qualitative test is commonly conducted by applying suction on a centrally located hole drilled through the concrete slab and simultaneously observing the movement of smoke downward into small holes drilled in the slab at locations separated from the central suction hole. (See also Pressure Field Extension.)

"Continuing Education Credits" or "CE Credits" means those continuing education credits received for documented successful completion of Agency-approved CE courses or for instructing an approved CE course.

"Crawlspace" means a foundation type with an open area beneath the livable space of a dwelling that typically has either a concrete slab or earthen floor. The crawlspace can have an open height of a few inches to several feet. The crawlspace may or may not be ventilated to the outdoors.

"Crawlspace Depressurization" means a radon control technique designed to achieve lower air pressure in the crawlspace relative to indoor air pressure by use of a fan-powered vent drawing air from within the crawlspace. (See also Mechanically Ventilated Crawlspace System.)

"Diagnostic Tests" means procedures used to identify or characterize conditions within buildings that may contribute to radon entry or elevated radon levels or may provide information regarding the performance of a mitigation system.

"Drain Tile Depressurization" or "DTD" means a type of active soil depressurization system where the suction point piping attaches to a drain tile or is located in the gas-permeable material near the drain tile. The drain tile may be inside or outside the footings of the building.

"Drain Tile Loop" means a continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawlspace footing.

"Dwelling" means a single family home or a single unit within a multiple family complex.

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"Eave" means the border of a roof that overhangs any wall.

"Electret Ion Chamber" or "Electret" means an electrostatically charged piece – usually a disk – of Teflon, called an electret, located inside an electrically conducting plastic chamber of a known air volume. The electret serves as a source of high voltage needed for the chamber to operate as an ion chamber. It also serves as a sensor for the measurement of ionization in air. The ions produced inside the sensitive volume of the chamber are collected by the electret causing a depleted charge. The measurement of the depleted charge during the exposure period is a measure of integrated ionization during the measurement period. The electret charge is read before and after the exposure using a specially built non-contact electret voltage reader.

"Footprint" means each foundation type in direct contact with soil or other material.

"Foundation Type" means basement, crawlspace, slab-on-grade or any other construction technique approved by local building code.

"Government Entity" means the State, a State agency, a political subdivision, or any entity of local government.

"HVAC" means heating, ventilation and air conditioning.

"Home Environment Measurement" means a short term or long term measurement of radon in a single family home, duplex or condominium.

"Individual" means any human being.

"Interfere" means *to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation.* [420 ILCS 44/15]

"Laboratory" means any organization that analyzes or calibrates radon or radon progeny measurement devices or detectors.

"Laboratory Analysis" means *the act of analyzing the radon or radon progeny*

concentrations with passive devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service. [420 ILCS 44/15]

"Living Area" means any area in a building that is, or could be, adapted for human habitation whether the area is located in a basement, over a crawlspace, or situated on a slab-on-grade.

"Long Term Measurement" means measurements lasting 91 days or more; closed building conditions are not required, but are recommended. Long term measurements are not time-sensitive and, therefore, real estate testing options do not apply.

"Measurement" means any radon or radon progeny tests, laboratory analysis, or exposure in a known radon or radon progeny environment, as in a radon chamber.

"Mechanically Ventilated Crawlspace System" means a radon control technique designed to increase ventilation within a crawlspace, achieve higher air pressure in the crawlspace relative to air pressure in the soil beneath the crawlspace, or achieve lower air pressure in the crawlspace relative to air pressure in the living spaces, by use of a fan. (See also Crawlspace Depressurization.)

"Mitigation" means *the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.* [420 ILCS 44/15]

"Mitigation System" means any system or steps designed to reduce radon concentrations in the indoor air of a building.

"Multi-Family Building" means a building, 3 stories or less, designed to house more than 4 families in separate units that do not have a common HVAC system for multiple units.

"New Residential Construction" means *any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or town houses*. [420 ILCS 52]

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"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

~~"Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to at least 12 inches above the roof.~~

"Passive Monitor" means a measurement tool that does not require external power or batteries to operate, such as charcoal detectors or alpha track detectors.

"Passive New Construction Pipe" or "PNC" means *a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof.* [420 ILCS 52]

"Performance Audit" means an examination of a program, function or operation or of the management systems, procedures and records of a radon contractor to assess whether the entity is complying with the Radon Industry Licensing Act [420 ILCS 44], this Part and its Quality Assurance Program.

"Perimeter Channel Drain" means a system for collecting water in a basement by means of a large gap or channel between the concrete floor and the wall. Collected water may flow to aggregate beneath the slot ("French Drain") or to a sump where it can be drained or pumped away.

"Person" means an entity including, but not limited to, *an individual,* company, corporation, *firm, group, association, partnership, joint venture, trust, or government agency or subdivision.* [420 ILCS 44/15]

"Picocurie Per Liter" or "pCi/L" means 2.2 disintegrations per minute of radioactive material per liter of air.

"Pressure Field Extension" means the distance that a pressure change is induced in the sub-slab area, measured from a single or multiple suction points. (See also Communication Test.)

"QAP" means Quality Assurance Program.

"Radon" means a *gaseous radioactive decay product of uranium or thorium.* [420 ILCS 44/15]

"Radon Chamber" means a facility in which radon measurement devices or detectors are exposed to known radon concentrations.

"Radon Contractor" or "Contractor" means a *person licensed to perform radon or radon progeny mitigation or to perform measurements* of *radon or radon progeny in an indoor atmosphere.* [420 ILCS 44/15]

"Radon Progeny" means any *combination of the radioactive decay products of radon.* [420 ILCS 44/15]

"Radon Resistant Construction" means *the installation of passive new construction pipe during new residential construction.* [420 ILCS 52]

~~"Radon Resistant New Construction" or "RRNC" means construction techniques that have been demonstrated to limit the amount of radon gas that enters from surrounding soil into the indoor environment. These techniques include passive and skeletal new construction systems.~~

"Radon Service Provider" means a radon contractor, laboratory, or person who performs laboratory analysis.

"Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, or in expectation of, a real estate transaction and are time-limited due to this transaction.

"Re-Entrainment" means the unintended re-entry into a building of radon that is being exhausted from the vent of a radon mitigation system.

"Renewal" means issuance of a license that is expiring, has expired or has been previously terminated.

"Research" means Agency-approved scientific investigation by testing and/or mitigating for radon or radon progeny.

"Residential Building Code" means *an ordinance, resolution or law that establishes standards applicable to new residential construction*. [420 ILCS 52]

"Residential Building Contractor" means *any individual, corporation or partnership that constructs new residential* buildings. [420 ILCS 52]

"Residential Real Estate Measurement" means a measurement of radon in a single family home, duplex or condominium involved in a real estate transaction. Based on the time sensitive nature of real estate transactions, only short term measurements are appropriate and specific protocols are required.

"School Screening Measurement" means a measurement of radon performed by school district staff in accordance with the School Code [105 ILCS 5].

"Sealing and Caulking" means to plug and make tight to reduce the passage of gas. Sealing and caulking enhances radon reduction techniques; however, sealing and caulking alone has not been shown to lower radon levels significantly or consistently.

"Short Term Measurement" means measurements conducted for at least 48 hours and up to 90 days; closed building conditions are required for measurements lasting seven days or less and recommended throughout.

~~"Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and may consist of multiple vent pipes, including vertical and angled runs not necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof.~~

"Soil Gas" means the gas mixture present in soil that may contain radon.

"Soil Gas Retarder" means a continuous membrane of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible~~or other comparable~~ material used to retard the flow of soil gases into a building.

"Stack Effect" means the overall upward movement of air inside a building that results from heated air rising and escaping through openings in the building envelope, thus causing indoor air pressure in the lower portions of a building to be lower than the pressure in the soil beneath or surrounding the building foundation.

"Subfloor" means a concrete slab and other approved permanent floor system that directly contacts the ground and is within the walls of the living spaces of the building.

"Sub-Membrane Depressurization" or "SMD" means a radon control technique designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor and sealed, relative to air pressure in the crawlspace, by use of a vent or fan-powered vent drawing air from beneath the membrane.

"Sub-Slab Depressurization (Active)" or "SSD (Active)" means a radon control technique designed to achieve lower sub-slab pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the concrete slab.

"Sub-Slab Depressurization (Passive)" or "SSD (Passive)" means a radon control technique designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe (without a fan) routed through the conditioned space of a building and connecting the sub-slab area to the outdoor air. This system relies primarily on the convective flow of warmed air upward in the vent to draw air from beneath the concrete slab.

"Suitable for Occupancy" means a structural area in a home currently lived in or an area not currently used for occupancy, such as a basement, that an occupant or homeowner could use for living space without renovations. This includes an unfinished basement that could be used regularly as, for example, a recreation room, playroom, exercise room or workshop.

"USEPA" means the United States Environmental Protection Agency.

"Working Level" or "WL" means any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon progeny for radon-222 are: polonium-218, lead-214, bismuth-214 and polonium-214.

"Working Level Month" or "WLM" means a unit of exposure used to express the accumulated human exposure to radon decay products. It is calculated by multiplying the average working level to which a person has been exposed by the number of hours exposed and dividing the product by 170.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.30 Exemptions from Requirements for a License

The Agency may~~shall~~, upon application or upon its own initiative ~~therefor~~, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing requirements of this Part:

a) A person performing radon measurements or mitigation on a dwelling in which the person resides.

b) A person temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority that is recognized by this State under principles of mutual reciprocity.

c) Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement or mitigation services.

d) Persons who do not perform radon measurements or mitigation, but who are employed for the purpose of disseminating beneficial information to the public for agencies that the USEPA considers to be partners in providing accurate radon information to the public, such as educational institutions, the American Lung Association, the National Safety Council, and the National Association of City and County Governments and State and local public health officials who disseminate radon measurement devices to the public.

e) A person performing diagnostic tests for the purpose of assessing site decontamination in accordance with a radioactive materials license granted by the Agency. Diagnostic tests shall not be used as a basis for a decision to, or not to,

mitigate the radon level within a building.

f) Employees of the Agency performing measurements or mitigations as part of their official duties.

g) A residential building contractor or his or her subcontractor that installs radon resistant construction.

AGENCY NOTE: Only a radon contractor may install a radon vent fan or upgrade a passive new construction pipe to an active mitigation system.

h) School district employees performing radon screening measurements in accordance with the exemptions outlined in Sections 10-20.48 and 34-18.39 of the School Code [105 ILCS 5/10-20.48 and 34-18.39].

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.45 Form, Location and Retention of Records

a) Each record required by this Part and other applicable Parts of Title 32 shall be legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. Adequate safeguards against tampering with and loss of records shall be maintained throughout the retention period, even if the license expires or is terminated.

b) Each professional licensee shall maintain the records required by this Part and, at the request of the Agency, make his or her records required in accordance with this Part, and make himself or herself, available during normal business hours, in the offices of the Agency, for a performance audit of the license.

c~~b~~) At the time of application for a license or renewal, the applicant shall specify, for Agency approval, a location where records required by this Part and other

applicable Parts of Title 32 Ill. Adm. Code shall be maintained for inspection by the Agency. This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located~~Copies of records required by this Part and other applicable Parts of Title 32 shall be maintained at the locations specified in Section 422.50(i) or an alternate location approved by the Agency that shall be in Illinois or within 50 miles of the Illinois border~~.

d~~e~~) Records required by this Part or other Parts of Title 32, including but not limited to records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans, shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.50 Application for Licenses

a) Any person applying to the Agency for a new license or a renewal of a license to perform radon-related measurement, mitigation or laboratory analysis services shall:

1) Submit a complete and legible application form;

2) Pay the appropriate non-refundable fee prescribed in Section 422.100; and

3) Meet the licensing requirements, as applicable, and as set forth in Section 422.60.

b) Any person who anticipates conducting radon-related measurement, mitigation, or laboratory analysis services shall receive the license prior to providing such services in Illinois.

c) The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.

d) An application for renewal of a license shall be submitted at least 30 days prior to the expiration date of the license. An application shall be deemed filed on the date that it is received by the Agency. A radon service provider shall not provide radon services after the expiration date of a license.

e) The application for renewal shall demonstrate successful completion of continuing education requirements as specified in Section 422.80, as applicable, satisfactory inspection or audit results, submittal of a complete and accurate application form for renewal and the payment of the appropriate fee as specified in Section 422.100.

~~f) The Agency shall deny a license to any person if the Agency has evidence that the applicant has engaged in any of the acts listed in Section 422.120 unless the condition listed in Section 422.120 no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.120.~~

~~g) *The* Agency *shall deny an original or renewal license to a person who has defaulted on an educational loan guaranteed by the Illinois* Student Assistance *Commission. However, the* Agency *may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois* Student Assistant *Commission.* [420 ILCS 44/45]~~

~~h) The Agency shall refuse to issue or renew a license to any individual if the Agency has received evidence from the Department of Public Aid that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65(c).~~

~~i) The person applying for a license or renewal of a license shall specify, for Agency approval, a location where records required by this Part and other applicable Parts of Title 32 Ill. Adm. Code shall be maintained for inspection by the Agency. This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located.~~

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.60 Requirements for Issuance or Renewal of Licenses

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a) The Agency shall issue a Radon Measurement Professional license to any individual who fulfills the following requirements:

1) Is at least 18 years of age.

2) Provides evidence of relevant work experience and education that meets any one of the following criteria:

A) Documented work history approved by the Agency demonstrating completion of 50 radon measurements; or

B) No experience. A new license performance audit will be performed by the Agency.

3) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.

4) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.

5) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:

A) Home address~~A description of all types of indoor radon measurements performed and any other related services offered~~;

B) Home phone number~~A description of all measurement devices the applicant or licensee plans to use~~;

C) Work address~~A worker protection program description acceptable to the Agency that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area~~; ~~and~~

D) Work phone number;~~A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:~~

~~i) A policy statement committing to provide quality work;~~

~~ii) A description of management and structure of the organization;~~

~~iii) A listing of personnel, their qualifications and training;~~

~~iv) Procedures for procurement of items and services;~~

~~v) Procedures for maintaining documents and records;~~

~~vi) A description of relevant computer hardware and software;~~

~~vii) A planning process for radon and radon progeny services;~~

~~viii) Procedures for calibration and testing of instruments;~~

~~ix) A corrective action program; and~~

~~x) Standard operating procedures.~~

E) Email address;

F) A description of all types of indoor radon measurements performed and any other related services offered;

G) A description of all measurement devices the applicant or licensee plans to use;

H) A worker protection program description acceptable to the Agency that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area; and

I) A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:

i) A policy statement committing to provide quality work;

ii) A description of management and structure of the organization;

iii) A listing of personnel, their qualifications and training;

iv) Procedures for procurement of items and services;

v) Procedures for maintaining documents and records;

vi) A description of relevant computer hardware and software;

vii) A planning process for radon and radon progeny services;

viii) Procedures for calibration and testing of instruments;

ix) A corrective action program; and

x) Standard operating procedures.

6) Submits standard operating procedures for the performance of radon or radon progeny measurements in each of the following categories for which they offer services: home, multi-family building, or school and commercial building measurements.

AGENCY NOTE: The Agency recommends using the "ANSI/AARST Standard: Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings" in preparing multi-family building standard operating procedures.

7) For an~~An~~ individual requesting renewal ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.

b) The Agency shall issue a Radon Measurement Technician license to any individual authorizing work under the general supervision of a Radon Measurement Professional licensee, if the applicant meets the following requirements:

1) Is at least 18 years of age.

2) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon Progeny measurement course approved by the Agency.

3) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.

4) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:

A) Home address;

B) Home phone number;

C) Work address;

D) Work phone number; and

E) Email address.

54) For an~~An~~ individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.

c) The Agency shall issue a Radon Mitigation Professional license to any individual who fulfills the following requirements:

1) Is at least 18 years of age.

2) Provides evidence of relevant work experience and education that meets any of the following criteria:

A) At least 4 years of design and construction of buildings, or associated heating, ventilation and air conditioning (HVAC), or closely related activities approved by the Agency;

B) Documented work history approved by the Agency demonstrating completion of 50 radon mitigation installations; or

C) No experience. A new license performance audit will be performed by the Agency.

3) Provides proof of successful completion of the USEPA Radon Mitigation Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.

4) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent mitigation examination approved by the Agency.

5) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:

A) Home address;

B) Home phone number;

C) Work address;

D) Work phone number;

E) Email address;

F~~A~~) A description of all diagnostic tests that may be performed to determine the mitigation strategy and any other radon related services offered;

G~~B~~) A description of all mitigation system designs or strategies offered. Materials and design controls shall be included in the professional licensees' Quality Assurance Program description;

H~~C~~) A worker protection program description acceptable to the Agency, to be followed when performing mitigation installations, that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny concentrations in the work area;~~.~~

I~~D~~) A Quality Assurance Program description acceptable to the

Agency that includes, but is not limited to:

i) A policy statement committing to provide quality work;

ii) A description of management and structure of the organization;

iii) A listing of personnel, their qualifications and training;

iv) Procedures for procurement of items and services;

v) Procedures for maintaining documents and records;

vi) A description of relevant computer hardware and software;

vii) A planning process for radon and radon progeny services;

viii) Procedures for calibration and testing of instruments;

ix) A corrective action program; and

x) Standard operating procedures.

6) Provides proof of insurance as specified in Section 422.70(q).

7) Submits standard operating procedures for the performance of mitigations in each of the following categories for which they offer services: home, multi-family building, or school and commercial building mitigations.

8) For an~~An~~ individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.

d) The Agency shall issue a Radon Mitigation Technician license to any individual authorizing work under the general supervision of a Radon Mitigation Professional licensee, if the applicant meets the following requirements:

1) Is at least 18 years of age.

2) Provides proof of successful completion of the USEPA Radon Mitigation Operators Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.

3) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent examination approved by the Agency.

4) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:

A) Home address;

B) Home phone number;

C) Work address;

D) Work phone number; and

E) Email address.

54) For an~~An~~ individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.

e) The Agency shall issue a Laboratory Analysis license to any person who submits a complete and accurate application form prescribed by the Agency that includes:

1) The name of one individual who is responsible for the laboratory radon analytical activities;

2) A description of all measurement devices used and services offered; and

3) Documentation of a Quality Assurance Program that meets one of the following:

A) A quality assurance program description consistent with ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories Compliance published June 29, 2005~~December 15, 1999~~, exclusive of subsequent amendments or

editions; or

B) Is successfully enrolled in an independent third party accreditation/certification program consistent with national laboratory accreditation and certification standards, or an equivalent program approved by the Agency, for the devices listed in subsection (e)(2)~~ of this Section~~.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.65 Terminating a License

a) Any person licensed by the Agency may cease licensed activities and terminate his or her license at any time.

b) The licensee desiring to terminate his or her license shall submit to the Agency, within 15 days after ceasing to provide licensed services, the following information:

1) A request in writing stating the last date of any licensed activity.

2) The original license document.

3) The location where records will be maintained in compliance with Section 422.45.

c) The licensee shall allow the Agency to perform an audit that was scheduled before the licensee submitted a request to terminate the license.

AGENCY NOTE: Failure to pay the annual fee DOES NOT automatically terminate an Illinois radon license. The Agency must be notified in writing if a license is to be terminated.

(Source: Added at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.70 Conditions of Licenses

a) Any person licensed by the Agency to perform radon measurement shall perform

in accordance with the measurement protocol provided in Section 422.130 as applicable to the measurement type performed and the devices used.

b) Any person licensed by the Agency to perform radon measurements shall use devices approved by USEPA, prior to the retirement of the USEPA Radon Proficiency Program, or the Agency to measure radon and radon progeny.

c) No unlicensed individual shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual.

d) Within 45 days after providing radon measurements, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the occupant, the owner of the building, his/her representatives or the client.

e) Licensees shall comply with 32 Ill. Adm. Code 340. This means that the radiation exposure shall not exceed 30 pCi/L or 0.3 WL, based on continuous workplace exposure for 40 hr/week, 52 weeks per year and shall not exceed 4 working level months (WLM) over a 12 month period, using an equilibrium ratio of 50 percent to convert radon exposure to WLM.

f) Records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for a least 5 years or the length of time of any warranty or guarantees, whichever is longer.

g) No person shall interfere with, or cause another to interfere with, the successful completion of a radon measurement or the installation or operation of a radon mitigation.

h) The radon laboratory licensee shall notify the Agency in writing within 5 working days when it loses or replaces the individual named pursuant to Section 422.60(e)(1).

i) A licensee shall return the original license document to the Agency within 15 days after ceasing to provide licensed services, unless the license has expired.

j) Mitigators who are also licensed to perform measurements shall not perform radon measurements before or after the installation of a mitigation system at the

same address as the mitigation installation, unless a measurement has been made by another independent person in accordance with this Part.

k) Licensees shall inform the Agency of changes in biographical information, such as addresses and telephone numbers within 10 days after the change is effective.

l) Substantive changes to license application representations require an amendment to the license and Agency approval. Licensees shall request amendments to documents at least 30 days prior to the effective date of the desired revision.

m) The licensee shall comply with all the applicable provisions of this Part.

n) The licensee shall comply with the Agency-approved Quality Assurance Program.

o) Professional licensees shall be located in Illinois or within 50 miles of the Illinois border. Professional licensees shall provide general supervision of technician licensees working under their Quality Assurance Program.

p) Radon contractors or residential building contractors~~Contractors~~ installing research or innovative radon techniques or otherwise deviating from the standards in this Part shall notify the Agency in writing. Approval from the Agency in writing must be received prior to the commencement of work. When the~~such~~ research is conducted, a performance standard shall be applied, for example, post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Agency shall include:

1) Written acknowledgement signed by the client stating that the client understands the reasons the contractor plans to deviate from the standards of this Part;

2) The technical bases for the measurement or mitigation technique and description of the functional accomplishments that will be achieved; and

3) The identity of the client and the address of the building, including the zip code.

q) A Radon Mitigation Professional engaged in the business of radon mitigation shall obtain and maintain in full force and effect during the operation of the

business public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513]. The licensee or applicant for a license shall provide proof of this insurance to the Agency annually. Illinois Radon Mitigation System tags will not be issued without valid proof of insurance.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.90 Renewal ~~and Termination~~ of Licenses

a) Licenses shall be renewed in accordance with Section 422.60~~ of this Part~~.

b) All applicants seeking renewal shall complete the continuing education requirements in Section 422.80 except, when the license has been expired or terminated, the person may take the appropriate qualification course and Radon Licensing Exam as an alternative to the required CE.

~~c) Licensees shall notify the Agency when they wish the Agency to terminate the license. The request to terminate the license shall be signed by the licensee and shall include the following:~~

~~1) The license; and~~

~~2) The location where records will be maintained in compliance with Section 422.45.~~

~~d) The licensee shall allow the Agency to perform an audit that was scheduled before the licensee submitted a request to terminate the license.~~

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.100 Fees

a) The annual fee in all categories shall be as follows:

Radon Measurement Professional license – Individual	$500
Radon Measurement Technician license – Individual	$250
Radon Mitigation Professional license – Individual	$500

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Radon Mitigation Technician license – Individual	$250
Laboratory Analysis	$500

b) An individual license application fee of $125 shall accompany a new application when filed with the Agency. A laboratory application fee of $500 shall accompany a new application when filed with the Agency.

c) All fees assessed in accordance with this Section are non-refundable.

~~AGENCY NOTE: A local government or school employee may, upon application for a Radon Measurement Professional license, have the fees waived if his/her practice is limited to his/her official duties and is not charging a fee for this service.~~

d) The appropriate fees shall be paid within 60 days after the date on the statement issued by the Agency.

e) The ~~Effective November 1, 2009, the~~ fee for an Illinois Mitigation System Tag shall be $50. Only Radon Mitigation Professionals shall purchase Illinois Mitigation System Tags from the Agency. Illinois Mitigation System Tags shall be purchased in amounts not less than 5 per transaction.

f) Effective January 1, 2014, an application fee of $125 shall accompany an application for the State Radon License Exam.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.110 Reports to the Agency

a) All individuals licensed to perform radon measurements and former licensees shall submit to the Agency the following information of all radon and radon progeny measurements individually on an annual basis by a method prescribed by the Agency. The file submitted to the Agency shall be an ASCII, comma delimited file.

1) Address, city, state, zip code.

2) Start date and time the measurement began.

3) End date and time the measurement was completed.

4) Location where test was performed (i.e., basement, crawlspace, slab, other).

5) Room use (i.e., living, family, bedroom).

6) Whether a PNC or ASD radon reduction~~mitigation~~ system is currently in use and, if the system is ASD, include the mitigation tag number for systems installed after November 1, 2009.

7) Result of the measurements taken in pCi/L.

8) The type of test performed (i.e., duplicate, simultaneous).

9) Device used (i.e., AC, AT, CR, LS, ES, etc.).

10) Serial number of the device used.

11) The lab used or manufacturer of the device.

12) The permanent vents at this location (i.e., crawlspace, fireplace, fresh air intake).

13) Status of the permanent vents during the test (i.e., open, closed).

14) An indication of whether the test was valid.

15) Brief description of why the test was invalid.

b) All individuals licensed to perform radon mitigations and former licensees shall submit to the Agency the following information of all radon and radon progeny mitigations individually on an annual basis by a method prescribed by the Agency. The file submitted to the Agency shall be an ASCII, comma delimited file.

1) Address, city, state and zip code where mitigation was conducted.

2) Date mitigation system was installed.

3) Indication of whether an active soil depressurization system was installed.

4) Indication of whether radon resistant new construction techniques were used.

5) The Illinois Mitigation System Tag number issued by IEMA installed on the system.

c) All individuals licensed to perform laboratory analysis who report results to home occupants, owners or their representative shall submit to the Agency the following information of all complete radon and radon progeny measurements on an annual basis by a method prescribed by the Agency. The files submitted to the Agency shall be an ASCII, comma delimited file.

1) Address, city, state, zip code.

2) Start date and time the measurement began.

3) End date and time the measurement was completed.

4) Result of the measurements taken in pCi/L.

5) Device used (i.e., AC, AT, CR, LS, ES, etc.).

6) Serial number of the device used.

7) The lab used or manufacturer of the device.

AGENCY NOTE: In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.

d) All licensees shall report apparent non-compliances with either the Radon Industry Licensing Act or this Part to the professional licensee upon discovery; then to the Agency in writing within 45 days upon discovery unless appropriate

corrective action has been performed within 30 days after discovery.

~~e) All individuals licensed to perform radon mitigations shall submit annually to the Agency proof of public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513].~~

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.120 Disciplinary Action by the Agency

a) The Agency may refuse to issue or to renew, or may~~act to~~ suspend or revoke, a person's license, or take other disciplinary action as the Agency may deem proper, including fines not to exceed $1,000 for each violation, with regard to any license ~~may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license~~ for any one or a combination of the following causes or those listed in Section 45 of the Radon Industry Licensing Act [420 ILCS 44/45]:

1) Knowingly causing a material misstatement or misrepresentation to be made in the application for a license, if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for a license pursuant to this Part, such as a misstatement or misrepresentation regarding training or experience;

2) Willfully evading the statute or regulations pertaining to a license, or willfully aiding another person in evading the statute or regulations pertaining to a license;

3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust;

4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;

5) Gross and willful overcharging for professional services, including filing

false statements for collection of fees or moneys for which services are not rendered;~~ and~~

6) A person knowingly makes a false material statement to an Agency employee during the course of official Agency business;~~.~~

7) ~~Failure to Provide Access to Records.~~ Failure to make records available for audit or inspection at all reasonable times, such as during usual business hours;~~.~~

8) *Failing, within 60 days, to provide information in response to a written request made by the Agency that has been sent by mail to the licensee's last known address*~~.~~ [420 ILCS 44/45(g)];~~.~~

9) *Failure to file a return or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied*~~.~~ [420 ILCS 44/45(q)];

10) Failing to repay an education loan guaranteed by the Illinois Student Assistance Commission as provided in Section 80 of the Nuclear Safety Law of 2004 [20 ILCS 3310/80]; or

11) Failing to meet child support orders as required in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]. The action will based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see IAPA Section 10-65(c)).

b) If, based upon any of the grounds in subsection (a) of this Section or Section 45 of the Radon Industry Licensing Act, disciplinary action is initiated, the Agency shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200~~.60~~. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke a person's license, unless the Agency has evidence of imminent danger as provided in subsection (d)

of this Section.

c) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of licensure for up to one year.~~Suspension of a license shall be for up to 1 year in time.~~ The term of suspension or denial may~~shall~~ be reduced by the Director, ~~upon the recommendation of the hearing officer, if the hearing officer finds,~~ based upon evidence presented~~ to him/her at a hearing, and the Director concurs~~, if~~that~~ the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one~~1~~ year or frequent child support arrearages, the Agency shall revoke the person's license or deny the application.

d) The Director may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. *If the Director summarily suspends a license without a hearing, a hearing by the* Agency *shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.* [420 ILCS 44/50] The hearing shall be held in accordance with 32 Ill. Adm. Code 200.

e) When a person's license is suspended or revoked, the person shall surrender the license to the Agency and cease licensed activities.

f) A person whose license has been revoked may seek reinstatement of the license by filing with the Agency a petition for reinstatement. Petitions may be filed one year or more after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation or other just cause.

g) A person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.130 Measurement Protocol

a) Measurement Location

1) Short-term or long-term measurements shall be made, at the same time, in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in each of the foundation types: the basement, a slab-on-grade room and a room over the crawlspace.

A) Measurements shall be made in rooms that can be regularly occupied by individuals, such as family rooms, living rooms, dens, playrooms and bedrooms.

B) Charcoal canisters of any type shall not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.

C) When the area~~level~~ of the home being tested is over 2000 square feet, an additional test location is required for each 2000 square feet of the area~~level~~ being tested.

D) Measurement devices shall be placed in the general breathing zone and shall be:

i) Undisturbed during the measurement period;

ii) At least 3 feet from exterior doors, windows to the outside, or ventilation ducts;

iii) Out of the direct flow of air from the ventilation duct;

iv) At least 1 foot from exterior walls;

v) 20 inches to 6 feet from the floor;

vi) At least 4 inches away from other objects horizontally or

vertically above the detector;

vii) At least 4 feet from heat, fireplaces and furnaces, out of direct sunlight, etc.;

viii) At least 7 feet from sump pits.

E) Measurement devices may be suspended in the general breathing zone and, if suspended, shall be 20 inches to 6 feet above the floor and at least 1 foot below the ceiling.

F) Measurements made in closets, cupboards, sumps, crawlspaces or nooks within the foundation shall not be used as a representative measurement and shall not be the basis for a decision to, or not to, mitigate the radon level within a building.

b) Measurements

1) A short-term measurement shall range in duration from 48 hours to 90 days, depending upon the measurement device used. Unoccupied homes shall be tested with the HVAC system set and operating throughout the measurement interval in the normal range, such as 72 degrees F plus or minus 5 degrees F.

A) Short-term measurements shall be made under closed-building conditions. In measurements lasting more than seven days and less than 90 days, closed-house conditions shall be maintained as much as possible while the measurement is in progress.

B) Closed building conditions shall begin at least 12 hours prior to the beginning of the measurement period for measurements lasting less than 96 hours.

C) The following conditions shall be complied with during closed-building conditions:

i) Operation of permanently installed HVAC systems shall continue during closed-building conditions. Radon

Measurement licensees shall inform the resident in writing that operation of dryers, range hoods, bathroom fans and other mechanical systems that draw air out of the building may adversely affect the measurement results.

ii) In buildings having permanently installed radon mitigation systems, the mitigation system shall be functioning during the measurement interval.

iii) Air conditioning systems that recycle interior air may be operated during closed-building conditions.

iv) All windows shall be kept closed. Individuals licensed in accordance with the Home Inspector License Act [225 ILCS 441] may momentarily open and reclose windows when performing an inspection, after informing the measurement licensee of the inspection.

v) All external doors shall be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of closed-building conditions. All exterior windows and doors shall be inspected by a Radon Measurement Professional licensee or Radon Measurement Technician at the placement and retrieval of the detectors and the result of the inspection documented for the measurement file.

vi) Whole-house fans shall not be operated. Portable window fans shall be removed from the window or sealed in place. Window air conditioning units shall only be operated in a recirculating mode. If the building contains an air handling system, the air handling system shall not be set for continuous operation unless the air handling equipment is specifically used for radon control and is so labeled.

vii) Fireplaces or combustion appliances, except water heaters and cooking appliances, shall not be operated unless they

are the primary sources of heat for the building.

viii) Ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners shall not be operated within 20 feet of the detector.

D) Short-term measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or ¾-inch diameter hail and that may produce tornadoes – not necessarily in that order.

E) The Radon Measurement licensee shall document that instructions describing closed-building conditions in subsection (b)(1)~~ of this Section~~ were provided for the person who controls the building in accordance with subsections (d)(1) and (2)~~ of this Section~~.

2) The Radon Measurement licensee shall advise the resident in accordance with Appendix A.

3) Follow-up measurements shall be conducted in the same location as the initial measurement, provided the initial measurement was performed in accordance with acceptable measurement placement protocol.

4) The results of both initial and follow-up measurements and the average of duplicate measurements shall be reported. The average shall be considered appropriate as the basis for determining the need for mitigation.

c) Options for Real Estate Testing

1) Option 1: Simultaneous Testing

A) Simultaneous testing shall be comprised of a minimum of 2 indoor radon measurements conducted simultaneously with similar measurement devices (see Appendix C).

B) Simultaneous tests shall be:

i) Co-located and spaced 4 to 5 inches apart;

ii) Exposed for the same measurement period; and

iii) Produce results in the same units (pCi/L or WL).

C) The results of both measurements and the average of the simultaneous measurements shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.

D) Simultaneous measurement results that are both less than 4.0 pCi/L shall agree with a Relative Percent Difference (RPD) of less than 67 percent. RPD is the difference between the 2 results divided by the average of the 2 results times 100. If the RPD is greater than 67 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.

E) When one of the measurements is equal to or greater than 4.0 pCi/L and one is less than 4.0 pCi/L, and the higher result is greater than twice the lower result, the client shall be informed of the large discrepancy and the simultaneous measurements repeated at no added cost to the client.

F) Simultaneous measurement results that are both equal to or greater than 4.0 pCi/L shall agree with a RPD of less than 36 percent. If the RPD is greater than 36 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.

G) The precision of simultaneous measurements shall be monitored and recorded in the quality assurance records. The analysis of data from

simultaneous measurements shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved quality program.

2) Option 2: Continuous Monitor Testing

A) This option requires an active continuous monitor that has the capability to integrate and record a new result at least hourly. Shorter integration periods and more frequent data logging afford greater ability to detect unusual variations in radon or radon progeny concentrations.

B) The minimum test measurement period shall be 48 hours. The first 4 hours of data from a continuous monitor may be discarded or incorporated into the result using system correction factors. There shall be at least 44 contiguous hours of usable data to produce a valid average.

i) The "backing out" of data (i.e., removal of portions imbedded in the 44 contiguous hours of monitoring) shall invalidate the measurement.

ii) The periodic results shall be averaged to produce a result that is reported to the client.

3) Additional Requirement for Real Estate Option Testing

A) Real Estate Option tests shall be conducted in accordance with subsections (a)(1) and (b)(1)~~ of this Section~~.

B) The measurement exposure time shall be a minimum of 48 hours.

C) Measurement licensees shall establish controls consistent with the devices used in their measurements to prevent interference and document those controls in accordance with subsection (l)(1)~~ of this Section~~.

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d) Non-Interference Agreement

1) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a non-interference agreement indicating an understanding of the testing conditions, the penalties for interference with an in-progress radon measurement, and that any test interference that is detected will be documented in the report and will invalidate the measurement results.

2) If such an agreement cannot be or will not be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the Radon Measurement licensee shall document on the agreement why the signature was not obtained. The agreement shall be retained for inspection by the Agency.

e) Radon Measurement In Progress Notification. The licensee shall post at every building entry and in a conspicuous location a Radon Measurement In Progress Notification. The Notice shall be posted upon initiation of a radon measurement. A copy of a Radon Measurement In Progress Notice is provided in Appendix D.

f) Multi-Family Building Measurements. Professional licensees shall submit standard operating procedures for the performance of multi-family building measurements.

AGENCY NOTE: This subsection does not apply to measurements in an individual condominium unit.

1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in regularly occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, a berm, a room above a crawlspace or any combination.

A) Regularly occupied rooms include bedrooms, offices, dens, family rooms, work areas and play rooms.

B) A minimum of one detector shall be placed per every 2000 square feet of open floor area.

2) Regularly occupied rooms shall be tested simultaneously.

A) The licensee shall ensure that each occupant/resident is provided information regarding necessary test conditions.

B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.

3) Follow-up Measurements

A) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater, unless measurements are during a real estate transaction. Refer to Appendix A.

B) If performing measurements in accordance with subsection (c), Options for Real Estate Testing, follow-up measurements are not required. Refer to Appendix B.

4) During both initial and follow-up measurements, the HVAC system shall be operated normally. An understanding of the design, operation and maintenance of a building's HVAC system and how it influences indoor air conditions is essential for understanding, managing and developing a measurement strategy in multi-family buildings. If the units of a building have a common HVAC system, the building shall be tested by a licensee licensed to perform measurements in commercial buildings.

5) The Radon Measurement Professional licensee shall recommend in writing to the multi-family building management, owners or representatives that a decision to mitigate be based on Appendix A or Appendix B, as applicable.

6) Multi-family building measurements shall be performed in accordance with subsections (a) through (e) and (h) through (n)~~ of this Section~~.

A) A Device Placement Log and Floor Plan shall be finalized for each multi-family building in which radon or radon progeny measurements are made.

B) All measurements devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and by serial number.

7) Requirements for Specific Multi-Family Building Designs

A) Slab-on-Grade Design. Measure a regularly-occupied room in each unit in contact with the ground.

B) Crawlspace Design. Measure a regularly-occupied room directly in each unit above an enclosed crawlspace.

C) Basement Design. In addition to measuring a regularly-occupied basement room in each unit, measure a regularly-occupied room in each unit above the basement that has at least one wall with substantial contact with the ground.

g) School and Commercial Building Measurements. Professional licensees shall submit standard operating procedures for the performance of school and commercial building measurements.

1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in all frequently occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, berm, a room above a crawlspace or any combination.

A) Frequently occupied rooms include classrooms, offices, conference rooms, gymnasiums, auditoriums, cafeterias and break rooms.

B) Testing need not be conducted in infrequently used areas such as storage rooms, stairwells, restrooms, utility closets, elevator shafts or hallways.

C) A minimum of one detector shall be placed per every 2000 square

feet of open floor area.

D) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating as it does normally when the buildings are occupied, even if the testing occurs when school is not in session or during long holidays.

2) All frequently occupied rooms shall be tested simultaneously.

A) The licensee shall ensure that the teacher or frequent adult user of the room being tested is aware of the detector.

B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.

C) The measurement professional shall review any School Screening Measurements available and may accept those measurements as valid in determining any additional appropriate testing strategies.

3) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater. Refer to Appendix A.

4) During both initial and follow-up measurements, the HVAC system shall be operated normally.

5) The Radon Measurement Professional licensee shall recommend in writing to the school or commercial building management, owners or representatives that a decision to mitigate not be based on initial measurement results.

6) School and commercial building measurements shall be performed in accordance with subsections (a) and (b)~~ of this Section~~.

A) School and commercial building measurements of less than 96 hours duration shall be performed under closed-building conditions as described in subsection (b)(1)~~ of this Section~~.

B) Duplicate measurements shall be performed and shall represent 10 percent of all the detectors deployed, or a maximum of 50 detectors, whichever is less, within the building.

C) Blank measurements shall be performed and shall represent 5 percent of all the detectors deployed, or a maximum of 25 detectors, whichever is less, within the building.

D) Licensees using passive monitors shall conduct spiked measurements at the rate required in Section 422.140(a)(2)(B)(ii).

E)~~D)~~ A Device Placement Log and Floor Plan shall be finalized for each school or commercial building in which radon or radon progeny measurements are made. All measurement devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and Floor Plan by serial number.

7) Requirements for Specific School and Commercial Building Designs

A) Slab-on-Grade Design. Measure all frequently-occupied rooms in contact with the ground.

B) Open-Plan or Pod Design. If sections of a pod have moveable walls that can physically separate them from other sections, measure each section separately. If moveable walls are absent or inoperable, measure the pod as one room placing detectors every 2000 square feet.

C) Crawlspace Design. Measure all rooms directly above an enclosed crawlspace.

D) Basement Design. In addition to measuring all frequently-occupied basement rooms, measure all frequently occupied rooms above the basement that have at least one wall with substantial contact with the ground.

8) The on-site presence of the Licensed Radon Measurement Professional providing supervision is required for all radon measurement activities at

schools and commercial buildings.

h) New Construction Testing Conditions

1) Newly constructed buildings shall not be tested for radon or radon progeny unless the installation of the following items is completed:

A) All insulation;

B) All exterior doors with associated hardware shall be installed prior to testing;

C) All windows;

D) All fireplaces and fireplace dampers;

E) All heating, air conditioning, and plumbing appliances;

F) All ceiling covers;

G) All interior trim and coverings for the exterior walls;

H) All exterior siding, weatherproofing and caulking;

I) All interior and exterior structural components; and

J) Any interior or exterior work that may adversely affect the measurement validity.

2) Unoccupied homes shall be tested with the HVAC system set and operating in the normal range, such as 72 degrees F plus or minus 5 degrees F.

i) Post-Mitigation Testing

1) Post-mitigation measurements shall not be conducted if temporary radon reduction measures are in use.

2) Post-mitigation measurements shall be conducted to determine a system's effectiveness after a permanent radon reduction system has been fully operational for at least 24 hours but not later than 30 days following completion and activation of a mitigation system. The mitigation system shall be operated normally and continuously during the entire measurement period.

3) Post-mitigation measurements shall be conducted in accordance with subsections (a), (b) and (c)~~ of this Section~~.

j) Temporary Radon Reduction Measures

1) Temporary radon reduction measures include:

A) The introduction of unconditioned air into the building; or

B) Closure of normally accessible areas of the building; or

C) Lowering the thermostat below its normal use range, such as 72 degrees F plus or minus 5 degrees F.

2) Any of the conditions listed in subsection (k~~j~~)~~(1)~~ of this Section shall invalidate measurement results. The Radon Measurement licensee shall not conduct a measurement until the conditions have been corrected. The Radon Measurement licensee shall inform the client and other parties involved in a real estate transaction that these conditions invalidate the measurement results.

3) Any improper radon reduction efforts that may affect the measurement results identified prior to, during, or after initial, follow-up, real estate option or post-mitigation measurements shall invalidate the measurement results. The Radon Measurement licensee shall not conduct a measurement until the improper conditions have been corrected.

4) Post-mitigation measurements shall not be conducted if any improper radon reduction efforts that may affect the measurement results are identified.

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k) When Radon Measurements Shall Not Be Made

1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph, and/or ¾-inch diameter hail and that may produce tornadoes – not necessarily in that order.

2) Radon measurements of any duration shall not be made during renovation of a building, especially renovations involving structural changes, or during renovations of the HVAC systems or any change that disturbs the normal airflow of the building.

AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.

l) Quality Assurance for Radon Measurements.

1) Radon Measurement licensees shall abide by the Quality Assurance Program described in Section 422.60(a)(5)(I~~D~~).

2) Measurements not performed in accordance with subsections (a), (b) and (c) ~~of this Section~~ shall be considered inappropriate for the purpose of determining the need for mitigation or the effectiveness of a mitigation service.

m) Measurement Documentation

1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent record to allow for future data comparisons, interpretations and reporting to clients.

2) Radon Measurement Professional licensees shall keep the following

information in a measurement record that shall be maintained for inspection for a minimum of 5 years. Additional method-specific documentation is outlined in Section 422.140.

A) A complete copy of the measurement report.

B) A description of any non-interference controls used and copies of non-interference agreements completed in accordance with subsection (d)~~ of this Section~~; and

C) A record of any quality control measures associated with the test, such as the results of simultaneous measurements, diagnostic measurements, duplicate measurements, and calculations associated with the measurement.

n) Measurement Results

1) Measurement results shall be reported in the units that the device measures.

2) Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L.

3) All valid individual measurement results shall be reported.

4) When using continuous radon monitors, hourly readings shall be included.

5) Measurements made in separate locations shall not be averaged.

6) The average of collocated measurement devices shall be reported, as well as the individual results. Standard mathematical rules shall be followed; i.e., if the average of two measurements produces a result of 3.95 pCi/L, the result shall be reported as 4.0 pCi/L.

7) Any quality control measurements shall be reported as such.

o) Measurement Reports

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1) Radon Measurement Professional licensees shall return radon measurement results to the occupant, the owner of the building, his/her representatives or the client within 45 days after retrieving exposed devices. As a minimum, the measurement report shall contain:

A) Measurement results reported in accordance with subsection (n).

B) The exact start and stop dates and times of the measurement period.

C) The address of the building measured, including the zip code.

D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.

E) The names and Illinois radon license numbers of the licensees placing and retrieving the devices.

F) The name and Illinois license number of the laboratory analyzing the device, if applicable.

G) A statement describing recommendations concerning retesting or mitigation provided to the occupant, the owner of the building, his/her representatives or the client in accordance with Appendix A or B, as appropriate.

H) A statement of whether a mitigation system was observed in the building during placement or retrieval. The statement shall indicate~~, including whether the mitigation system was operating.~~ whether the system is PNC or ASD. If the system is ASD, the statement shall indicate whether the mitigation system is operating and the mitigation tag number for systems installed after November 1, 2009.

I) A statement describing any observed tampering, interference or deviations from the required measurement conditions.

J) A description of the condition of any permanent vents that allow outdoor air into the building, such as crawlspace vents or combustion air supply to combustive appliances.

K) A description of any severe weather conditions.

L) The exact locations of all measurement devices deployed and any information that would allow for future data comparisons and interpretations. Licensees shall provide the exact locations by one of the following methods:

i) A scale diagram of the footprint of the building identifying the windows and doors, finished and unfinished areas, room use, furnaces, hot water heaters, dryers, combustion appliances, crawlspace vents, fireplaces, mitigation systems, floor drains and foundation types, indicating the front of the home and any other pertinent information that may affect the measurement.

ii) A copy of Appendix E for each foundation type measured.

2) Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. At a minimum, the measurement report shall contain:

A) Measurement results reported in accordance with subsection (n).

B) The exact start and stop dates of the measurement period.

C) The address of the building measured, including the zip code.

D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.

E) The name and Illinois license number of the laboratory analyzing the device.

p) Devices Placed by Clients. Radon licensees shall provide the client with the following:

1) For licensees providing measurement devices to clients, sufficient detectors to ensure that testing is performed consistent with this Part.

2) The Agency's address and telephone number.

3) Devices that will be placed by the client shall be accompanied by instructions on how to use the device. These instructions shall be consistent with this Section and include specific information on the minimum and maximum length of time that the device shall be exposed.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.140 Device Protocol

a) Quality Assurance

1) Professional licensees providing measurement services using radon and radon product measurement devices shall establish and maintain a Quality Assurance Program (QAP). These programs shall include written procedures for attaining quality assurance objectives and a system for recording and monitoring the results of the quality assurance measurements for each device used. The QAP shall include the maintenance of control charts and related statistical data.

2) The objective of quality assurance is to ensure that data are scientifically sound and of known precision and accuracy. This subsection (a)(2) discusses the 6 general categories of quality control measurements. Specific guidance is provided for each method in the relevant protocol.

A) Calibration Measurements. Calibration measurements are samples collected or measurements made in a known radon environment, such as a radon chamber. Instruments providing immediate results, such as continuous working level and radon monitors, shall be operated in a radon chamber to establish individual instrument calibration factors.

i) Calibration measurements must be conducted to determine and verify the conversion factors used to derive the concentration results. These factors are determined normally for a range of concentrations and exposure times, and for a range of other exposure and/or analysis conditions pertinent to the particular device.

ii) Determination of these calibration factors is a necessary part of the laboratory analysis and is the responsibility of the laboratory. These calibration measurement procedures, including the frequency of tests and the number of devices to be tested, shall be specified in the QAP maintained by manufacturers and analysis laboratories.

iii) Licensees providing measurements with active devices are required to recalibrate their instruments at least once every 12 months.

B) Known Exposure Measurements (Spikes). Known exposure measurements or spiked samples consist of detectors that have been exposed to known concentrations in a radon chamber. These detectors, such as charcoal canisters, alpha track detectors and electret ion chambers, are labeled and submitted to the laboratory in the same manner as ordinary samples to preclude special processing.

i) Suppliers and analysis laboratories shall provide for the blind introduction of spiked samples into their measurement processes and the monitoring of the results in their QAP.

ii) Licensees using passive monitors~~measurement devices~~ shall conduct spiked measurements (i.e., exposure in a radon chamber where the environmental radon level is controlled) to aid the Agency in verifying the accuracy of the entire measurement system. The licensee shall conduct 3 spiked measurements per 100 measurements, with a

minimum of 3 spiked measurements per year. For example, a licensee conducting only 70 measurements in a year must conduct at least 3 spiked measurements. A licensee conducting 500 measurements during a one-year period must conduct at least 15 spiked measurements (3 per each 100). No more than 6 spiked measurements will be required to be taken within any single month. For example, a licensee performing more than 200 measurements in one month is not required to perform more than 6 spiked measurements that month. Licensees are encouraged to take their spiked measurements from multiple batches when possible and to take more than the minimally required spiked measurements at their discretion. ~~at a rate of 3 per 100 measurements with a minimum of 3 per year and a maximum required of 6 per month.~~ Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L.

iii) Spikes shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded. Any significant deviation from the known concentration to which they were exposed shall be investigated and corrective action taken.

C) Background Measurements. Background measurements are required both for continuous monitors and for passive detectors requiring laboratory analysis.

i) Licensees using continuous monitors shall perform sufficient instrument background measurements to establish a reliable instrument background and to act as a check on instrument operation.

AGENCY NOTE: Calibration laboratories routinely perform background measurements of continuous monitors during the calibration of instruments.

ii) Passive detectors requiring laboratory analysis require one type of background measurement made in the laboratory and another in the field.

iii) Laboratories shall measure the background of a statistically significant number of unexposed detectors from each batch or lot to establish the laboratory background for the batch and the entire measurement system. This laboratory blank value is subtracted (by the laboratory) from the field sample results reported to the user, and shall be made available to the users for quality assurance purposes.

iv) Laboratories performing these measurements shall calculate the lower limit of detection (LLD) for their measurement systems. This LLD is based on the detector and analysis system's background and can restrict the ability of some measurement systems to measure low concentrations.

v) Licensees using passive detectors shall employ field controls (called blanks) equal to approximately 5 percent of the detectors that are deployed, or 25 each month, whichever is smaller.

vi) These controls shall be set aside from each detector shipment, kept sealed and in a low radon environment, labeled in the same manner as the field samples to preclude special processing, and returned to the analysis laboratory along with each shipment. These field blanks measure the background exposure that may accumulate during shipment and storage. The results shall be monitored and recorded.

vii) The recommended action to be taken if the concentrations measured by one or more of the field blanks is significantly greater than the LLD is dependent upon the type of detector and is discussed in the protocol for each method.

D) Duplicate Measurements. Duplicate measurements provide a check on the precision of the measurement result and allow the user to make an estimate of the relative precision. Large precision errors may be caused by detector manufacture or improper data transcription or handling by suppliers, laboratories, or technicians performing placements. Precision error can be an important component of the overall error; therefore, licensees performing measurements shall monitor precision.

i) Duplicate measurements shall be side-by-side measurements made in at least 10 percent of the total number of measurement locations, or 50 each month, whichever is smaller. The locations selected for duplicate measurement shall be distributed systematically throughout the entire population of samples.

ii) The precision of duplicate measurements shall be monitored and recorded in the quality assurance records. The analysis of data from duplicates shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated.

iii) Detectors shall be treated identically in every respect. They shall be shipped, stored, opened, installed, removed and processed together, and not identified as duplicates to the processing laboratory.

E) Routine Instrument Performance Checks. Proper functioning of analysis equipment and operator usage require that the equipment and measurement system be subject to routine checks. Regular monitoring of equipment and operators is vital to ensure consistently accurate results. Performance checks include the frequent use of an instrument check source. Components of the device (such as a pump, battery or electronics) shall be checked regularly and the results noted in a record. Each user shall develop methods for regularly monitoring (preferably daily with use) their measurement system and for recording and reviewing results.

F) Cross-checks. Professional licensees using active monitors shall check their monitors for bias on a regular basis. Ideally, such measurements are made in a radon chamber. Exposure in a radon chamber is required during calibration. It can be difficult to expose active monitors more often than once every 12 months. It is important to more frequently assess the continued satisfactory operation of the instrument response and to ensure damage from shipping has not occurred prior to an instrument being placed into service after calibration. Cross-checks shall be performed prior to placing an instrument being returned to service after calibration and at 6 months (plus or minus a month) after calibration. The following conditions shall be met:

i) Where feasible, a cross-check shall begin with an instrument background measurement.

ii) The cross-check measurement shall be made in an environment that has been chosen for its stability and radon concentration that is above the lower limit of detection.

iii) Cross-checks shall be side-by-side measurements.

iv) One of the instruments shall have been calibrated within the last 45 days.

v) A measurement of at least 48 hours duration shall be conducted.

vi) The bias of cross-check measurements shall be monitored and recorded in the quality assurance records. If the bias estimated by the user is not within the bias expected of the measurement, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved QAP.

b) Protocol for using continuous radon monitors (CRs) to measure indoor radon concentrations

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1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.

2) When performing a radon measurement, the CR shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required per the continuous monitor type and the radon level being measured.

3) If the first 4 hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions in the test device, the remaining hours of data shall be averaged and shall be sufficient to represent a 2-day measurement.

4) Every CR shall be calibrated in a radon chamber, approved by the Agency, before being placed into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations and background checks shall be performed at least once every 12 months. Each scintillation cell requires an individual calibration factor.

5) Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CRs and whenever any type of CR is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instruction.

6) Licensees providing measurement services with CR devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D)~~ of this Section~~.

7) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction.

8) Licensees providing measurement services with CR devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F)~~ of this Section~~.

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c) Protocol for using alpha track (AT) detectors to measure indoor radon concentrations

1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.

2) The laboratory background level for each batch of ATs shall be established by each laboratory licensed by the Agency. Laboratories shall measure the background of a statistically significant number of unexposed ATs that have been processed according to the licensee's Quality Assurance Program implementing/operating procedures.

3) Every AT laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of a calibration factor requires exposures of ATs to a known radon concentration in a radon chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration.

A) ATs shall be exposed in a radon chamber at a minimum of 3 different radon concentrations such as approximately 4.0, 10-30 and 30-100 pCi/L or exposure levels similar to those found in the tested buildings.

B) Expose a minimum of 10 detectors at each radon concentration of the chamber.

C) A calibration factor shall be determined for each batch or sheet of detector material received from the supplier. Alternatively, calibration factors may be established for several sheets, and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).

D) Analysis instruments shall be checked at least daily for operability prior to operation. Analysis instruments do not need to be checked on days not used.

4) Licensees providing measurement services with AT devices shall perform

known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section~~.

5) Licensees providing measurement services with AT devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.

6) Licensees providing measurement services with AT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.

A) The results shall be monitored and recorded. If one or a few field blanks have concentrations significantly greater than the LLD established by the supplier, it may indicate defective packaging or handling and the licensee shall investigate the cause. If the average value from the field control devices (field blanks) is significantly greater than the LLD established by the supplier, this average value shall be subtracted from the individual values reported for the other devices in the exposure group.

B) It may be advisable to use 3 sets of detectors (pre-exposure, field and post-exposure background) in order to allow the most thorough and complete evaluation of radon levels. For example, one group of detectors (pre-exposure detectors) may be earmarked for background measurement and returned for processing immediately after the other detectors are deployed. The results from these detectors determine if the number of tracks acquired before deployment is significant and should be subtracted from the gross result. The second set of background detectors (post-exposure background detectors) are obtained just before the field monitors are to be collected and are opened and kept in the same location as the returning field monitors for the same duration, and returned with them. Finally, this "post-exposure background" is subtracted from the field results, if found to be significant. In general, a value of 1 pCi/L or greater for any blank AT indicates a significant level that should be investigated and potentially subtracted from the field AT results.

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d) Protocol for using electret ion chamber radon (ES or EL) detectors to measure indoor radon concentration.

1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.

2) Every short-term and long-term electret system and the electret reader(s) shall be calibrated in a radon chamber, approved by the Agency. Initial calibration for the system is provided by the manufacturer. Subsequent recalibrations shall be performed at least once every 12 months. Determination of calibration factors for short-term or long-term detectors requires exposure of detectors to known concentrations of radon-222 in a radon exposure chamber. Since short-term and long-term electret detector systems are also sensitive to gamma radiation, a gamma exposure rate measurement in the test chamber is also required annually.

3) The following is provided to manufacturers and suppliers of ES or EL services as minimum requirements in determining the calibration factor:

A) Detectors shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L, or exposure levels similar to those found in the tested buildings.

B) Expose a minimum of 10 detectors at each radon concentration of the chamber.

C) Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the radon chamber atmosphere.

4) Licensees providing measurement services with ES or EL devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section~~.

5) Licensees providing measurement services with ES or EL devices shall perform duplicate measurements. The performance and analysis of

duplicates shall be completed in accordance with subsection (a)(2)(D)~~ of this Section~~.

6) Licensees providing measurement services with short-term or long-term electrets shall set aside a minimum of 5 percent of the electrets or 10, whichever number is smaller, from each shipment and evaluate them for voltage drift. The electrets shall be kept covered with protective caps in a low radon environment and analyzed for voltage drift over a time period similar to the time period used for those deployed in measurements. Any voltage loss found in the control electrets of more than one volt per week over a 3-week test period for short-term electrets, or one volt per month over a 3-month period for long-term electrets, shall be investigated.

7) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing a reference electret. These checks shall be conducted at least once a week while the voltmeter is in use.

8) All Laboratory Analysis licensees providing recharging services of short-term or long-term electrets shall only provide those services for devices they manufacture or for devices for which they have written authorization from the manufacturer.

e) Protocol for using activated charcoal adsorption (AC) devices to measure indoor radon concentrations

1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.

2) Every activated charcoal adsorption system shall be calibrated in a radon chamber at least once every 12 months. Determination of calibration factors for ACs requires exposure of the detectors to known concentrations of radon-222 in a radon chamber. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the charcoal container during exposure. Calibration factors shall be determined for each AC measurement system (container type, amount of charcoal, gamma detector type, etc.).

3) Licensees providing measurement services with AC devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section~~.

4) Licensees providing measurement services with AC devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.

5) Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, that are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.

6) Licensees providing measurement services with AC devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.

A) One or a few of the field blanks have concentrations significantly greater than LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.

B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.

7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count

rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

f) Protocol for using charcoal liquid scintillation (LS) devices to measure indoor radon concentrations

1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.

2) Every LS laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of calibration factors for LS devices requires exposure of calibration devices to known concentrations of radon-222 in a radon chamber at carefully measured radon concentrations. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the device during exposure. Calibration factors shall be determined for a range of different exposure times and, as appropriate, humidities.

3) Licensees providing measurement services with LS devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B)~~ of this Section~~.

4) Licensees providing measurements services with LS devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D)~~ of this Section~~.

5) Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, that are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.

6) Licensees providing measurement services with LS devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.

A) One or a few of the field blanks have concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.

B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.

7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

g) Protocol for using continuous working level (CW) monitors to measure indoor radon progeny concentrations

1) Radon Decay Product measurements may be appropriate under certain conditions in large buildings, but are not currently routinely performed by licensees or recommended by the American Association of Radon Scientists and Technologists. The Agency does not recommend their use for home environment or residential real estate measurements. Licensees interested in using CWs for measurement purposes shall submit Standard Operating Procedures, consistent with this Part, specific to the model and design of the CW instrument to the Agency for approval.

2) Conditions and information in Section 422.130 shall be met.

3) Any measurement result based on radon progeny shall be reported to no more than 3 decimal places, e.g., 0.033 working level (WL).

4) The integrated average WL over the measurement period shall be reported as the measurement result.

5) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The longer the operating time, the smaller the uncertainty associated with using the measurement result to estimate a longer-term average concentration.

6) Working level values shall be converted to pCi/L and both shall be reported to the client. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client. A statement shall be included in the measurement report that this approximate conversion is based on a 40 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical, but that any indoor environment may have a different and varying relationship between radon and radon progeny.

7) Every continuous WL monitor shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months.

8) Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate may be monitored more frequently by operating the CW in a low radon concentration.

9) Measurement licensees providing measurement services with CW devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D)~~ of this Section~~.

10) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction to ensure accuracy of

volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.

11) Licensees providing measurement services with CW devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F)~~ of this Section~~.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.150 Mitigation Standard for Existing Housing

a) The Mitigation Standard (MS) includes requirements for installation of radon remediation systems and provides a basis for evaluating the quality of such installations. It provides the basis against which in-progress or completed inspections will be evaluated.

b) Radon Mitigation Professional licensees shall be responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of this Mitigation Standard.

c) Limitations

1) Where discrepancies exist between provisions of the MS and municipal codes, the municipal codes shall take precedence, except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element.

2) Compliance with the MS does not guarantee reduction of indoor radon concentrations to any specific level.

3) When altering a mitigation system, it shall be upgraded to the requirements of this Section. Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When maintenance is performed by a licensee on a mitigation system that does not comply with this Part, the client shall be notified in writing that the

mitigation system does not comply with the mitigation standards of this Part. In addition, the professional licensee shall provide a written estimate of the upgrades needed and the cost to bring the system into compliance.

d) Quality Assurance. Radon Mitigation licensees shall follow the procedures specified in the Quality Assurance Program as required by Section 422.60(c)(5)(D).

e) General Practices. The following general practices are required for all contacts between Radon Mitigation licensees and clients.

1) In the initial contact with a client, the licensee shall review any available results from previous radon measurements to assist in developing an appropriate mitigation strategy. If the radon measurement was not performed in accordance with this Part, the client shall be advised that a retest is recommended.

2) The licensee shall inform the client of or provide to the client, Illinois specific documents, approved by the Agency, that discuss interpretation of indoor radon test results and the health risk associated with the radon level found in the building. These documents are available from the Agency and are on the Agency web site.

3) The licensee shall inform the client in writing, at the time a proposal for the installation of a radon reduction system is offered, of any sealants, caulks, or bonding chemicals containing volatile solvents and of the need to ventilate work areas during and after the use of such materials. The licensee shall provide ventilation as recommended by the manufacturer of the material used if existing ventilation does not meet the recommendations of the manufacturer of the material used.

f) Building Investigation

1) The licensee shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. The results of the inspection shall be recorded in detail on a drawing of the floor plan. The licensee shall identify and describe any specific building characteristics and configurations, such as large cracks in slabs, exposed earth in crawlspaces,

open stairways to basements, or air ducts under the slab of any foundation, and operational conditions, such as continuously running HVAC systems, or operability of windows~~or operation windows,~~ that may affect the design, installation, and effectiveness of radon mitigation systems.

A) As part of this inspection, the licensee shall request from the client any available information on the building, such as construction specifications, pictures, drawings, etc., that might be valuable in determining the radon mitigation strategy.

B) A floor-plan drawing shall be finalized from preliminary inspection sketches and shall include illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.

C) The finalized drawing shall be an auditable part of the mitigation file and shall be available to the occupant, the owner of the building, his/her representatives or the client, upon request.

2) The licensee shall conduct diagnostic tests to assist in identifying and verifying radon entry points and shall document the results of these tests in writing. Such tests may include radon grab sampling, continuous radon monitoring, and the use of smoke sticks.

3) If a contractor has concerns about backdrafting potential at a particular site, the contractor shall recommend that a qualified person inspect the natural draft combustion appliances and venting systems for compliance with local codes and regulations. The contractor shall recommend that the building owner bring into compliance any combustion appliance or venting system found to be non-complying.

4) Licensees shall not install a fan-powered radon reduction system in any building wherein confirmed spillage from any natural combustion appliance occurs, until the licensee has confirmed that the problem has been corrected by the client.

5) Licensees shall conduct a communication test prior to completing a proposal for the installation of a radon reduction system in any building where the characteristics of the sub-slab material are unknown to the licensee. The results of the communication test shall be documented in writing or on a drawing of the building floor plan.

g) Systems Design

1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection (e)(3)~~ of this Section~~.

2) All radon mitigation systems shall be designed to avoid the creation of other health, safety, or environmental hazards to building occupants, such as backdrafting of natural draft combustion appliances.

3) The main run of vent pipe, from primary suction point to exhaust, shall be a minimum 3 inches in diameter to avoid excessive flow noise inside the pipe and noise when the exhaust jet is released.

4) All radon mitigation systems and their components shall be designed to comply with the laws, ordinances, codes, and regulations of relevant jurisdictional authorities, including applicable mechanical, electrical, building, plumbing, energy and fire prevention codes.

5) All radon mitigation systems shall be designed to reduce a radon concentration in each area within the footprint of the building as low as reasonably achievable (ALARA).

6) As installed, the mitigation system shall operate at a reasonable noise level.

h) Systems Installation

1) General Requirements

A) All components of radon mitigation systems shall also be in compliance with the applicable mechanical, electrical, building,

plumbing, energy and fire prevention codes, standards, and regulations of local jurisdiction.

B) Where portions of structural framing material must be removed to accommodate radon vent pipes, material removed shall be no greater than that permitted for plumbing installations by applicable building or plumbing codes.

C) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.

AGENCY NOTE: An example of a protected penetration would be the installation of a fire collar on a vent pipe penetrating a ceiling.

D) Sump pits shall not be used as the primary suction point for mitigation systems, unless in accordance with subsection (h)(7)~~ of this Section~~.

2) Radon resistant construction is required of new one- and two-family building construction. Active mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician. ~~Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician.~~

3) Radon Vent Pipe Installation

A) All joints and connections in radon mitigation systems using plastic vent pipes shall be permanently sealed with adhesives as specified by the manufacturer of the pipe material used, with 2 exceptions:

i) If secondary suction points are installed in sump pits, the system shall be designed with removable or flexible

couplings to facilitate removal of the sump pit cover and for sump pump maintenance; and

ii) To facilitate maintenance and future replacement, radon vent fans shall be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.

B) All joints and connections in radon mitigation systems using a 3-inch by 4-inch metal downspout on the exterior of a building shall be permanently sealed with appropriate sealants.

C) Vent stack discharge points shall be directed vertically with no obstruction in the discharge except for a rodent screen of wire mesh no smaller than ¼~~one-fourth~~ inch. The rodent screen or wire mesh shall be installed in a manner that allows for easy removal for cleaning. Rain caps shall not be installed on the discharge.

D) Radon vent pipes shall be fastened to the structure of the building with hangers, strapping, or other supports that will permanently secure the vent material. Existing plumbing pipes, ducts, or mechanical equipment shall not be used to support or secure a radon vent pipe.

E) Radon vent pipes shall be supported as follows:

i) Supports for radon vent pipes shall be installed at least every 6 feet on non-vertical runs.

ii) Vertical runs shall be secured either above or below the points of penetration through floors, ceilings and roofs.

iii) Vertical runs shall be secured at least every 8 feet on runs that do not penetrate floors, ceilings or roofs.

F) To prevent blockage of air flow into the bottom of radon vent pipes, these pipes shall be supported or secured in a permanent manner that prevents their downward movement to the bottom of

suction pits or sump pits, or into the soil beneath an aggregate layer under a slab.

G) Radon vent pipes shall be installed in a configuration that ensures that any rain water or condensation within the pipes drains downward into the ground beneath the slab or soil gas retarder membrane.

H) Radon vent pipes shall not block access to any areas requiring maintenance or inspection. Radon vents shall not be installed in front of or interfere with any light, opening, door, window or equipment access area required by code.

I) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system.

4) Vent Stack Discharge Point. The discharge from vent stack pipes of active soil depressurization systems shall prevent re-entrainment of radon, prevent vent stack blockage due to heavy snowfall and prevent the direct exposure of individuals outside of buildings to high levels of radon by meeting all the following requirements:

A) Above the highest eave of the roof and as close to the roof ridge line as possible, unless an attached garage may be used for vent stack pipe discharge and all the following additional conditions are met:

i) The vent stack point penetrates the highest point on the roof that maximizes distance from people using the house, yard, patio, deck, etc.;

ii) There are no windows in the direct line of sight from the vent stack point;

iii) The vent stack point penetrates the farthest point on the roof that maximizes distance from the nearest opening (such as

windows, doors, etc.) into the house and garage that is less than 2 feet below the exhaust point; and

iv) The reason for routing through an attached garage shall be documented and maintained for inspection by the Agency;

B) 10 feet or more above ground level;

C) 10 feet or more from any window, door or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point. The 10 feet may be measured either directly between the 2 points or be the sum of measurements made around intervening obstacles;

D) 10 feet or more from any opening into an adjacent building;

E) For vent stack pipes that penetrate the roof, at least 12 inches above the surface of the roof; and

F) For vent stack pipes attached to or penetrating the sides of buildings, vertical and at least 12 inches above the edge of the roof and in a position to prevent blockage from snow or other materials and from being filled with water from the roof or an overflowing gutter.

5) Radon Vent Fan Installation

A) Vent fans used in radon mitigation systems shall be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing.

B) Radon vent fans used in active soil depressurization systems shall be installed in attics, in garages that are not beneath conditioned spaces, or on the exterior of the building. Radon vent fans shall not be installed below ground nor in the conditioned (heated/cooled) space of a building, nor in any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building.

C) Radon vent fans shall be installed in a configuration that avoids condensation buildup in the fan housing. Fans shall be installed in vertical runs of the vent pipe.

D) Radon vent fans shall be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building.

E) Radon vent fans shall be to mounted to the vent pipe with removable couplings or flexible connections to facilitate fan removal for repair or replacement.

F) The intakes of fans used in crawlspace pressurization, or in pressurizing the building itself, shall be screened or filtered to prevent ingestion of debris or personal injury. Screens or filters shall be removable to permit cleaning or replacement and the building occupant and owner shall be informed of the need to periodically replace or clean such screens and filters. This information shall be included in documentation provided to the client.

G) Vent fans shall originate from a manufacturer that lists radon mitigation as one of the fan's intended uses.

6) Suction Pit Requirement for Sub-Slab Depressurization (SSD) Systems. Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.

7) Sump Pit Requirements

A) Sump pits shall not be used as the primary suction point for mitigation systems except in accordance with subsection (h)(7)(J).

B) Sump pits that require a sump pump shall have a submersible sump pump installed, except in areas where the water table is near the surface causing flooding of the basement or interfering with the effectiveness of the mitigation system. (See subsection (h)(7)(D).)

C) When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.

D) In areas where the water table is near the surface, causing flooding of the basement or interfering with the effectiveness of the mitigation system, pedestal pumps with a higher pumping capacity may be installed in accordance with all the following conditions:

i) The pump is installed in accordance with the manufacturer's instructions.

ii) The sump lid can be sealed air tight with the exception of the tiny opening necessary to permit free operation of the pedestal pump's float.

iii) The design does not create noise, through the float opening, that is objectionable to the client.

E) Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a mitigation system shall be covered and sealed to prevent such entry.

F) The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water.

~~G) Sump pit covers shall incorporate a clear view-port to permit observations of conditions in the sump pit.~~

G)~~H)~~ Sump pit covers shall be made of durable plastic or clear polycarbonate and be designed to permit air-tight sealing.

H)~~I)~~ Sump pit covers shall be designed to support the weight of a 155-pound individual standing on the cover.

I)~~J)~~ To permit easy removal for sump pump servicing, the sump pit cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.

J) When the basement of the home being mitigated has radiant heat lines installed in or below the floor, the sump pit may be used as the primary suction point. The radon vent shall include provisions for the removal of the sump lid for maintenance of the sump pump.

8) Sealing Requirements

A) Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants.

B) Openings around other utility penetrations of the slab, walls or soil gas retarder shall also be sealed. Cracks in slabs and other small openings around penetrations of the slab and foundation walls shall be cleaned, prepared and sealed in a permanent air-tight manner using caulks or other sealants designed for such application.

C) Where a Block Wall Depressurization (BWD) system is used to mitigate radon, openings in the tops of the block walls and all accessible openings or cracks in the interior surfaces of the block walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application.

D) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam, or other sealants designed for such application shall be used.

E) Openings or cracks that are determined to be inaccessible or beyond the ability of the licensee to seal shall be disclosed to the client and included in the documentation.

F) Openings, perimeter channel drains or cracks that exist where the

slab meets the foundation wall (floor-wall joint), shall be sealed with urethane caulk or other sealants designed for such application. When the opening or channel is greater than ½ inch in width, a foam backer rod shall be inserted in the channel before application of the sealant. This sealing technique shall be done in a manner that retains the channel feature as a water control system. Other openings or cracks in slabs or at expansion or control joints should also be sealed.

G) When installing baseboard type suction systems, all seams and joints in the baseboard material shall be joined and sealed using materials recommended by the manufacturer of the baseboard system. Baseboards shall be secured to walls and floors with adhesives designed and recommended for such installations. If a baseboard system is installed on a block wall foundation, the tops of the block walls shall be closed and sealed.

9) Soil Gas Retarder Requirements

A) A soil gas retarder membrane shall be installed in basement or crawlspace areas without a concrete floor.

B) Plastic sheeting installed in crawlspaces or basements as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting shall be used when crawlspaces or basements are used for storage~~,~~ or frequent entry is required for maintenance of utilities.

C) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant or in accordance with specific procedures approved by the Agency.

D) Access doors required by local building codes shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas are being mitigated with active SSD and

SMD systems, sealing of the openings between those areas is not required.

E) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building, shall be identified, closed and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.

F) Drain tile depressurization in a crawlspace shall only be installed under the following conditions:

i) In conjunction with a sub-membrane depressurization system; or

ii) Suction can be obtained beneath the soil gas retarder.

10) Electrical Requirements

A) All electrical components of radon mitigation systems shall conform to provisions of the National Electrical Code and any additional local regulations.

B) Wiring shall not be located in or chased through the radon vent piping or any heating or cooling ductwork.

C) Any plugged cord used to supply power to a radon vent fan shall be no longer than 6 feet in length.

D) No plugged cord shall penetrate a wall or be concealed within a wall.

E) Radon mitigation fans installed on the exterior of buildings shall be hard-wired into an electrical circuit. Electrical disconnects shall be installed within line of sight and within 4 feet of the fan.

Exteriorly, plugged fans shall be used only inside of weather-proofed fan housings or weather-proofed chases.

F) If the rated electricity requirements of a radon mitigation system fan exceeds 50 percent of the circuit capacity into which it will be connected, or if the total connected load on the circuit (including the radon vent fan) exceeds 80 percent of the circuit's rated capacity, a separate, dedicated circuit shall be installed to power the fan.

G) An electrical disconnect switch or circuit breaker shall be installed in radon mitigation system fan circuits to permit deactivation of the fan for maintenance or repair. Disconnect switches are not required with plugged fans.

11) Drain Installation Requirements

A) If drains discharge directly into soil beneath the slab or through solid pipe to a soakaway, the licensee shall install a drain that meets local building codes.

B) If condensate drains from air conditioning units terminate beneath the floor slab, the licensee shall install a trap in the drain that provides a minimum 6-inch standing water seal depth, reroute the drain directly into a trapped floor drain, or reconnect the drain to a condensate pump.

C) Perimeter (channel or French) drains shall be sealed with backer rods and urethane or comparable sealants in a manner that will retain the channel feature as a water control system.

D) When a sump pit is the only system in a basement for protection or relief from excess surface water and a cover is installed on the sump for radon control, the cover shall be recessed and fitted with a trapped drain meeting the requirements of subsection (h)(7)~~ of this Section~~.

12) HVAC Installation Requirements

A) Modifications to an existing HVAC system that are proposed to mitigate elevated levels of radon should be reviewed and approved by the original designer of the installed HVAC system or by a licensed mechanical contractor.

B) Foundation vents, installed specifically to reduce indoor radon levels by increasing the natural ventilation of a crawlspace, shall be non-closeable. In areas subject to sub-freezing conditions, the existing location of water supply and distribution pipes in the crawlspace, and the need to insulate or apply heat tape to those pipes, shall be considered when selecting locations for installing foundation vents.

C) Heat Recovery Ventilation (HRV) systems shall not be installed in rooms that contain friable asbestos.

D) In HRV installations, supply and exhaust ports in the interior shall be located a minimum of 12 feet apart. The exterior supply and exhaust ports shall be positioned to avoid blockage by snow or leaves and be a minimum of 10 feet apart.

E) Contractors installing HRV systems shall verify that the incoming and outgoing airflow is balanced to ensure that the system does not create a negative pressure within the building. Contractors shall inform their client, the occupant and the owner that periodic filter replacement and inlet grill cleaning are necessary to maintain a balanced airflow. Information on filter replacement and inlet grill cleaning shall be provided to their client, the occupant and the owner and shall be included in the documentation.

F) Both internal and external intake and exhaust vents in HRV systems shall be covered with wire mesh or screening to prevent entry of animals or debris or injury to occupants.

13) Materials

A) As a minimum, all plastic vent pipes in mitigation systems shall be

smooth-walled Schedule 40 PVC.

B) Piping routed exteriorly shall be rated against deterioration from ultra-violet radiation from the sun.

C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout shall be used as the vent pipe.

D) Vent pipe fittings in a mitigation system shall be of the same material as the vent pipes except as noted in subsection (h)(3)(A) ~~of this Section~~.

E) Cleaning solvents and adhesives used to join plastic pipes and fittings shall be as recommended by manufacturers for use with the type of pipe material used in the mitigation system.

F) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam or other sealants designed for such application shall be used.

G) Penetrations of sump covers to accommodate electrical wiring, water ejection pipes, or radon vent pipes shall be designed to permit air-tight sealing around penetrations, using caulk or grommets.

H) Plastic sheeting installed in crawlspaces or basements as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting shall~~should~~ be used when crawlspaces or basements are used for storage~~,~~ or frequent entry is required for maintenance of utilities.

I) Any wood that comes into direct contact with the soil or concrete and is used in attaching soil gas retarder membranes to crawlspace walls or piers shall be pressure treated or naturally resistant to decay and termites.

J) When transitioning from one material or shape to another, an adapter specifically designed for the transition shall be used.

K) Drain tile or perforated pipe may be installed under soil gas retarders for the purpose of depressurization and to allow condensation to drain back to the soil.

L) The juncture of each radon vent pipe with the roof line shall be made water tight by an approved flashing. Radon vent pipes discharge large quantities of water vapor that will freeze at the discharge point; therefore, lead vent flashings or any other flashing or cap that would impede the exhaust from the radon vent are prohibited from use.

14) Monitors and Labeling

A) All active soil depressurization systems shall include a mitigation system monitor to indicate fan operation system performance or warn of fan failure.

B) Electrical radon mitigation system monitors (whether visual or audible) shall be installed on non-switched circuits and be designed to reset automatically when power is restored after service or power supply failure. Battery operated monitoring devices shall not be used unless they are equipped with a low-power warning feature.

C) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, shall be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated.

D) An~~Effective October 1, 2009, an~~ Illinois Mitigation System Tag shall be placed on the vent pipe next to the mitigation system monitor. This label shall be purchased from the Agency and include the following information: "Radon Reduction System"; the installer's name, phone number and the Illinois license number; the date of installation; and an advisory that the building should be

tested for radon at least every 2 years.

E) All exposed and visible interior radon mitigation system vent pipe sections shall be identified with at least one label on each floor level that reads "Radon Reduction System".

F) Fans mounted outdoors and exterior vent pipe shall be identified with a label that reads "Radon Reduction System" in a weatherproof manner.

G) Sump pits that are depressurized by the mitigation system or covered to minimize radon entry shall be identified with a label that reads "Radon Reduction System – Removal of this cover may result in failure of the Radon Reduction System. Consult (installer's name and phone number) before removing this cover and for instructions on the correct procedure for replacing it."

H) Circuit breakers controlling the circuits on which the radon vent fan and system failure warning devices operate shall be labeled "Radon Reduction System".

15) Post Installation Checklist

A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a mitigation licensee and shall become auditable evidence.

i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.

ii) Verify suctions or flows in the system piping or ducting to assure that the system is operating as designed.

iii) Advise the client that retesting the building at least every 2 years or if the building undergoes significant alteration is recommended.

iv) Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement licensee.

B) Radon Mitigation licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent Radon Measurement licensee or by the resident of the dwelling.

16) Post-Mitigation Testing

A) Evaluate the effectiveness of the mitigation system using an approved measurement device to assure the system is performing as designed.

B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130.

17) Contracts and Documentation

A) No mitigation activity shall be undertaken before a proposal for the work is accepted by the client, as evidenced by the client's signature and date on the proposal. A proposal for the installation of any radon mitigation system shall include as a minimum:

i) The Radon Mitigation Professional licensee's Illinois license number;

ii) A statement describing the planned scope of the work and an estimated completion date;

iii) A statement describing any known hazards associated with chemicals used in or as part of the installation;

iv) A statement indicating compliance with and

implementation of the mitigation standards described in this Section;

v) A description of any system maintenance that the client, the occupant, or the building owner would be required to perform;

vi) A firm price of the installation cost and an estimate of the annual operating costs of the system; and

AGENCY NOTE: The firm price may include stepped approaches.

vii) A statement that the system is guaranteed to reduce and maintain the average radon concentration to less than 4.0 pCi/L and the conditions thereof; or a statement explaining that there is no guarantee and the reasons why there is no guarantee.

B) Licensees shall maintain the following records for 5 years or for the period of any warranty or guarantees, whichever is longer, and shall make the following records available to the homeowner upon request and documentation of home ownership:

i) Copies of the building investigation summary and floor plan sketch;

ii) The finalized drawing that includes illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices;.

iii) Pre- and post-mitigation radon test data;

iv) Copies of contracts and warranties;

v) A description of the mitigation system installed and its basic operating principles;

vi) A description of any deviations from the MS and applicable regulations of this Part;

vii) A description of the proper operating procedures of any mechanical or electrical systems installed, including manufacturer's operation and maintenance instructions and warranties;

viii) The proposal, contract, and warranties or guarantees made to the client, and any other documentation important to the mitigation system installed; and

ix) The address of the building mitigated, including the zip code, the mitigation system type, the mitigation date, whether radon resistant new construction techniques were used, and the Illinois Mitigation System Tag number.

C) Licensees shall, upon completion of the mitigation project, provide clients with an information package that includes:

i) A list of appropriate actions for clients to take if the system failure warning device indicates system degradation or failure; and

ii) The name, telephone number, and license number of the professional licensee and the phone number of the Agency's Radon Program.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

Section 422.160 Mitigation Standard for New Residential Construction

a) General Practices. This Section contains the requirements for new construction in Illinois in accordance with the Radon Resistant Construction Act [420 ILCS 52]. The following required construction methods are intended to resist radon entry

and prepare the building for post-construction radon mitigation, if necessary. These techniques are required in all areas of Illinois.

b) Subfloor Preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the buildings, to facilitate future installation of a sub-slab depressurization system, if needed. The gas permeable layer shall consist of one of the following:

1) A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2 inch (51 mm) sieve and be retained by a ¼ inch (6.4 mm) sieve; or

2) A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick, overlain by a layer or strips of geo-textile drainage matting designed to allow the lateral flow of soil gases. The geotextile matting shall have a cross-sectional area of not less than 12 square inches (77 sq. cm) and shall be placed, at a minimum, along the entire inside perimeter of the foundation at a distance of 12 to 18 inches (30 to 46 cm) distance from the foundation wall to the edge of the drainage matting. Deviation from the 12 to 18 inches (30 to 46 cm) distance to the foundation wall shall be allowed to avoid obstacles such as plumbing and other utilities; or

3) Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor area.

c) Soil Gas Retarder. A minimum 6-mil (0.15 mm) (or 3-mil (0.075 mm) cross-laminate) polyethylene or equivalent flexible sheeting material shall be placed on top of the gas permeable layer prior to casting the slab or placing the floor assembly to serve as a soil gas retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting.

d) Entry Routes. Potential radon entry routes shall be closed in accordance with the following:

1) Floor openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

2) All concrete control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a polyurethane caulk. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk applied in accordance with the manufacturer's recommendations.

3) Condensate drains shall be trapped or routed through non-perforated pipe to daylight.

4) Sump pits open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sump pits shall not be used as a primary suction point in a sub-slab depressurization system. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.

5) Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.

6) The exterior surfaces of concrete and masonry block walls below the ground surface shall be damp-proofed in accordance with Section R406 of the 2012 International Residential Code for One- and Two-Family

Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).

7) Air-handling units shall be sealed to prevent air from being drawn into the unit. Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage are exempted from this requirement.

8) Underground and crawlspace duct systems shall be sealed in accordance with Section M1601.4 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).

9) Openings around all penetrations through floors above crawlspaces shall be caulked or otherwise filled to prevent air leakage.

10) Access doors and other openings or penetrations into crawlspaces shall be closed, gasketed or otherwise sealed to prevent air leakage.

e) Passive Sub-membrane Depressurization (SMD) System. In buildings with crawlspace foundations or earthen floors, the following components of a passive SMD system shall be installed during construction.

1) Crawlspaces shall be provided with vents to the exterior of the building in accordance with Section R408 of the 2012 International Residential Code for One- and Two-Family Dwellings.

2) The soil in crawlspaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil gas retarder. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawlspace area.

3) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and compatible glues or in accordance with specific procedures submitted by radon contractors as part of their license application and approved by the Agency.

4) A plumbing tee or other approved connection fitted with not less than 5 feet (105 m) of perforated pipe extending from each horizontal opening of the tee shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

f) Passive Sub-Slab Depressurization (SSD) System. Buildings with a basement, crawlspace or slab-on grade concrete floor in contact with the earth or grade shall have the following components of a passive SSD system that shall be installed during construction.

1) A minimum 3-inch diameter (76 mm) Schedule 40 PVC shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cased.

A) A plumbing tee or other approved connection fitted with not less than 5 feet (105 m) of perforated pipe extending from each horizontal opening of the tee shall be inserted horizontally within the sub-slab permeable material to ensure that the pipe opening remains within the sub-slab. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location of at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings; or

B) A penetration into the sub-slab permeable material may be cored through sub-slab after the slab is cased. A minimum 3-inch diameter (76 mm) Schedule 40 PVD shall be embedded vertically into the sub-slab aggregate or other permeable material and

extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

2) In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

g) All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil gas retarder.

h) Radon vent pipes shall be accessible for fan installation through an attic or other area outside and above the habitable space. The radon vent pipe need not be accessible in an attic space when an approved roof-top electrical supply is provided for future use.

i) All exposed and visible interior radon vent pipes shall be conspicuously identified with at least one label on each floor and in accessible attics. The label shall read "Radon Reduction System".

j) Combination basement/crawlspace or slab-on-grade/crawlspace foundations shall have separate radon vent pipes installed in each type of foundation area or be connected with a continuous drain tile loop. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

k) Joints in air ducts and plenum spaces shall meet the requirements of Section M1601 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.;

incorporated by reference pursuant to Section 422.15). Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference pursuant to Section 422.15). Firestopping shall be in conformance with the most recent general building code enacted by the appropriate local government or meet the requirements contained in Section R302.11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).

l) To provide for future installation of an active SMD or SSD system, an electrical circuit terminated to a single outlet in an accessible approved box shall be installed during construction in the attic in the anticipated location of vent pipe fans.

m) To provide for future installation of an active SSD, the piping length in the attic of the building shall have a minimum height of 3 feet to allow for the anticipated installation of a radon mitigation fan in the vent pipe.

n) The juncture of each radon vent pipe with the roof line shall be made water tight by an approved flashing. Lead vent flashings or any other flashing or cap that would impede the exhaust from the radon vent are prohibited from use.

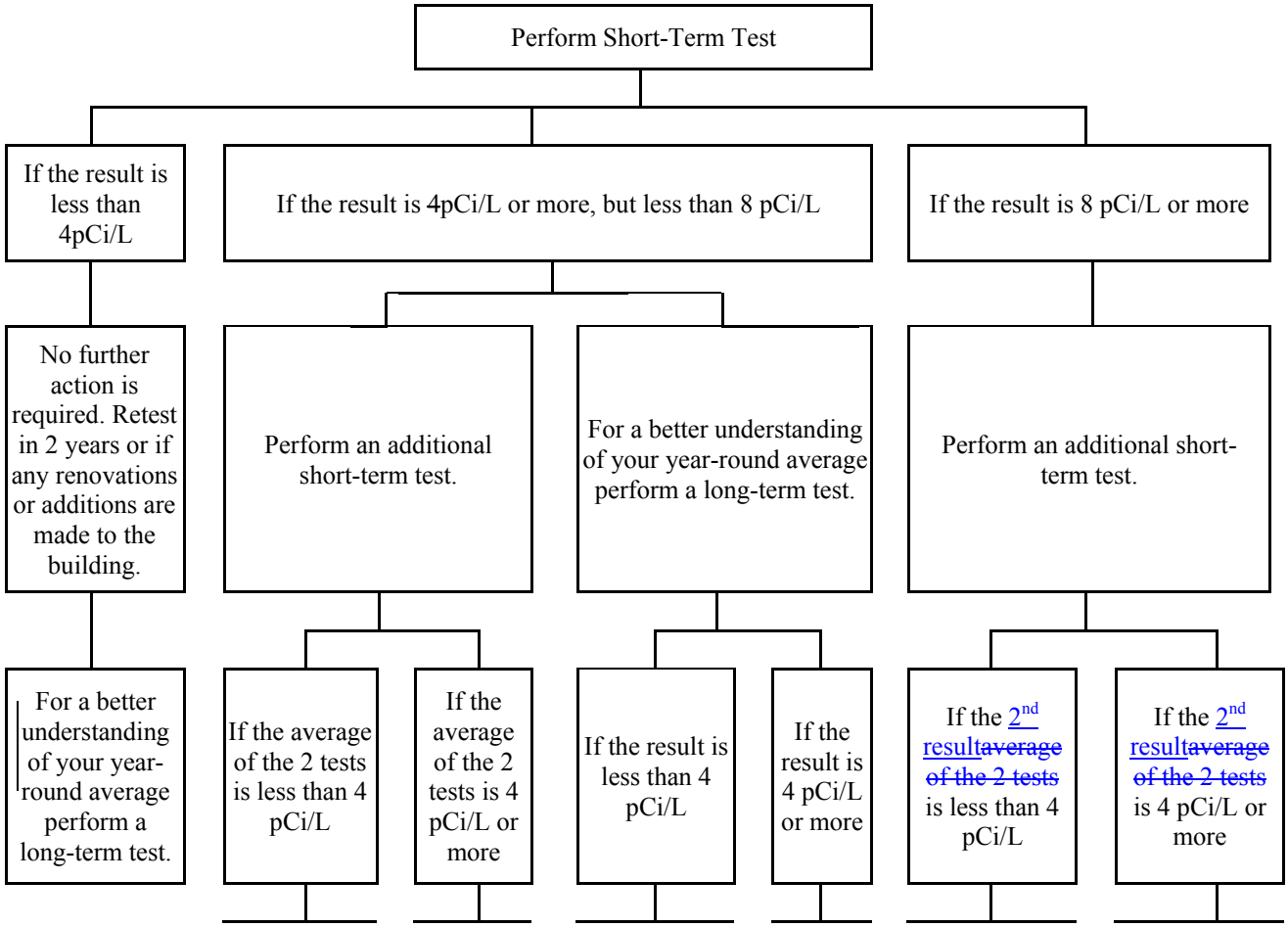
(Source: Added at 37 Ill. Reg. 20240, effective December 9, 2013)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)

The first step is to perform a short-term measurement* in the lowest structural areas**.



No further action is required. Retest in 2 years or if any renovations or additions are made to the building.	Fix the home.	No further action is required. Retest in 2 years or if any renovations or additions are made to the building.	Fix the home.	Perform a long-term test.	Fix the home.

* Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, liquid scintillation vials, electret chambers and continuous monitors. Examples of long-term detectors used in home environment testing include: alpha track detectors and electret chambers.

** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement licensees are required to test in each of the foundation types.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Adopted Action:
140.492	Amend
140.493	Amend

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Rule: December 9, 2013

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: August 2, 2013; 37 Ill. Reg. 12317

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

11) Differences between Proposal and Final Version: None

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

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

14) Are there any other rulemakings pending on this Part? Yes

Sections	Proposed Action	*Illinois Register* Citation
140.24	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.28	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013
140.462	Amendment	37 Ill. Reg. 12637; August 16, 2013
140.523	Amendment	37 Ill. Reg. 13998; September 6, 2013

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.12	Amendment	37 Ill. Reg. 19971; December 20, 2013
140.440	Amendment	37 Ill. Reg. 19971; December 20, 2013

15) Summary and Purpose of Rulemaking: This rulemaking increases reimbursement rates for ambulance services.

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

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
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140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Sanctioned Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44 Withholding of Payments Due to Fraud or Misrepresentation
140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
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140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.416 Optometric Services and Materials
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140.420 Dental Services
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140.425 Podiatry Services
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140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
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140.429 Limitations on Chiropractic Services (Repealed)
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
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140.480 Equipment Rental Limitations
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
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140.928 Client Enrollment and Program Components (Repealed)
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SUBPART K: MANDATORY MCO ENROLLMENT

140.1010 Mandatory Enrollment in MCOs

SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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140.1310 Recovery of Money
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140.TABLE B Geographic Areas
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140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984;

emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill.

Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14,

1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186,

effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345,

effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June

1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376,

effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section

140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation

Notwithstanding the provisions set forth in subsections (a) through (h)~~ of this Section~~, beginning July 1, 2002, the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Notwithstanding Section 140.405, beginning with date of service July 1, 2013 and thereafter, the Department's established maximum rate for ambulance services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule, except when a rate that is higher than the rate in effect on June 30, 2012 is specified in subsection (h). Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

a) For dates of service prior to July 1, 2006, medicar providers~~medicars~~ shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

b) For dates of service prior to July 1, 2006, service car providers~~cars~~ shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

c) For dates of service on or after July 1, 2006, medicar providers~~medicars~~ and service car providers~~cars~~ shall be paid at a base rate, a mileage rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements~~, as allowed~~ in Section 140.490(e)(5). Mileage reimbursement is made for loaded miles, i.e., those miles for which the provider is actually transporting an individual. Mileage for multiple passengers is reimbursed pursuant to Section 140.490(d).

d) Private auto providers~~autos~~ shall be paid for loaded miles at a mileage rate.

e) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.

f) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements~~, as allowed~~ in Section 140.490(e).

g) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for an attendant. Payment for an attendant is subject to the requirements~~, as allowed~~ in Section 140.490(e). The Department rate shall be reviewed on an annual basis each July.

h) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate, which includes the base rate, supplies, and

all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Payment shall also be made for Specialty Care Transport (SCT). Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (h)~~(g)~~(1) through (5)~~(4) of this Section~~. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

1) Payment shall be made at a basic rate for Basic Life Support (BLS) services that is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for BLS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus $14.65, as reflected on the Department's Fee Schedule.

2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, regardless of the county in which the vehicle is based, loaded miles shall be paid at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate of $5.00 per mile, as reflected on the Department's Fee Schedule.

3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

4) Payment for Advanced Life Support (ALS) services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for ALS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus $14.65, as reflected on the Department's Fee Schedule.

5) Beginning with dates of service July 1, 2013 and thereafter, payment for SCT shall be made at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate, which is equivalent to the sum of 100% of the ALS rate in effect on June 30, 2012 plus $75.00, as reflected on the Department's Fee Schedule.

i) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.

j) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.

(Source: Amended at 37 Ill. Reg. 20339, effective December 9, 2013)

Section 140.493 Payment for Helicopter Transportation

Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for helicopter transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Notwithstanding Section 140.405, beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for helicopter transportation services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule. Payment for

helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public. The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491(b)(3)~~140.491(b)(4)~~ at an all inclusive rate that includes base rate, mileage, supplies and all other services.

a) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less.

b) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital and the helicopter provider.

c) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.

d) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.

e) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491(b)(3)~~(1)~~), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.

(Source: Amended at 37 Ill. Reg. 20339, effective December 9, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Food Service Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 750

3)

Section Numbers:	Adopted Action:
750.10	Amend
750.120	Amend
750.130	Amend
750.330	Amend
750.620	Amend
750.740	Amend
750.1240	Amend
750.1290	Amend

4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Food Handling Regulation Enforcement Act [410 ILCS 625], and Sanitary Food Preparation Act [410 ILCS 650]

5) Effective Date of Rule: December 6, 2013

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed Rulemaking published in the *Illinois Register*: July 26, 2013; 37 Ill. Reg. 11867

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

11) Differences between Proposal and Final Version: No changes were made during the first notice period. The following change was made in response to comments and suggestions of JCAR:

Section 750.740(a)(2) was revised to read: "Display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food

store are exempt from the provisions of this subsection (a) if they are installed so that the floor beneath the units can be cleaned.".

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

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

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

15) Summary and Purpose of Rulemaking: This rulemaking updates the definition of a food service establishment to incorporate the definition of retail food store, allowing for the repeal of the Retail Food Store Sanitation Code [77 Ill. Adm. Code 760]. Beyond Section 750.10, other key amendments correlate with the definition change to expand to include retail food stores (i.e., grocery stores).

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section
750.5 Incorporated and Referenced Materials
750.10 Definitions
750.20 Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section
750.100 General
750.110 Special Requirements
750.120 General – Food Protection
750.130 General – Food Storage
750.140 Refrigerated Storage
750.150 Hot Storage
750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking
750.152 Ready-to-Eat Potentially Hazardous Food, Disposition
750.153 Time as a Public Health Control
750.155 Damaged Food Containers
750.160 General – Food Preparation
750.170 Raw Fruits and Raw Vegetables
750.180 Cooking Potentially Hazardous Foods
750.185 Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
750.188 Plant Food Cooking for Hot Holding

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.189 Microwave Cooking
750.190 Dry Milk and Dry Milk Products
750.200 Liquid, Frozen, Dry Eggs and Egg Products
750.208 Preparation for Immediate Service
750.210 Reheating for Hot Holding
750.220 Nondairy Products
750.230 Product Thermometers
750.240 Thawing Potentially Hazardous Foods
750.250 Food Display and Service of Potentially Hazardous Food
750.260 Display Equipment
750.270 Reuse of Tableware
750.280 Dispensing Utensils
750.290 Ice Dispensing
750.300 Condiment Dispensing
750.310 Milk and Cream Dispensing
750.320 Re-Service
750.325 Special Requirements for Highly Susceptible Populations
750.330 General – Food Transportation
750.340 Public Health Protection
750.350 Preventing Health Hazards, Provision for Conditions Not Addressed
750.360 Variances
750.370 Justification for and Documentation of Proposed Variance

SUBPART C: PERSONNEL

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750.500 General – Employee Health
750.510 General – Personal Cleanliness
750.512 When to Wash Hands
750.514 Where to Wash Hands
750.516 Hand Antiseptics
750.520 General – Clothing
750.530 General – Employee Practices
750.540 Management Sanitation Training and Certification
750.550 Management Sanitation Certification Examination (Repealed)
750.551 Certificate Issuance
750.560 Certificate Revocation or Suspension

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: EQUIPMENT AND UTENSILS

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750.620 Wood
750.630 Plastics
750.640 Mollusk and Crustacea Shells
750.650 General – Design and Fabrication
750.660 Accessibility
750.670 In-Place Cleaning
750.680 Thermometers
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750.710 General – Equipment Installation and Location
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SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

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750.800 Cleaning Frequency
750.810 Wiping Cloths
750.820 Manual Cleaning and Sanitizing
750.830 Mechanical Cleaning and Sanitizing
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750.850 Equipment, Utensil, and Tableware Handling
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DEPARTMENT OF PUBLIC HEALTH

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750.1000 General – Water Supply
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DEPARTMENT OF PUBLIC HEALTH

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DEPARTMENT OF PUBLIC HEALTH

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DEPARTMENT OF PUBLIC HEALTH

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750.2080 Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section
750.3000 Exceptions
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750.3200 Smoked Meat, Poultry and Other Food Products
750.3300 Curing of Meat and Poultry

750.APPENDIX A Retail Food Sanitary Inspection Report
750.APPENDIX B Examination Date Notification Form
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750.APPENDIX D Permission to Retake Certification Examination Form
750.APPENDIX E Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013.

SUBPART A: GENERAL PROVISIONS

Section 750.10 Definitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~The following definitions shall apply in the interpretation and the enforcement of this Part:~~

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, that, because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development, after which it is removed from the incubation before hatching.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those that may be infectious or toxigenic.

"Beef pattie mix" (or "beef patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Beverage" means a liquid for drinking, including water.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

Potentially hazardous foods are cooled, as part of the food handling operation at the facility;

Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

Potentially hazardous cooked and cooled foods must be reheated;

Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

Immunocompromised individuals such as the elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods are prepared from raw ingredients, using only minimal assembly; and

Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system

that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use~~conditions of use~~ environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Easily cleanable" means that surfaces are readily accessible and made of ~~such~~ material and finish and ~~so~~ fabricated so that residue may be effectively removed by normal cleaning methods.

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of an existing structure for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to ~~only~~ coffee, tea~~,~~ and~~/or~~ juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, ~~retail food stores~~ or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the ~~Illinois~~ Meat and Poultry Act ~~[225 ILCS 650]~~; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard" means a biological, chemical, or physical property that may cause an

unacceptable consumer health risk.

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised, preschool age children or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other

quarters that provide temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, or Standard Methods for Examination of Dairy Products, 17th Edition, as incorporated in Section 750.5(b)(1) and (2).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. The~~Such~~ product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy Salmonella enteritidis to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable salmonellae exist.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment

who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity (a_w) value of 0.85 or less; or

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving non-

potentially~~nonpotentially~~ hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced oxygen packaging" includes:

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in

compliance with regulations established pursuant to section 409 or 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that, depending on when the water spray is applied, maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability,

strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house that~~which~~ provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage,

preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

SUBPART B: FOOD SUPPLIES

Section 750.120 General – Food Protection

a) At all times, including while being stored, prepared, displayed, served~~,~~ or transported, food other than whole, unprocessed raw fruits and unprocessed raw vegetables shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous foods shall be 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Part.

b) If~~In the event of~~ a fire, flood, power outage~~,~~ or similar event occurs that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

Section 750.130 General − Food Storage

a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be in a clean, covered container except during necessary periods of preparation or service. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempt from this subsection (a). Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

b) Containers of food shall be stored a minimum of 6~~six~~ inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

1) Metal pressurized beverage containers~~,~~ and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture.

2) Containers may be stored on dollies, racks or pallets, provided that the~~such~~ equipment is easily movable.

c) Food and containers of food shall not be stored under exposed or unprotected sewer lines~~,~~ or water lines, except for automatic fire protection sprinkler heads that may be required by law. Food shall not be stored~~The storage of food~~ in toilet rooms or vestibules~~ is prohibited~~.

d) Food not subject to further washing or cooking before being served shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

e) Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

f) Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

Section 750.330 General − Food Transportation

Except for raw fruits and raw vegetables, during~~During~~ transportation, food and food utensils shall be kept and packed in covered containers or completely wrapped or packaged~~ so as~~ to be protected from contamination. Foods in original individual packages do not need to be over-wrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of Sections~~Section~~ 750.130, 750.140~~,~~ and 750.150 relating to food storage.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

SUBPART D: EQUIPMENT AND UTENSILS

Section 750.620 Wood

Hard maple or equivalently non-absorbent material that meets the general requirements set forth in the introductory text of this article may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited, except for contact with raw fruits, raw vegetables and nuts in the shell.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

Section 750.740 Floor-Mounted Equipment

a) Installation

1) Floor-mounted equipment, unless readily movable, shall be:

A)~~1)~~ Sealed to the floor; or

B)~~2)~~ Installed on raised platforms of concrete or other smooth masonry in a way that meets all of the requirements for ceiling or floor clearance; or

C)~~3)~~ Elevated on legs to provide at least a 6-~~six~~ inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-~~four~~ inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6~~six~~ inches from cleaning access.

2) Display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store are exempt from the provisions of this subsection (a) if they are installed so that the floor beneath the units can be cleaned.

b) Equipment is easily movable if:

1) It is mounted on wheels or castors; and

2) It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

c) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Section 750.1240 Protective Light Shielding

a) Shielding to protect against broken glass falling into food shall be provided for all artificial light fixtures located over, by or within food storage, preparation, service and display facilities and facilities where utensils and equipment are cleaned and stored.

b) Shielding need not be used in areas used only for storing food in unopened

packages if the integrity of the packages cannot be affected by broken glass falling onto them and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

c)~~b)~~ Infra-red or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

Section 750.1290 Poisonous or Toxic Materials Permitted

Only~~There shall be present in food service establishments only~~ those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents shall be present in food service establishments. This Section does not apply to packaged poisonous or toxic materials that are for retail sale.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Retail Food Store Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 760

3)

Section Numbers:	Adopted Action:
760.10	Repealed
760.15	Repealed
760.20	Repealed
760.30	Repealed
760.100	Repealed
760.110	Repealed
760.120	Repealed
760.130	Repealed
760.140	Repealed
760.150	Repealed
760.160	Repealed
760.165	Repealed
760.170	Repealed
760.180	Repealed
760.190	Repealed
760.195	Repealed
760.196	Repealed
760.197	Repealed
760.199	Repealed
760.200	Repealed
760.210	Repealed
760.220	Repealed
760.230	Repealed
760.240	Repealed
760.250	Repealed
760.260	Repealed
760.270	Repealed
760.280	Repealed
760.290	Repealed
760.400	Repealed
760.410	Repealed
760.420	Repealed
760.430	Repealed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

760.500	Repealed
760.510	Repealed
760.520	Repealed
760.530	Repealed
760.540	Repealed
760.550	Repealed
760.560	Repealed
760.570	Repealed
760.580	Repealed
760.590	Repealed
760.600	Repealed
760.610	Repealed
760.620	Repealed
760.630	Repealed
760.640	Repealed
760.650	Repealed
760.660	Repealed
760.700	Repealed
760.710	Repealed
760.720	Repealed
760.730	Repealed
760.740	Repealed
760.750	Repealed
760.760	Repealed
760.770	Repealed
760.780	Repealed
760.790	Repealed
760.900	Repealed
760.910	Repealed
760.920	Repealed
760.930	Repealed
760.940	Repealed
760.950	Repealed
760.960	Repealed
760.970	Repealed
760.980	Repealed
760.990	Repealed
760.1000	Repealed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

760.1010	Repealed
760.1020	Repealed
760.1030	Repealed
760.1040	Repealed
760.1050	Repealed
760.1060	Repealed
760.1070	Repealed
760.1080	Repealed
760.1090	Repealed
760.1100	Repealed
760.1110	Repealed
760.1120	Repealed
760.1130	Repealed
760.1200	Repealed
760.1210	Repealed
760.1220	Repealed
760.1230	Repealed
760.1240	Repealed
760.1250	Repealed
760.1260	Repealed
760.1270	Repealed
760.1280	Repealed
760.1290	Repealed
760.1300	Repealed
760.1310	Repealed
760.1320	Repealed
760.1330	Repealed
760.1340	Repealed
760.1350	Repealed
760.1360	Repealed
760.1370	Repealed
760.1380	Repealed
760.1390	Repealed
760.1400	Repealed
760.1410	Repealed
760.1420	Repealed
760.1430	Repealed
760.1440	Repealed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

760.1450	Repealed
760.1460	Repealed
760.1470	Repealed
760.1480	Repealed
760.1490	Repealed
760.1600	Repealed
760.1610	Repealed
760.1700	Repealed
760.1710	Repealed
760.1720	Repealed
760.1730	Repealed
760.1740	Repealed
760.1750	Repealed
760.1760	Repealed
760.2000	Repealed
760.2010	Repealed
760.2020	Repealed
760.2030	Repealed
760.2031	Repealed
760.2032	Repealed
760.2040	Repealed
760.2041	Repealed
760.2042	Repealed
760.2050	Repealed
760.2060	Repealed
760.2070	Repealed
760.2080	Repealed
760.3000	Repealed
760.3100	Repealed
760.3200	Repealed
760.3300	Repealed
760.APPENDIX A	Repealed

4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and Sanitary Food Preparation Act [410 ILCS 650]

5) Effective Date of Rule: December 6, 2013

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed Repealer published in Illinois Register: July 26, 2013; 37 Ill. Reg. 11894

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 changes were requested.

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

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

15) Summary and Purpose of Rulemaking: The entire Part 760 is duplicative of Part 750 with the exception of the definition of "retail food store" contained in Part 760. This rulemaking repeals the entire Part 760 to allow for incorporation and inclusion of the retail food store definition as part of the food service establishment definition in Part 750, thus resulting in one Part for regulation of food service establishments in local jurisdictions.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hearings and Enforcement Proceedings

2) Code Citation: 11 Ill. Adm. Code 204

3) Section Number: 204.20 Adopted Action: Amend

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: December 16, 2013

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 11971; July 26, 2013

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 letter issued by JCAR? Yes

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

14) Are there any other proposed rulemakings pending in this Part? No

15) Summary and Purpose of Rulemaking: The Board is amending subsection 204.20(c) because the phrase "or the Board" conflicts with a provision in the Illinois Horse Racing Act.

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

Mickey Ezzo

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board
100 West Randolph, Suite 7-701

Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND~~ LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 204
HEARINGS AND ENFORCEMENT PROCEEDINGS

Section

204.10 Applicability
204.20 Requests for Hearing
204.25 Requests and Proceedings for Director's Review Conference
204.30 Purse Distribution
204.40 Appointment and Disqualification
204.50 Transcripts
204.60 Appearances
204.65 Discovery
204.70 Service
204.80 Subpoenas
204.85 Proceedings for Hearings Involving Action by the Board
204.90 Proceedings for Hearings Involving Action by Organization Licensees
204.100 Evidence
204.110 Stipulations
204.120 Continuances
204.130 Closing Arguments
204.140 Findings of Fact and Conclusions of Law

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Appeals and Enforcement Proceedings, amended December 30, 1977; codified at 5 Ill. Reg. 10876; amended at 10 Ill. Reg. 3825, effective February 13, 1986; amended at 18 Ill. Reg. 7419, effective April 29, 1994; amended at 22 Ill. Reg. 14494, effective August 1, 1998; amended at 26 Ill. Reg. 10806, effective July 1, 2002; amended at 34 Ill. Reg. 12883, effective August 20, 2010; amended at 37 Ill. Reg. 20397, effective December 16, 2013.

Section 204.20 Requests for Hearing

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

a) Any person aggrieved by a final ruling of the Stewards may, as a matter of right, request a Board hearing. The hearing shall be a proceeding de novo.

b) All requests for hearings shall:

1) be in writing;

2) contain an address and telephone number where the petitioner may be notified; and

3) identify the Stewards' ruling and state the specific reasons for the request.

c) Requests for hearing under this Part shall be filed no later than five business days after receipt of notice of the Stewards' ruling, ejection or exclusion or other action of the Board. If the petitioner is the subject of a pre-hearing suspension or exclusion, the Board shall conduct its hearing within seven regular business days after the receipt of the request unless the petitioner~~ or the Board~~ requests a postponement upon~~and shows~~ good cause shown and~~ the petitioner~~ specifically waives the seven day hearing requirement.

d) For appeals concerning civil penalties of $500 or less or disqualifications based on an occurrence in the race such as interference or a claim of foul where no penalty was assessed against the driver or jockey, the petitioner shall be required to submit to a Director's Review Conference conducted pursuant to Section 204.25.

e) For appeals concerning a suspension, exclusion, civil penalty greater than $500, redistribution of the purse after the race results have been finalized by the Stewards, or disqualification based on a violation of 11 Ill. Adm. Code 603 (Medication), the petitioner shall be entitled to an administrative hearing pursuant to this Part or shall be given the option of submitting to a Director's Review Conference conducted pursuant to Section 204.25. Should a petitioner request a Director's Review Conference, his or her right to an administrative hearing shall be deemed waived.

f) Notwithstanding subsections (d) and (e), any single member of the Board may sua sponte direct that any appeal be subject to a formal administrative hearing if the case merits the Board's personal attention.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

g) Requests for hearing may be filed in person at, or by mail addressed to, the Board's office at 100 W. Randolph, Suite 7-701, Chicago, Illinois 60601. Requests submitted by mail will be deemed timely if postmarked no later than five business days after receipt of notice of the Stewards' ruling, ejection or exclusion or other action of the Board.

(Source: Amended at 37 Ill. Reg. 20397, effective December 16, 2013)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Race Track Operators and Their Duties

2) Code Citation: 11 Ill. Adm. Code 1305

3) Section Number: 1305.110 Adopted Action: Amend

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: December 16, 2013

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

7) Does this rulemaking contain incorporation by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 11976; July 26, 2013.

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 letter issued by JCAR? Yes

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

14) Are there any other proposed rulemakings pending in this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking changes the location of the emergency medication used by the State Veterinarian at standardbred racetracks from a locked box in the horse ambulance to a locked box in the State Veterinarian's office in the detention barn.

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND~~ LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305
RACE TRACK OPERATORS AND THEIR DUTIES

Section

1305.10 Definition of Race Track Operator
1305.20 Application
1305.30 Time for Filing Applications
1305.40 Conditions of License
1305.45 Lease of Race Track (Repealed)
1305.50 Written Disclosure
1305.55 Written Disclosure for Corporations
1305.60 Notice of Changes
1305.70 Political Contributions (Repealed)
1305.80 Termination of License
1305.90 Wagering On Races Conducted off of Premises
1305.100 Reciprocal Suspensions
1305.110 Horse Ambulance
1305.120 Ambulance of Racing Strip (Repealed)
1305.130 First Aid Station (Repealed)
1305.140 Emergency Medical Services
1305.150 Illinois Racing Board Office
1305.170 Moving Office (Repealed)
1305.180 Judges' Stand
1305.190 Drivers' Bench
1305.200 Stabling of Horses
1305.220 Stall Numbers and Distance Poles
1305.230 Licensed Outrider
1305.240 Drinking Fountains and Rest Rooms
1305.250 Telephones
1305.260 Broadcasting and Telecasting
1305.270 Pest Control
1305.280 Alcohol Sales
1305.290 Track Lights

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1305.300 Fire Prevention
1305.310 Backstretch Paging System
1305.320 Admissions (Repealed)
1305.330 Inspection Report
1305.340 Lottery Events at Race Tracks (Repealed)
1305.350 Off-Track Betting Agencies of Other States
1305.370 Reporting of Horsemen's Purse Account
1305.380 Notification of Change

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004; amended at 28 Ill. Reg. 11260, effective August 1, 2004; amended at 29 Ill. Reg. 8413, effective June 1, 2005; amended at 34 Ill. Reg. 7741, effective May 24, 2010; amended at 37 Ill. Reg. 20402, effective December 16, 2013.

Section 1305.110 Horse Ambulance

There shall be a horse ambulance at all race tracks under the jurisdiction of the Board for the safe and expedient removal of crippled animals from the track. Horse ambulances must be equipped with a screen for use when an animal must be destroyed in view of the general public, a winch to lift dead or injured animals on to the ambulance, and a removable floor or other satisfactory device for the safe loading of a recumbent horse. Drugs for use by the State Veterinarians, when emergency medication is required, shall be stored in a locked box in the State Veterinarian's office in the detention barn.~~Said ambulance shall also be equipped with a permanently attached and locked box containing drugs solely for the use of the state veterinarians when emergency medication is required.~~

(Source: Amended at 37 Ill. Reg. 20402, effective December 16, 2013)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Security and Admissions

2) Code Citation: 11 Ill. Adm. Code 1325

3) Section Number: 1325.60 — Adopted Action: Repealed

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: December 16, 2013

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

7) Does this rulemaking contain incorporation by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 11981; July 26, 2013.

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 letter issued by JCAR? Yes

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

14) Are there any other proposed rulemakings pending in this Part? No

15) Summary and Purpose of Rulemaking: Section 1325.60, that addresses identification cards and badges, is being repealed because it is in direct conflict with 11 Ill. Adm. Code 1302.90. Section 1325.60 requires persons entitled to enter the stable area to openly wear photo identification badges. For safety reasons, Section 1302.90 requires licensees to carry their photo identification badge and present it, upon request, to the Board or its agents or employees, and by officials of the race track operator, or its designated agents or employees, at any time they may deem necessary or proper.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND~~ LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1325
SECURITY AND ADMISSIONS

Section

1325.10 Stable Enclosures Fenced
1325.20 Report of Arrival and Departure of Horses
1325.30 Stable Area Security
1325.40 Policing of Premises
1325.50 Admission to Parts of Premises
1325.60 Identification Cards and Badges (Repealed)
1325.70 Admission Statements
1325.80 Admissions Tax
1325.90 Admissions Records
1325.100 Board Approval of Tickets and Credentials
1325.110 Credential and Ticket Specimens
1325.120 Tax Exempt Credentials
1325.130 Tax Exempt Credentials Report (Repealed)
1325.140 Track Responsible for Credentials
1325.150 Board Access to Records
1325.160 Turnstiles and Electronic Scanning Devices
1325.170 Admission to Track
1325.180 Revocation of Credentials
1325.190 Inspections and Searches (Repealed)
1325.200 Investigative Authority

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991;

amended at 31 Ill. Reg. 15099, effective November 1, 2007; amended at 32 Ill. Reg. 16498, effective October 1, 2008; amended at 35 Ill. Reg. 8504, effective May 23, 2011; amended at 37 Ill. Reg. 20406, effective December 16, 2013.

Section 1325.60 Identification Cards and Badges (Repealed)

~~a) The state license office shall issue identification buttons or cards to those persons entitled to enter the stable area. The button shall be worn openly at all times while performing duties in the area. The identification card shall be displayed upon request of security guards and watchmen.~~

~~b) An identification card or button may be taken up by direction of the state steward upon reasonable cause.~~

(Source: Repealed at 37 Ill. Reg. 20406, effective December 16, 2013)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Peremptory Action:
310.APPENDIX A TABLE L	Amend
310.APPENDIX A TABLE AC	Amend

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan Section 310.Appendix A Table L to continue to reflect the Agreement between CMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers that was signed June 12, 2009. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On November 8, 2013, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2013 in the southern region. On November 12, 2013, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2013 in the central region and effective July 1, 2013 in the northern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula.

CMS is amending Section 310.Appendix A Table AC to reflect the Agreement by and between CMS and the Department of Healthcare and Family Services and the Illinois Nurses Association for RC-036 Public Service Administrator, Option 8L effective July 1, 2012 through June 30, 2015 signed November 14, 2013. The Agreement institutes a longevity pay provision, no cost of living increase effective July 1, 2012 and a 2.0% increase effective July 1, 2013 and 2014.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

6) Effective Date: December 6, 2013

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L, the Boiler Safety Specialist title's new rates are added to the rate table. The new rate in the southern region is $5,688.06 effective January 1, 2013, in the central region is $6,514.56 effective January 1, 2013 and in the northern region is $8,005.74 effective July 1, 2013. The rates no longer in effect are removed.

In Section 310.Appendix A Table AC, a Note is added directly beneath the title table. The Note includes the longevity pay provision. Three rate tables effective July 1, 2012, 2013 and 2014 are added. The outdated rate tables are removed.

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

9) Date filed with the Index Department: December 6, 2013

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes.

12) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers	Proposed Action	*Illinois Register* Citation
310.47	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.80	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.220	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.410	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.415	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.490	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.495	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.500	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.Appendix A Table E	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.Appendix A Table F	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.Appendix A Table G	Amendment	37 Ill. Reg. 16048, October 18, 2013
310.Appendix A Table Q	Amendment	37 Ill. Reg. 16048, October 18, 2013

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory rulemaking shall be directed to:

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

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

The full text of the peremptory rulemaking begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

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

Section
310.600 Jurisdiction (Repealed)
310.610 Pay Schedules (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.620 In-Hiring Rate (Repealed)
310.630 Definitions (Repealed)
310.640 Increases in Pay (Repealed)
310.650 Other Pay Provisions (Repealed)
310.660 Effective Date (Repealed)
310.670 Negotiated Rate (Repealed)
310.680 Trainee Rate (Repealed)
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D HR-001 (Teamsters Local #700)
310.TABLE E RC-020 (Teamsters Local #330)
310.TABLE F RC-019 (Teamsters Local #25)
310.TABLE G RC-045 (Automotive Mechanics, IFPE)
310.TABLE H RC-006 (Corrections Employees, AFSCME)
310.TABLE I RC-009 (Institutional Employees, AFSCME)
310.TABLE J RC-014 (Clerical Employees, AFSCME)
310.TABLE K RC-023 (Registered Nurses, INA)
310.TABLE L RC-008 (Boilermakers)
310.TABLE M RC-110 (Conservation Police Lodge)
310.TABLE N RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q RC-033 (Meat Inspectors, IFPE)
310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V CU-500 (Corrections Meet and Confer Employees)
310.TABLE W RC-062 (Technical Employees, AFSCME)
310.TABLE X RC-063 (Professional Employees, AFSCME)
310.TABLE Y RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z RC-063 (Physicians, AFSCME)
310.TABLE AA NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers,

AFSCME) (Repealed)
310.TABLE S Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D Merit Compensation System Salary Schedule
310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440,

effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239,

effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24,

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1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory

amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September

27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485,

effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at

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34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; peremptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; peremptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; peremptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; peremptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; peremptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; peremptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; peremptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; peremptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; peremptory

amendment at 37 Ill. Reg. 5925, effective April 18, 2013; peremptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; peremptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; peremptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; peremptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; peremptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013.

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE L RC-008 (Boilermakers)

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	July 1, 2013 ~~January 1, 2012~~	8005.74~~7863.06~~
Boiler Safety Specialist	04910	Central	January 1, 2013~~2009~~	6514.56~~6335.34~~
~~Boiler Safety Specialist~~	~~04910~~	~~Southern~~	~~January 1, 2010~~	~~5679.36~~
~~Boiler Safety Specialist~~	~~04910~~	~~Southern~~	~~January 1, 2011~~	~~5679.36~~
Boiler Safety Specialist	04910	Southern	January 1, 2013~~2012~~	5688.06~~5592.36~~

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the

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Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 20410, effective December 6, 2013)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AC RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)

Title	Title Code	Bargaining Unit	Pay Plan Code
Public Service Administrator, Option 8L (Department of Healthcare and Family Services' Office of Inspector General's Bureau of Administrative Legislation)	37015	RC-036	B

NOTE: Longevity Pay – Effective September 23, 2013, the Step 8 rate shall be increased by $75 a month for employees who attain 10 years of continuous service and have 3 or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. Employees who attain 15 years of continuous services and have 3 or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 shall increase by $100 a month.

Effective July 1, 2012

S T E P S

1c	1b	1a	1	2	3	4	5	6	7	8
5775	5948	6126	6309	6644	6994	7327	7667	8012	8515	8855

Effective July 1, 2013

S T E P S

1c	1b	1a	1	2	3	4	5	6	7	8
5891	6067	6249	6435	6777	7134	7474	7820	8172	8685	9032

Effective July 1, 2014

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1c	1b	1a	1	2	3	4	5	6	7	8
6008	6188	6373	6564	6912	7277	7623	7977	8336	8859	9213

~~Effective July 1, 2011~~

~~STEPS~~

~~1c~~	~~1b~~	~~1a~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~5704~~	~~5875~~	~~6050~~	~~6231~~	~~6562~~	~~6908~~	~~7237~~	~~7572~~	~~7913~~	~~8410~~	~~8746~~

~~Effective January 1, 2012~~

~~STEPS~~

~~1c~~	~~1b~~	~~1a~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~5775~~	~~5948~~	~~6126~~	~~6309~~	~~6644~~	~~6994~~	~~7327~~	~~7667~~	~~8012~~	~~8515~~	~~8855~~

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 20410, effective December 6, 2013)

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 December 3, 2013 through December 9, 2013. The first four rulemakings are scheduled for review at the Committee's December 17, 2013 meeting. All other listed rulemakings are scheduled for review at the Committee's January 14, 2014 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
1/16/14	Department of Commerce and Economic Opportunity, Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)	10/18/13 37 Ill. Reg. 16171	12/17/13
1/16/14	Department of Commerce and Economic Opportunity, River Edge Redevelopment Zone Program (14 Ill. Adm. Code 524)	10/18/13 37 Ill. Reg. 16237	12/17/13
1/16/14	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	9/6/13 37 Ill. Reg. 13998	12/17/13
1/16/14	Department of Healthcare and Family Services, Hospital Reimbursement Changes (89 Ill. Adm. Code 152)	8/16/13 37 Ill. Reg. 13043	12/17/13
1/15/14	State Universities Retirement System, Universities Retirement (80 Ill. Adm. Code 1600)	10/4/13 37 Ill. Reg. 15728	1/14/14
1/16/14	Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)	7/12/13 37 Ill. Reg. 9875	1/14/14
1/17/14	Department of Healthcare and Family Services,	8/2/13	1/14/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Child Support Services (89 Ill. Adm. Code 160)	37 Ill. Reg. 12342	
1/18/14	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	3/22/13 37 Ill. Reg. 3362	1/14/14
1/22/14	Illinois Commerce Commission, Collateral Recovery (92 Ill. Adm. Code 1480)	8/16/13 37 Ill. Reg. 12953	1/14/14
1/22/13	Pollution Control Board, Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)	3/15/13 37 Ill. Reg. 2851	1/14/14
1/22/14	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	9/27/13 37 Ill. Reg. 15464	1/14/14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 750)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Amend the authority of the Part;

Amend to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes; and

Amend the rules to reflect other minor administrative changes.

B) Statutory Authority: 20 ILCS 5/16

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

b) Part(s) (Heading and Code Citation): Access to Information (2 Ill. Adm. Code 751)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Amend to reflect the latest modifications to the Freedom of Information Act.

B) Statutory Authority: 5 ILCS 140

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

c) Part(s) (Heading and Code Citation): Acquisition, Management and Disposal of Real Property (44 Ill. Adm. Code 5000)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

Amend to reflect changes required pursuant to P.A. 96-0795 and the proposed General Services Standard Procurement Rules, as well as general review and updating.

B) Statutory Authority: 20 ILCS 5/5-675, 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315, and 30 ILCS 500

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed changes are to update the rules to reflect current policy. Based on this, we believe that the affect on the above-listed entities, if any, will be minimal.

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

d) Part(s) (Heading and Code Citation): State Vehicles and Garage (44 Ill. Adm. Code 5040)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

Amend the rules to outline a Vehicle Usage Program; and

Amend the rules to reflect CMS instead of DCMS and other minor administrative changes.

B) Statutory Authority: 20 ILCS 405/405-280

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

e) Part(s) (Heading and Code Citations): Classification and Pay (80 Ill. Adm. Code 301)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend to reflect a change from the Illinois Revised Statutes to the Illinois Compiled Statutes, as well as other administrative changes; and

Amend Section 301.180 to reflect changes pursuant to P.A. 94-793.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

B) Statutory Authority: 20 ILCS 415/1 et seq.

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

f) Part(s) (Heading and Code Citations): Merit and Fitness (80 Ill. Adm. Code 302)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend Section 302.90 to address the process for filling of multiple vacancies by simultaneous resort to more than a single method described in Rule 302.90;

Amend Sections 302.90 and 302.820 to address the process for appointing employees to term appointments, to address inconsistencies between these two sections, and to address the differences between the 4 year term

appointments historically addressed by these sections and 5 year term appointments;

Amend Section 302.91 to more fully describe the procedures and requirements of the Alternative Employment Program;

Amend Section 302.150 to provide for temporary appointment of retired State employees to work no more than 75 days within a twelve-month period, and further amend Section 302.150 to provide for Provisional Appointment Pending Partial Exemption under Personnel Code Section 4d;

Amend Section 302.550 to clarify that employees who accept a voluntary reduction will be entitled to remain on the appropriate reemployment list;

Amend Section 302.690 to clarify an employee's responsibilities upon being placed on administrative leave, for disciplinary action, or charges of discharge;

Amend Section 302.790 to clarify the prohibition on discrimination and retaliation;

Amend Section 302.795 to codify & make explicit the existing practices in the implementation of administrative leaves and amend administrative leave practices to better control the application of administrative leave;

Amend Sections 302.800 & 302.810 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes; and

Add a new Section under Subpart L addressing the requirement that certain internal auditor and procurement positions be appointed to five year term appointments.

B) Statutory Authority: 20 ILCS 415/8, 8b.10, 8b.18, 8b.19, 8c.6, 8e and P.A. 96-0795.

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

g) Part(s) (Heading and Code Citations): Conditions of Employment (80 Ill. Adm. Code 303)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend Sections 303.90 & 303.130 to reflect compliance with the Illinois Religious Freedom Protection and Civil Union Act;

Amend the current Rules relating to Vacation Time and Personal Time, including at least Sections 303.125 and 303.290, to clarify limitations on use and prevent misuse of such time by employees pending their retirement from State employment;

Amend Section 303.145 to clarify the limitations on temporary disability leave, establish timeframe limitations for temporary disability leave, clarify the process for agencies to require independent medical examinations of employees, and to address the relationship between temporary disability leave and the Alternative Employment Program;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Amend Section 303.170 to reflect changes to 5 ILCS 325 and to clarify the use of USERRA leave;

Amend Section 303.190 to clarify which employees receive paid time off for holidays;

Amend Section 303.270 to clarify that employees on Military Leave shall not lose accrued vacation time, and will be afforded a reasonable amount of time upon their return to use it;

Amend Section 303.295 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes;

Amend Section 303.380 to change reference from 'Separation' to 'Resignation';

Amend Section 303.385 to clarify the reinstatement of vacation and sick time for an employee who returns to employment more than 30 days, but less than 5 years, after termination of previous employment;

Add a new Section to clarify the use of benefit time on or near an employee's separation date;

Add a new Section to provide for Victims' Economic Security & Safety Act Leave pursuant to 820 ILCS 180/1.

B) Statutory Authority: 20 ILCS 415/8, 8c, 8c.6, 8e and 9(14).

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

h) Part(s) (Heading and Code Citations): General Provisions (80 Ill. Adm. Code 304)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend Section 304.30 to clarify that it is the obligation of the employee to notify their employer of current address and phone number;

Amend Section 304.40 to clarify what constitutes personal history and make explicit the historic interpretation that all Rutan-related documentation is confidential & falls under the definition of examination materials; and

Amend the authority of the Part and Section 304.70 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes.

B) Statutory Authority: 20 ILCS 415/8, 8e, and 9(14).

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

Mary Matheny
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720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

i) Part(s) (Heading and Code Citations): Pay Plan (80 Ill. Adm. Code 310)

1) Rulemaking:

A) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.130 Effective Date, changes include advancing the effective date to the new fiscal year 2015. In the Section 310.Appendix A Negotiated Rates of Pay tables, changes are to include the negotiated rates effective during fiscal year 2015, if bargaining unit agreements are signed.

In Section 310.280 Designated Rate, changes in salaries, the addition of new positions, and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A Negotiated Rates of Pay tables, changes are based on bargaining unit agreements that are signed before July 1, 2014.

In various sections, changes are to classifications being established, revised or removed with the approval of the Civil Service Commission.

In various sections, changes are to the Pay Plan rates based on Public Acts establishing the fiscal year 2015 budget or budget implementation.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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In various sections, changes are to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled. Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date agency anticipates First Notice: Proposed amendments to Section 310.130 Effective Date and, if available, the Section 310.Appendix A Negotiated Rates of Pay tables for the new fiscal year 2015 will be filed in late February or early March 2014 for adoption by the beginning of fiscal year 2015, July 1, 2014. Otherwise, peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Amendments to Section 310.280 Designated Rate, will be filed as the Governor approves changes.

Peremptory amendments based on new, revised, or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Emergency amendments based on Public Acts establishing the fiscal year 2015 budget or budget implementation may be filed effective July 1, 2014.

Amendments to sections to add clarity will be filed as the Governor approves changes.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

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

Telephone: 217/782-7964
Email: CMS.PayPlan@Illinois.gov
Fax: 217/524-4570

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

j) Part(s) (Heading and Code Citations): Position Classification Plan (80 Ill. Adm. Code 320)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend the authority of the Part and Section 320.10 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes; and

Amend Sections 320.80, 320.90 & 320.100 to reflect the current language referencing 80 Ill. Adm. Code 301.

B) Statutory Authority: 20 ILCS 415

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

k) Part(s) (Heading and Code Citations): Back Wage Claim Administration (80 Ill. Adm. Code 331)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following sections:

Amend the authority of the Part;

Amend Section 331.7 to clarify a settlement by administrative trial;

Amend Section 331.40 to adjust formatting; and

Amend Sections 331.90 & 331.100 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes.

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JANUARY 2014 REGULATORY AGENDA

B) Statutory Authority: 20 ILCS 405/405-105

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

l) Part(s) (Heading and Code Citation): State of Illinois Premium Payment Plan (80 Ill. Adm. Code 2100)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Amend the Authority of the Part, Sections 2100.40 & 2100.410 to reflect changes from the Illinois Revised Statutes to the Illinois Compiled Statutes; and

Amend Section 2100.240 to update a form number reference.

B) Statutory Authority: Implementing "AN ACT in relation to State employee benefits and amending Acts therein named" (P.A. 84-167,

effective August 16, 1985), Section 125 of the Internal Revenue Code (26 U.S.C. 125) and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

C) Scheduled meeting/hearing dates: On or before July 1, 2014

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
801 S. 7th Street, 6 Main
PO Box 19208
Springfield, IL 62794-9208

Telephone: 217/785-8675

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

m) Part(s) (Heading and Code Citation): State Employees Group Insurance Program (80 Ill. Adm. Code 2210)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Create rules outlining the functions and requirements of the State Employees Group Insurance Program.

B) Statutory Authority: 5 ILCS 375

C) Scheduled meeting/hearing dates: On or before July 1, 2014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
801 S. 7th Street, 6 Main
PO Box 19208
Springfield, IL 62794-9208

Telephone: 217/785-8675

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

n) Part(s) (Heading and Code Citation): Travel (80 Ill. Adm. Code 2800)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Repeal Section 2800.230 as the Program is no longer available;

Amend Section 2800.235 to clarify mileage reimbursement after commuting mileage;

Amend Section 2800.260 to remove a reference to Section 2800.230; and

Amend Section 2800.700 to remove the specific reference requiring approval for travel outside of the contiguous U.S. by the Chairman.

B) Statutory Authority: 30 ILCS 105/12, 12-1, 12-2 and 12-3 and 80 Ill. Adm. Code 3000

C) Scheduled meeting/hearing dates: On or before July 1, 2014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

D) Date agency anticipates First Notice: Not yet scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404

Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

o) Part(s) (Heading and Code Citation): Day Care (89 Ill. Adm. Code 1300)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following:

Changes are necessary to the Rules relating to the implementation of the Sate Agencies Employees Child Care Services Act to comply with legislative changes pursuant to PA 96-0795 and PA 97-0895 to correctly reflect the roles of the Department of Central Management Services and the Chief Purchasing Officer – General Services. Also, technical changes made to update the references to the correct title of the procurement statute - Illinois Procurement Code, rather than the Illinois Purchasing Act.

B) Statutory Authority: 20 ILCS 405/405-305 and 405-315

C) Scheduled meeting/hearing dates: On or before July 1, 2014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2014 REGULATORY AGENDA

D) Date agency anticipates First Notice: Not yet scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary Matheny
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

Telephone: 217/557-5404
Email: mary.matheny@illinois.gov
Fax: 217/558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

a) Part (Heading and Code Citation): Electronic Reporting; 35 Ill. Adm. Code 163

1) Rulemaking:

A) Description: The proposed new rule will identify information the Agency will require to be submitted electronically.

B) Statutory authority: Authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that will be required to submit information electronically would be subject to the proposed rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544
annet.godiksen@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Licensing of Industrial Hygienists; 35 Ill. Adm. Code 184

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

A) Description: In response to the enactment of Public Act 98-78, the Agency plans to repeal 35 Ill. Adm. Code 184, which sets forth provisions concerning the licensure of industrial hygienists by the State.

B) Statutory authority: Authorized by Section 5 of Public Act 98-78, which repealed the Industrial Hygienists Licensure Act [225 ILCS 52/].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking has no effect on small business, small municipalities, or not-for-profit corporations. It merely repeals the rules for a program that was repealed by Public Act 98-78.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Stivers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Accreditation of Environmental Laboratories; 35 Ill. Adm. Code 186

1) Rulemaking:

A) Description: The proposed amendments to 35 Ill. Adm. Code 186 will update the accreditation standards replacing the 2003 NELAC standards with the new 2009 TNI standards.

B) Statutory authority: Implementing and authorized by Section 4(n) and 4(o) of the Environmental Protection Act [415 ILCS 5/4(n), (o)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Joanne M. Olson
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
joanne.olson@illinois.gov

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Collection of Out-of-Service Mercury Thermostats; 35 Ill. Adm. Code 190

1) Rulemaking:

A) Description: This rule will establish the annual collection goals for calendar years 2015 through 2020 for mercury thermostat collection programs established by thermostat manufacturers pursuant to the Mercury Thermostat Collection Act.

B) Statutory authority: Implementing and authorized by Section 25(c) of the Mercury Thermostat Collection Act [415 ILCS 98/25(c)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule will not have a direct effect on small businesses, small municipalities, or not-for-profit corporations, unless any such entity (1) manufactures mercury thermostats that are removed, replaced, or otherwise taken out of service in Illinois or (2) is a thermostat wholesaler, thermostat retailer, contractor, or qualified local government authority, as defined in the Mercury Thermostat Collection Act, that is participating in a mercury thermostat collection program administered by a thermostat manufacturer. Because the Mercury Thermostat Collection Act established specific collection goals for calendar years 2011 through 2014, this rule would affect applicable small businesses, small municipalities, or not-for-profit corporations only to the extent that the annual collection goals established by this rule deviates from the current collection goals.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Jennings
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
james.m.jennings@illinois.gov

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. Time limits for responding to reconsideration requests are lengthened and clarifying language will be added to the fee reconsideration section. Requirements with past obligations and compliance dates will be moved into appendices. Language will be in line with current Agency practices regarding insignificant activities, single source billing, fees and the withdrawal of a permit. Definitions will also be added. In addition, the proposed rule will make miscellaneous changes.

B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2013

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544
annet.godiksen@illinois.gov

G) Related rulemakings and other pertinent information: None

f) Parts (Headings and Code Citations): Procedures for the Certification of Operators of Wastewater Treatment Works, 35 Ill. Adm. Code 380

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking:

A) Description: The proposed amendments will modify the grouping of industrial wastewater treatment works and qualifications needed by Wastewater Operators.

B) Statutory authority: Implementing and authorized by Section 13(a)(4) and Section 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 5/13.5]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2013

E) Effect on small business, small municipalities, or not-for-profit corporations: Any small business, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544
stefanie.diers@illinois.gov

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Program; 35 Ill. Adm. Code 365; Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works; 35 Ill. Adm. Code 366; Procedures for Issuing Loans from the Public Water Supply Loan Program; 35

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

Ill. Adm. Code 662; Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program; 35 Ill. Adm Code 663

1) Rulemaking:

A) Description: The Agency is considering amendments to these rules relating to the issuing of loans for water pollution control projects and public water supply projects.

B) Statutory authority: Authorized by Section 19.1 through 19.10 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.10].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring 2014

E) Effect on small business, small municipalities or not-for-profit corporations: A small business, small municipality, or not-for-profit corporation that is an eligible loan recipient may be affected by this rulemaking.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Environmental Protection Agency
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Springfield, Illinois 62794-9276

217/782-5544
stephanie.flowers@illinois.gov

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Operation of the Hazardous Waste Fee System; 35 Ill. Adm. Code 855

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose an amendment to Section 855.104 to remove the requirement for non-hazardous special waste manifests to be sent to the Agency.

B) Statutory authority: Implementing and authorized by Section 22.01 of the Illinois Environmental Protection Act. [415 ILCS 5/22.01]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: A small business, small municipality, or not-for-profit corporation that provides non-hazardous special waste manifests to the Agency may be affected by this rulemaking.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Laurence Mraz
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
laurence.mraz@illinois.gov

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Landfill Operators Certification; 68 Ill. Adm. Code 870

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2014 REGULATORY AGENDA

A) Description: The Agency proposes to amend 68 Ill. Adm. Code 870 to revise the locations available for the examination for landfill operator certifications.

B) Statutory authority: Implementing and authorized by the Solid Waste Site Operator Certification Law [225 ILCS 230].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: A small business, small municipality, or not-for-profit corporation that provides certified operators to landfills or that operates a landfill required to have a certified operator may be affected by this rulemaking.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Laurence Mraz
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
laurence.mraz@illinois.gov

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Used and Waste Tires Removal Priority List; 35 Ill. Adm. Code 861

1) Rulemaking:

A) Description: The Agency plans to update 35 Ill. Adm. Code 861 regarding factors considered in consensual removal actions of used and waste tires.

B) Statutory authority: Implementing and authorized by Section 55.3(c) of the Environmental Protection Act [415 ILCS 55.3(c)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: Persons affected by this rulemaking would be owners of property upon which a used and waste tire accumulation exists, and those persons could be a small business, small municipality, or not-for-profit corporation.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Stivers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
james.stivers@illinois.gov

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation: Procedures for the Review of Drycleaning Solvents or Other Cleaning Agents Used as Alternatives to Perchloroethylene Drycleaning; 35 Ill. Adm. Code 1550

1) Rulemaking:

A) Description: This rule will require manufacturers of dry cleaning solvents or other cleaning agents used as alternatives to perchloroethylene drycleaning that are sold or offered for sale in Illinois to provide to the Illinois Environmental Protection Agency ("Illinois EPA" or "the

Agency") sufficient information to allow the Illinois EPA to determine whether the drycleaning solvents or cleaning agents may pose negative impacts to human health or the environment.

B) Statutory authority: Implementing and authorized by Section 22.57(d) of the Environmental Protection Act [415 ILCS 5/22.57(d)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2014

E) Effect on small business, small municipalities or not-for-profit corporations: This Rule will not have a direct effect on small businesses, small municipalities, and not-for-profit entities, unless any such entity manufactures drycleaning solvents or other cleaning agents used as alternatives to perchloroethylene drycleaning and sells them or offers them for sale in Illinois. The Illinois EPA will review the information submitted by the manufacturers to determine whether the alternatives to perchloroethylene drycleaning may pose a negative impact to human health or the environment. Once the evaluation is complete, and no later than July 1, 2018, the Illinois EPA will post its findings at its website. This information will have the indirect benefit of enabling small businesses performing cleaning services to evaluate the drycleaning solvents and cleaning agents they purchase based on environmental considerations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Jennings
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217) 782-5544
james.m.jennings@illinois.gov

ENVIRONMENTAL PROTECTION AGENCY

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G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.

B) Statutory Authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled Meeting/Hearing Dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that would fall under the

classification of a gasoline dispensing facility and other area source NESHAPs.

F) Agency Contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

217/782-5544

b) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Open Burning (35 Ill. Adm. Code 237)

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal or proposals to file with the Board setting forth regulations that will address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule and General Permits. In addition, as part of proposing Permits-by-Rule for certain types of burning, the Agency is also planning to propose amendments that provide consistency between the Act and Part 237.

B) Statutory Authority: Implementing Sections 10, 39.10 and 39.12 of the Environmental Protection Act [415 ILCS 5/10, 39.10 and 39.12] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27and 28].

C) Scheduled Meeting/Hearing Dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that elects to obtain a general permit or permit by rule. The proposal is not anticipated to mandate that an owner or operator obtain either a Permit-By-Rule or a general permit that applies to a particular type of source.

F) Agency Contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

217/782-5544
Rachel.doctors@illinois.gov

c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R14-17

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under

the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board reserved this docket to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM:

October 22, 2013 (78 Fed. Reg. 62451)

Description of the USEPA action: USEPA adopted one new exemption from the definition of VOM. The newly exempted compound is 2,3,3,3-tetrafluoropropene (HFO-1234yf). USEPA exempted this compound due to its negligible reactivity to produce tropospheric ozone. This compound can be used as a refrigerant in refrigeration and air conditioning systems.

Prospective necessary Board action in response: The Board must incorporate this exemption into the Illinois definition of VOM.

The Board will verify the existence of any other federal actions that may affect the federal definition of VOM and determine the Board action required in response. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss this docket, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled Meeting/Hearing Dates: A hearing will be scheduled, as required by Section 110(a) of the federal Clean Air Act (42 USC 7410(a)) for amendment of the Illinois ozone SIP.

D) Date Agency anticipates First Notice: A Notice of Proposed Rulemaking will be published in the *Illinois Register* to allow the Board to accept public comments for 45 days before adoption.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.McCambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

d) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM2.5 and related precursor compounds.

B) Statutory Authority: Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].

C) Scheduled Meeting/Hearing Dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small

municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.

F) Agency Contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

e) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for measuring filterable and condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.

B) Statutory Authority: Implementing Section 10 and authorized by Section 27 and Section 28 of the Environmental Protection Act [415 ILCS 5/10 and 27 and 28].

C) Scheduled Meeting/Hearing Dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.

F) Agency Contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
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312/814-3629

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

Address questions concerning this Regulatory Agenda:

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G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
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1021 North Grand Avenue East
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Springfield, Illinois 62794-9276

217/782-5544
Kent.mohr@illinois.gov

f) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will "clean up" various errors and outdated portions of the rules found in Parts 218 and 219. The exact changes to be made have not yet been

determined, but they shall all be considered routine. Part 211 shall be modified as necessary to accommodate any revised definitions.

B) Statutory Authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled Meeting/Hearing Dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that relies on the portions being amended. Again, however, this rulemaking is designed to be a routine clean up of the rules.

F) Agency Contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

Carol.Webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles E. Matoesian
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1021 North Grand Avenue East
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Springfield, Illinois 62794-9276

217/782-5544
Charles.matoesian@illinois.gov

g) Parts (Headings and Code Citations): Standards and Limitations for Certain Sources of Lead (35 Ill. Adm. Code 226) (New Part)

1) Rulemaking: Docket R14-19

A) Description: On November 19, 2013, the Agency filed a rulemaking proposal to meet requirements of the Clean Air Act and federal regulations pertaining to sources of lead emissions in areas designated as nonattainment with respect to the lead National Ambient Air Quality Standards (NAAQS).

B) Statutory Authority: Implementing and authorized by Sections 10, 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.2]

C) Scheduled Meeting/Hearing Dates: Hearings are scheduled in Chicago on January 8, February 5, and February 19, 2014.

D) Date Agency anticipates First Notice: A Notice of Proposed Rule was published in the *Illinois Register* on December 6, 2013.

E) Effect on small businesses, small municipalities or not for profit corporations: Any nonferrous metal production facility in a nonattainment area would be affected by this proceeding.

F) Agency Contact person for information: Address questions concerning this Regulatory Agenda to:

Chad Kruse
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

312/814-3665
Chad.Kruse@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Chad Kruse
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Chicago, Illinois 60601

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Chad.Kruse@illinois.gov

h) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

1) Rulemaking: Docket number R14-16

A) Description: PA 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead).

Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved this docket to accommodate any federal amendments to the NAAQS that USEPA may make during the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of three federal actions during this update period that affected the NAAQS:

July 3, 2013 (78 Fed. Reg. 40000)

Description of the USEPA action: USEPA amended appendix G to 40 C.F.R. 50 to establish a new FRM for measuring lead in total suspended particulate matter for the purposes of the lead NAAQS.

Prospective necessary Board action in response: The Board updated the incorporation by reference to appendix G to 40 CFR 50 based on this USEPA action in National Ambient Air Quality Standards, USEPA Amendments (January 1, 2013 through June 30, 2013, July 3, 2013, and August 5, 2013), R14-6 (Nov. 21, 2013). No further action is required.

August 5, 2013 (78 Fed. Reg. 47191)

Description of the USEPA action: USEPA adopted area designations for the 2010 primary one-hour NAAQS for SO2. USEPA designated the Pekin and Lemont areas as non-attainment for the NAAQS effective October 4, 2013.

Prospective necessary Board action in response: The Board included a minor amendment based on this USEPA action in National Ambient Air Quality Standards, USEPA Amendments (January 1, 2013 through June 30, 2013, July 3, 2013, and August 5, 2013), R14-6 (Nov. 21, 2013). No further action is required.

October 2, 2013 (78 Fed. Reg. 60704)

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Description of the USEPA action: USEPA adopted area attainment designations for an area in Illinois for the 1997 primary annual average NAAQS for $PM_{2.5}$.

Prospective necessary Board action in response: There is no sunset provision in any of the PM2.5 NAAQS contingent on attainment status, so no amendment will be necessary to note the area designation.

The Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time.

D) Date Agency anticipates First Notice: The Board cannot project a date for publication at this time.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number as follows:

John T. Therriault, Assistant Clerk

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.McCambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

i) Parts (Heading and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois is required under the Clean Water Act to respond to the publication of USEPA's Recreational Criteria document by changing its bacteria water quality standards to correspond to the national criteria.

This will require the Agency to convert the current standards to utilize E. Coli bacteria as the indicator organism rather than the existing fecal coliform. Water quality standards for General Use and Lake Michigan waters will be updated. Consideration will also be given to the updating of Public and Food Processing Water Supply intake water quality standards. Current effluent standards for fecal coliform bacteria may be updated to convert to E. coli bacteria.

B) Statutory Authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Scheduled Meeting/Hearing Dates: There will be meetings scheduled with stakeholders before proposing a rulemaking package with the Board. No hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An Agency submittal to the Board would commence this proceeding, and the Agency anticipates filing a proposal within the next six months. After filing the proposal, the Board will cause a Notice of Proposed rule to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not for profit corporations: The change to E. coli will not result in any increased costs to small businesses, small municipalities, or not for profit corporations, as Illinois EPA intends to file the rulemaking at this juncture. The tests required to monitor E. coli are more-or-less equivalent to those for fecal coliform and therefore no additional costs would be incurred by holders of NPDES permits. Illinois EPA intends to propose E. coli water quality standards that include the existing provisions for disinfection exemption that many small NPDES permitted facilities currently have obtained. Disinfection exemptions result in a significant cost savings for many small NPDES permitted facilities. However, at this time stakeholder opinion of retaining disinfection exemptions is not known and USEPA approval of bacteria standards that include disinfection exemptions is not known and these are factors which may change the nature of bacteria standards from the current standing and thus create additional cost for small businesses, small municipalities, or not for profit corporations.

POLLUTION CONTROL BOARD

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F) Agency Contact person for information: Address questions concerning this Regulatory Agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stefanie Diers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
stefanie.diers@illinois.gov

j) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

1) Rulemaking: Docket number R08-9 Subdocket D

A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

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In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled Meeting /Hearing Date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010, and 2011 in Chicago, Joliet, and Des Plains. The Board has held 54 days of hearing. Additional hearings were held during the Fall of 2013.

D) Date Agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

312/814-4925
Marie.Tipsord@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Stephanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276

217/782-5544

k) Parts (Heading and Code Citations):

Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: Docket number R13-20

A) Description: On June 20, 2013, the Agency filed a rulemaking proposing to establish procedures for proceedings brought pursuant to 35 Ill. Adm. Code 304.141(c) and Section 316(a) of the Clean Water Act for alternative thermal effluent limitations.

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B) Statutory Authority: Implementing and authorized by Sections 13, 26 and 28 of the Environmental Protection Act [415 ILCS 5/11, 26 and 28]

C) Scheduled Meeting/Hearing Dates: Hearings were held in Springfield on August 27, 2013, and in Chicago on October 16, 2013.

D) Date Agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on June 26, 2013.

E) Effect on small businesses, small municipalities or not for profit corporations: Any small business, small municipality or not for profit corporation seeking to obtain relief from an otherwise applicable thermal effluent limitation pursuant to Section 316(a) of the Clean Water Act and 35 Ill. Adm. Code 304.141(c) would be affected by this proceeding.

F) Agency Contact person for information: Address questions concerning this Regulatory Agenda to:

Daniel Robertson
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

312/814-6931
daniel.robertson@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stefanie Diers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
Stefanie.diers@illinois.gov

POLLUTION CONTROL BOARD

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l) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R14-15

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any amendments to the federal wastewater pretreatment regulations. Within the next month, the Board will verify the existence of any federal actions, and will propose amendments as necessary.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled Meeting/Hearing Dates: The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board cannot project a date for publication at this time.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small

municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

m) Part (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved.

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A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.

B) Statutory Authority: Implementing and authorized by Section 13of the Environmental Protection Act [415 ILCS 5/13].

C) Schedule Meeting/Hearing Date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation required to obtain any of the above mentioned permits pursuant to 35 Ill. Adm. Code 309.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Sara Terranova
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
Sara.Terranova@illinois.gov

n) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

B) Statutory Authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Schedule Meeting/Hearing Date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the

filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: The Agency has stated that it anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Stefanie Diers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

POLLUTION CONTROL BOARD

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217/782-5544
Stefanie.diers@illinois.gov

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-0810

o) Parts (Heading and Code Citation):

General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)
Implementation Program (35 Ill. Adm. Code 504)

1) Rulemaking: Docket number R12-23

A) Description: On March 1, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend Parts 501 and 502 so that they are consistent with, and as stringent as, the current federal CAFO regulations. Additionally, USEPA has indicated that Illinois needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.

B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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C) Scheduled Meeting/Hearing Dates: Multiple hearings have been held statewide.

D) Date Agency anticipates First Notice: A Notice of Proposed Rulemaking was published in the *Illinois Register* on December 2, 2013.

E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

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

G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

tim.fox@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

312/814-6085

p) Part (Heading and Code Citation):

Introduction (35 Ill. Adm. Code 601)
Permits (35 Ill. Adm. Code 602)
Ownership and Responsible Personnel (35 Ill. Adm. Code 603)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. This proposal will seek to amend the public water supply rules found in Subtitle F, parts 601, 602, and 603. Within the Subtitle F, two separate parts, part 602 and 652, currently contain regulations governing permitting public water supplies. The Agency plans to propose an amended Part 602 which combines requirements found in both Parts 602 and 652 into one part. The proposed amendments to part 603 will make this part consistent with the Public Water Supply Operations Act. The proposed amendments to part 601 will update the definitions and the incorporations by reference.

B) Statutory Authority: Implementing and authorized by Sections 17, 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28]

C) Schedule Meeting/Hearing Date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regulatory serves an average of at least 25 individuals daily

at least 60 days out of the year. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the substantive permitting requirements will likely remain unchanged. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: Interested persons may contact the Board about it prospective rulemaking proposal as follows:

Joanne M. Olson
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
Joanne.olson@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

q) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R14-8

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2013 through June 30, 2013. At this time, the Board is aware of one amendment during this update period that affected the federal SDWA national primary drinking water regulations:

February 13, 2013 (78 Fed. Reg. 10270)

Description of the USEPA action: USEPA adopted revisions to the 1989 Total Coliform Rule (TCR), calling it the Revised Total Coliform Rule (RTCR). Unlike the TCR, the RTCR does not specify a maximum contaminant level (MCL) for total coliforms. Instead, the RTCR requires suppliers that detect coliforms in their distribution systems to investigate and eliminate the source of the contamination. USEPA further revised various provisions that reference analytical methods associated with the TCR.

Prospective necessary Board action in response: The Board must incorporate the RTCR into the Illinois regulations.

Within the next month, the Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response.

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Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

B) Statutory Authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on November 22, 2013.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

312/814-6924
Michael.McCambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

r) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R14-9

A) Description: On September 19, 2013, the Illinois Environmental Protection Agency filed a proposed amendment relating to an identical-in-substance provision derived from 40 C.F.R. 141.28(a). The rule requires that a certified laboratory may perform chemical and physical analyses of source water and drinking water for the purposes of demonstrating compliance with the National Primary Drinking Water Regulations. At present, the rule requires that the laboratories be certified and approved by either USEPA or the Agency. This amendment is intended to allow the use of laboratories certified by sister states where the states fulfill certain specified requirements.

B) Statutory Authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled Meeting/Hearing Dates: Hearings were held in Chicago on November 5, 2013, and in Springfield on November 13, 2013.

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D) Date Agency anticipates First Notice: A Notice of Proposed Amendments is expected to be published in the *Illinois Register* within the next six months.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The rule may also affect any laboratory that has been certified by a sister state which has primary enforcement responsibility. The amendment should not have an economic impact, as it does not add standards or controls.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.McCambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time.

s) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

1) Rulemaking: Docket number R14-18

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments that occurred during this update period.

Within the next month, the Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

B) Statutory Authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has

at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.McCambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

t) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)

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UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Docket number R14-11

A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days

before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

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Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for this reporting period and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules.

Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

u) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R14-13

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of one federal action during this update period that affected the federal RCRA Subtitle C hazardous waste regulations.

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July 31, 2013 (78 Fed. Reg. 46448)

Description of the USEPA action: USEPA adopted conditional exemptions for used solvent wipes. Used solvent wipes that are cleaned are conditionally exempt from the definition of solid waste. Used solvent wipes that are disposed of are conditionally exempt from the definition of hazardous waste.

Prospective necessary Board action in response: The Board must incorporate the exemptions into the Illinois hazardous waste regulations.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small

municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

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Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: The reserved UIC update docket for this reporting period and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear

in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R14-14

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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D) Date Agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
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100 West Randolph Street, Suite 11-500
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Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other presently known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on

Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

w) Part (Heading and Code Citations): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002) (35 Ill. Adm. Code 734)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations at Part 734 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO).

B) Statutory Authority: Sections 5, 22, 27, and 57.14A of the Environmental Protection Act (Act) [415 ILCS 5/5, 22, 27, 57.14A].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice: The Illinois EPA may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, or not-for-profit corporations that are addressing a release of petroleum under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

Chicago, Illinois 60601

Agency Contact person for information: Address questions concerning this Regulatory Agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

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For information regarding the development of these rules please contact:

Laurence Mraz
Assistant Counsel
Illinois Environmental Protection Agency
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217/782-5544
Laurence.mraz@illinois.gov

G) Related rulemakings and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

x) Part (Headings and Code Citation): Site Remediation Program; (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description: The Site Remediation Program ("SRP") is one of the Illinois Environmental Protection Agency's ("Illinois EPA") primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. Periodically, it is necessary to amend program rules to account for new scientific data, updated technical references, and necessary administrative

changes to the implementation of the rules. To that end, the proposed amendments are intended to ensure that the rules stay current. Additionally, amendments will be included for the new indoor inhalation pathway that was adopted in Part 742 in July 2013.

B) Statutory Authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: The Illinois EPA anticipates submitting its proposal within the next six months after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda as follows:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: For information regarding the development of these amendments please contact:

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217/782-5544
Kim.Geving@illinois.gov

y) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to remove the requirements for non-hazardous special waste manifests to be sent to the Agency except in the case of non-hazardous special waste containing polychlorinated biphenyls.

B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 22, 22.01, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, and 27].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

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D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation generating or receiving non-hazardous special waste in Illinois.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
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1021 North Grand Ave. East
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carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules, please contact:

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1021 N. Grand Avenue East
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POLLUTION CONTROL BOARD

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z) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Docket number R14-12

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

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C) Scheduled Meeting/Hearing Dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
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G) Related rulemakings and other pertinent information: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that

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Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) plans to update the Board's regulations to be consistent with legislative amendments to Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1] resulting from PA 97-887.

B) Statutory Authority: These amendments will be proposed pursuant to Sections 21.1 22, 22.40 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22, 22.40 and 27].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation owning or operating a municipal solid waste landfill or other waste disposal operation.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Carol Webb
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1021 North Grand Ave. East
Springfield, Illinois 62794

Carol.webb@illinois.gov

G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

Laurence Mraz
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Laurence.mraz@illinois.gov

bb) Part (Headings and Code Citation):

Procedural Requirements for Permitting Compost Facilities (35 Ill. Adm. Code 832)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to extend the permit term for landfills and compost facilities from 5 years to 10 years,

and to require a cost estimate for closure, postclosure and corrective action to be evaluated and adjusted as necessary every five years.

B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 21.1 22, 22.40, 27 and 39 of the Environmental Protection Act [415 ILCS 5/21, 21.1, 22, 22.40, 27 and 39].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation operating a landfill or a compost facility in Illinois.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
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Chicago, Illinois 60601

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POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: For information regarding the development of these rules, please contact:

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cc) Parts (Heading and Code Citation): Site –Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)

1) Rulemaking: Docket number R13-19

A) Description: On April 9, 2013, Ameren Energy Resources filed a rulemaking proposal to add a Subpart B to Part 840 of the Board's regulation, which addresses the closure of coal combustion waste surface impoundments. Ameren states that it intends its proposal to allow it to close surface impoundments for management of coal combustion waste at eight coal-fired powered plants.

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

C) Scheduled Meeting/Hearing Dates: Hearings have not been scheduled. On July 25, 2013, the Board granted the proponent's request to stay this proceeding for one year.

D) Date Agency anticipates First Notice: Due to the stay granted by the Board, a Notice of Proposed Amendments will not be published in the *Illinois Register* within the next six months.

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E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at eight electric generating stations.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this Regulatory Agenda to:

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Chicago, Illinois 60601

312/814-6085
Tim.Fox@illinois.gov

G) Related rulemakings and other pertinent information:

Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

312/814-6085
Tim.Fox@illinois.gov

dd) Parts (Heading and Code Citation): Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841) (New Part)

1) Rulemaking: Docket number R14-10

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

A) Description: On October 28, 2013, the Illinois Environmental Protection Agency filed a rulemaking proposal to add a Part 841 to the Board's waste disposal regulations. The Agency stated that it proposed a generally applicable rule for coal combustion waste (CCW) surface impoundments at power generating facilities.

B) Statutory Authority: Implementing and authorized by Sections 12, 13, 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/12, 13, 22, 27, and 28].

C) Scheduled Meeting/Hearing Dates: Hearings had not been scheduled at the time this document was filed.

D) Date Agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.

E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at electric generating stations.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

312/814-6085
Tim.Fox@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

Tim.Fox@illinois.gov
(312) 814-6085

ee) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with amendments to Title XIV of the Act.

B) Statutory Authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

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E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

James Stivers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544
James.stivers@illinois.gov

ff) Part (Heading and Code Citation): Clean Construction or Demolition Debris Fill Operations and Uncontaminated Soil Fill Operations (35 Ill. Adm. Code 1100)

1) Rulemaking: Docket Number R12-9 Subdocket B

POLLUTION CONTROL BOARD

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A) Description: At the recommendation of JCAR, the Board opens Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.

B) Statutory Authority: Implementing and authorized by Sections 5, 3.160, 22.51,22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 3.160, 22.51, 22.51a & 27].

C) Scheduled Meeting /Hearing Cate: A hearing was held on May 20, 2013.

D) Date Agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation operates CCDD or uncontaminated soil fill operations.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

312/814-4925
Marie.Tipsord@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Marie Tipsord
Division of Legal Counsel
Illinois Environmental Protection Agency
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

312/814-4925
Marie.Tipsord@illinois.gov

gg) Part (Headings and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600).

1) Rulemaking: No docket presently reserved.

A) Description: Subpart C of Part 1600 establishes the minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Environmental Protection Act (Act) [415 ILCS 5/25d-7]. The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations at Part 1600 that conform to amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO) for contaminants that pose a threat to human health and safety from the indoor inhalation of vapors.

B) Statutory Authority: Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless any such entity is, pursuant to Board rules, addressing a release of contaminants that pose a threat to human health and safety from indoor inhalation of vapor. Entities that fall within the criteria for community relations activities and whose release of contaminants poses a threat to human health and safety from the indoor inhalation of vapors may be required to develop and implement a community relations plan.

F) Agency Contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this Regulatory Agenda as follows:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

For information regarding the development of these amendments please contact:

James Jennings
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

217/782-5544
James.m.jennings@illinois.gov

G) Related rulemakings and other pertinent information: None

PROCLAMATIONS

2013-415
Vaccinate Illinois Week

WHEREAS, vaccines are considered one of the most safe, successful and cost effective public health tools available for preventing disease and death; and,

WHEREAS, yearly vaccination of everyone 6 months of age and older is the first and most important step in protecting against influenza; and,

WHEREAS, in 2012, there were 553 intensive-care unit (ICU) hospital admissions related to influenza and 87 deaths related to influenza in Illinois; and,

WHEREAS, the influenza vaccination can reduce influenza related illnesses, doctors' visits, missed work, hospitalizations and deaths; and,

WHEREAS, National Influenza Vaccination Week (NIVW) focuses local and national attention on the importance of getting vaccinated against influenza through the holiday season and beyond; and,

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, including the host health agency of Chicago Department of Public Health, the Illinois Chapter of American Academy of Pediatrics, EverThrive Illinois, Walgreens, CVS and Safeway pharmacies, Blue Cross and Blue Shield of Illinois, local health coalitions, and health advocate organizations to promote and support immunization activities throughout the state; and,

WHEREAS, the week of December 8-14, 2013, has been declared Vaccinate Illinois Week to help ensure citizens ages 6 months and older get vaccinated against influenza; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 8 - 14, 2013 as **VACCINATE ILLINOIS WEEK**, and encourage all citizens to spread the immunization message throughout their communities, and urge all citizens 6 months of age and older to get vaccinated against influenza.

Issued by the Governor October 30, 2013
Filed by the Secretary of State December 4, 2013

2013-416
Career and Technical Education Month

WHEREAS, a commitment to career and technical education helps to ensure that Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state's leadership in the national and international marketplaces; and,

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and,

WHEREAS, individual citizens benefit from career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and,

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for career and technical education; and,

WHEREAS, each year, the IACTE celebrates Career and Technical Education Month to promote the advancement of the career and technical education profession in this state. The theme for this year's month-long celebration is "Celebrate CTE Superheroes;" and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2014 as **CAREER AND TECHNICAL EDUCATION MONTH** in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor November 1, 2013
Filed by the Secretary of State December 4, 2013

2013-417
Illinois Flag Display Act, Officer Casey Kohlmeier

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

PROCLAMATIONS

WHEREAS, on Wednesday, October 30, 2013, Pontiac Police Officer Casey Kohlmeier along with his police dog, Draco, were tragically taken from us; and,

WHEREAS, Officer Casey Kohlmeier was a 2002 graduate of Pontiac Township High School; and,

WHEREAS, Officer Casey Kohlmeier joined the Pontiac Police Department in 2007 and had previously served for 4 years in the United States Air Force, where he won numerous awards including the Air Force Commendation Medal, National Defense Service Medal, Small Arms Marksmanship Ribbon, and was named Airman of the year in 2005; and,

WHEREAS, Officer Casey Kohlmeier completed basic training for the Air Force at Lackland Air Force Base in San Antonio, placing 1st in his class of 127 trainees; and,

WHEREAS, Officer Casey Kohlmeier loved training with K-9 units in the Pontiac area and was part of the Livingston County Pro-Active Unit, which is made up of several police departments; and,

WHEREAS, Officer Casey Kohlmeier was a Board member of the Boys & Girls Club of Livingston County and involved with the Illinois Police Benevolent and Protective Association; and,

WHEREAS, Officer Casey Kohlmeier was a well-known member of the Pontiac community and loving son, brother, boyfriend, and friend who will always be remembered for the countless lives that he impacted; and,

WHEREAS, throughout his career in law enforcement, Officer Casey Kohlmeier represented the State of Illinois admirably; and,

WHEREAS, a funeral service will be held on Saturday, November 2, 2013, at the Pontiac Township Auditorium for Officer Casey Kohlmeier, who is survived by his parents, and 2 brothers and 2 sisters, as well as his girlfriend and many other loving family members and friends; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Saturday, November 2, 2013, in honor and remembrance of Officer Casey Kohlmeier, whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor November 1, 2013
Filed by the Secretary of State December 4, 2013

2013-418
Lao American Veterans Day

WHEREAS, Laotian veterans fought the so-called "Secret War" for 15 years, helping the United States' forces in Laos during Vietnam; and,

WHEREAS, the United States was involved in combat operations during the Vietnam War from November 1, 1955, to November 30, 1975; and,

WHEREAS, in 1961, North Vietnam advanced into South Vietnam using the Ho Chi Minh Trail, which crossed into Laos; and,

WHEREAS, Laotian soldiers and airmen were recruited and trained to engage in guerilla warfare against the North Vietnamese. They heroically fought alongside American soldiers, rescued pilots whose planes went down, and defended American outposts; and,

WHEREAS, during their time of military service, Laotian soldiers were injured, tortured, and killed; and,

WHEREAS, after the evacuation of allied forces at the end of Vietnam, many Laotian soldiers as well as their family members were forced to seek refuge in Thailand and eventually immigrated to the United States and Illinois; and,

WHEREAS, Laotian veterans and their families have made vast economic and cultural contributions to the State of Illinois; and,

WHEREAS, it is important to always recognize the service and sacrifices of Laotian veterans who served with honor and distinction during the Vietnam War; and,

WHEREAS, on November 1, 2013, an event was held in Elgin, Illinois, at the American Legion Post 57 in honor of Laotian veterans; and,

WHEREAS, July 19, 1949, is the day that the Lao government received its independence from France as well as the day that the Lao Army was formed; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 19, 2014, as **LAO AMERICAN VETERANS DAY** in Illinois, in remembrance of the brave Laotian soldiers who served during Vietnam.

Issued by the Governor November 1, 2013

Filed by the Secretary of State December 4, 2013

2013-419
Paralegal Day

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

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

WHEREAS, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2013; and,

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,400 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals, and is celebrating its 41st anniversary this year; and,

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

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 14, 2013, as **PARALEGAL DAY** in Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor November 1, 2013
Filed by the Secretary of State December 4, 2013

2013-420
Wild Chicago Day

WHEREAS, "Wild Chicago," the ground-breaking weekly television program that took viewers into the "natural habitat" of Illinois' largest city, into the diverse neighborhoods, away from the traditional tourist attractions about town, premiered on January 6th, 1989, on WTTW/Channel 11, hosted by Ben Hollis and co-created by John Davies and Ben Hollis; and,

WHEREAS, a spin-off of the original series, "Wild Chicago's Illinois Road Trip" took viewers all over The Land of Lincoln to promote greater exploration of this Great State; and,

WHEREAS, "Wild Chicago" celebrated the indomitable spirit of independence and creativity as embodied in the city's unheralded, often overlooked men, women and institutions engaged in surprising and inspiring pursuits related to the arts, business, culture, and sports; and,

WHEREAS, "Wild Chicago" was a significant critical and popular success among Chicagoland residents for 14 years, garnering over 20 EMMYs, multiple film festival awards and inspiring the publication of "The Wild Chicago Guidebook"; and,

WHEREAS, "Wild Chicago" is recognized as a pioneering television program by the Museum of Broadcast Communications, influencing future programs in the "Reality TV" genre, especially those devoted to shedding light on unsung people doing what they love doing; and,

WHEREAS, "Wild Chicago's" innovative production style, quirky music and high-energy pacing left an indelible mark of joy on the hearts and minds of Chicagoans; and,

WHEREAS, the inclusive, life-affirming spirit of "Wild Chicago" serves today as a reminder that Chicago is still a city that inspires and encourages curiosity, discovery and variety; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 6, 2014, as **WILD CHICAGO DAY** in Illinois, in honor of the show's 25th Anniversary of its television debut, and urge all citizens to celebrate the contributions and commitment of its producers, technicians and hosts who devoted their collective energies to making an outstanding television series for the ages.

Issued by the Governor November 6, 2013
Filed by the Secretary of State December 4, 2013

2013-421
America's Veterans & Families Strong Day

WHEREAS, the Ladies Auxiliary to the Veterans of Foreign Wars of the United States is conducting its 100th year of volunteer service to America; and,

WHEREAS, year after year the organization continues to honor those who have made the ultimate sacrifice in the name of freedom by maintaining memorials to their service and sharing their history with our nation's youth so that what our nation's veterans have done for America will not be forgotten; and,

WHEREAS, Ladies Auxiliary VFW supports the troops currently deployed overseas; and,

WHEREAS, the 500,000 members represent the families of those who have served or are currently on foreign soil protecting our freedom; and,

WHEREAS, members volunteer nearly 2 million hours in Veterans Affairs Medical Centers and other hospitals throughout this country; and,

WHEREAS, the organization provides awards and scholarships to students based on their expressions of patriotism through art, speech, and volunteerism; and,

WHEREAS, the 2013-2014 National President, Armithea Borel, is rallying Ladies Auxiliary members behind her theme, "Keeping America's Veterans & Families Strong"; and,

WHEREAS, Armithea Borel will be visiting Illinois from November 15-18, 2013, and on November 16 an Aisle of Honor and Meet and Greet will be hosted for her at the VFW Post in Effingham, Illinois; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 16, 2013, as **AMERICA'S VETERANS & FAMILIES STRONG DAY** in Illinois, in honor of National President Armithea Borel and all members of the Ladies Auxiliary VFW for their outstanding volunteer service to veterans and their families.

Issued by the Governor November 7, 2013
Filed by the Secretary of State December 4, 2013

2013-422
Prematurity Awareness Month & World Prematurity Day

WHEREAS, from birth to one year, prematurity is the leading cause of death among infants in the United States; those who do survive are susceptible to lifelong disabilities such as chronic lung disease, blindness, and cerebral palsy; and,

WHEREAS, prematurity costs families and communities billions of dollars every year in care and treatment; and,

WHEREAS, about 522,000 babies are born prematurely in the United States every year, with 15 million born worldwide annually; and,

WHEREAS, a greater percentage of babies are born early in the U.S. than in 130 other countries worldwide; and,

WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research, working with state officials to find policy solutions, and aiding local programs that provide assistance to families with babies who are born prematurely; and,

WHEREAS, this November, the March of Dimes is working with partner organizations and parent groups around the globe to call attention to the problem of premature birth and to offer hope to families affected by it; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2013 as **PREMATURITY AWARENESS MONTH** and November 17, 2013, as **WORLD PREMATURITY DAY** in Illinois, in support of the worthy efforts by the March of Dimes to prevent and raise awareness about this problem that plagues so many babies, families and communities and to urge all Illinoisans to learn more about the fight against premature birth at www.marchofdimes.com/prematurity.

Issued by the Governor November 7, 2013
Filed by the Secretary of State December 4, 2013

2013-423
Perioperative Nurse Week

WHEREAS, perioperative nurses specialize in the care of patients immediately before, during, and after surgical intervention; and,

WHEREAS, serving in settings ranging from traditional hospital-based operating rooms to ambulatory surgical centers and physicians' offices, perioperative nurses work to provide the safest care possible for surgical patients; and,

WHEREAS, perioperative nurses assess individual patient needs prior to surgery, prepare a plan for the care a surgical patient will receive and prepare the operating room and patient for surgery; and,

WHEREAS, surgical patients rely on the skills, knowledge, and expertise of perioperative registered nurses, who uphold a long tradition of improving surgical safety and the quality of patient care; and,

WHEREAS, Perioperative Nurse Week recognizes the contribution perioperative registered nurses make to patient safety and the opportunities and challenges facing the profession; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 11-15, 2013, as **PERIOPERATIVE NURSE WEEK** in Illinois.

Issued by the Governor November 8, 2013
Filed by the Secretary of State December 4, 2013

2013-424
Colorectal Cancer Awareness Month

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer-related deaths for men and women in the United States; and,

WHEREAS, colorectal cancer affects men and women equally; and,

WHEREAS, every three minutes, someone is diagnosed with colorectal cancer and every 10 minutes, someone dies from colorectal cancer; and,

WHEREAS, the vast majority of colon cancer deaths can be prevented through proper screening and early detection; and,

WHEREAS, only 39 percent of colorectal cancer patients have their cancers detected at an early stage; and,

WHEREAS, the survival rate of individuals who have early stage colorectal cancer is 90 percent but is only 10 percent when diagnosed after it has spread to other organs; and,

WHEREAS, if the majority of people in the United States age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 70 percent; and,

WHEREAS, African-Americans, Hispanic Americans, Asian Americans, American Indians, and Alaskan Natives are significantly less likely to be screened for colorectal cancer compared to Whites; and,

WHEREAS, colorectal cancer is preventable, treatable and beatable in most cases; and,

WHEREAS, observing Colorectal Cancer Awareness Month during the month of March provides a special opportunity to promote the importance of early detection and screening; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2014 as **COLORECTAL CANCER AWARENESS MONTH** in Illinois to raise awareness about colorectal cancer and to promote proper screening and early detection.

Issued by the Governor November 12, 2013
Filed by the Secretary of State December 4, 2013

2013-425
Prairie Research Institute Day

WHEREAS, natural and cultural resource stewardship is vital to Illinois' economy and the well-being of its citizens; and,

WHEREAS, for over 160 years the Illinois State Scientific Surveys have faithfully benefitted the economy, the environment and the people of Illinois; and,

WHEREAS; five years ago the Illinois State Scientific Surveys, Illinois Natural History Survey, Illinois State Geological Survey, Illinois State Water Survey, and Illinois Sustainable Technology Center, were administratively transferred into a new Institute under the Board of Trustees of the University of Illinois; and,

WHEREAS, Public Law 098-0346, effective August 14, 2013, established the Prairie Research Institute as the administrative home of the Illinois State Scientific Surveys and created the Illinois State Archaeological Survey; and,

WHEREAS, Public Law 098-0346 established the following scientific designations which are being formally recognized today; Illinois State Archaeologist, Illinois State Biologist, Illinois State Climatologist, Illinois State Entomologist, Illinois State Geologist, Illinois State Hydrologist, and Illinois Pollution Prevention Scientist; and,

WHEREAS, the Prairie Research Institute provides objective scientific data, research, innovation, expertise, and advice essential to the operation of government at all levels as well as to the prosperity of the private sector and citizens of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 22, 2013 as **PRAIRIE RESEARCH INSTITUTE DAY** in Illinois.

Issued by the Governor November 12, 2013
Filed by the Secretary of State December 4, 2013

2013-425
Rev. Dr. Dan Willis and Linda Willis Day

WHEREAS, Rev. Dr. Dan Willis serves as the Senior Pastor of The Lighthouse Church of All Nations in Alsip, Illinois; and,

WHEREAS, during his time in ministry, Rev. Dr. Dan Willis has grown his church's membership to 4,000 and is leading efforts to build a new, state-of-the-art sanctuary and community center; and,

WHEREAS, Rev. Dr. Dan Willis is committed to promoting inclusion, and The Lighthouse Church of all Nations has members from 67 different nationalities; and,

WHEREAS, Rev. Dr. Dan Willis is a man of strong faith, fortitude, and vision who has positively impacted many lives through his service in ministry; and,

WHEREAS, Rev. Dr. Dan Willis is a talented singer, musician, and producer and in 1990 he founded a community choir called The Pentecostals of Chicago, which brought together singers from a variety of racial backgrounds to perform at over 20 churches in the Chicago area; and,

WHEREAS, The Pentecostals of Chicago, now known as The All Nations Choir, has 6 albums to its credit and has performed with artists such as Celine Dion and Kirk Franklin; and,

WHEREAS, as a long-time loving family member, friend, neighbor, and pastor, Rev. Dr. Dan Willis has touched many lives, inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, Rev. Dr. Dan Willis has traveled across the United States ministering and teaching to men and women through the Starting Line/Prison Fellowship organization. Furthermore, he has been a national and international speaker on the topics of music, ministry, racial reconciliation, leadership, and community development; and,

WHEREAS, all of Rev. Dr. Dan Willis' successes could not have happened without the strong support of his loving wife, Linda Willis; and,

WHEREAS, on November 17, 2013, Rev. Dr. Dan Willis and Linda Willis will be recognized by The Lighthouse Church of All Nations for 36 years of service in ministry; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 17, 2013, as **REV. DR. DAN WILLIS AND LINDA WILLIS DAY** in Illinois, in recognition of the their commitment and dedication to serving others and The Lighthouse Church of All Nations.

Issued by the Governor November 12, 2013
Filed by the Secretary of State December 4, 2013

PROCLAMATIONS

2013-427
DeLoyce McMurray Day

WHEREAS, DeLoyce McMurray, a World War II veteran, has been a lifelong resident of Illinois; He was born in Edwardsville, met Alleen, his now deceased wife of 64 years, and raised their family in Alton. In 2010, the father of two, grandfather of six, and great- grandfather of five decided to move to Springfield; and,

WHEREAS, DeLoyce McMurray enlisted in 1944 as part of the Second Division of the United States Marine Corps, and received military training at Montford Point, a camp in North Carolina for black Marines during segregation; and,

WHEREAS, DeLoyce McMurray served in the Pacific primarily on Guam, Wake Island, and Saipan; he helped evacuate wounded troops during the battle of Iwo Jima; and,

WHEREAS, DeLoyce McMurray was discharged from the service in 1946, returned home to Illinois, married and had a family, went to college on the GI Bill, and worked for 36 years with the United States Department of Defense; and,

WHEREAS, DeLoyce McMurray demonstrated courage serving his country during World War II, he is owed a debt of gratitude; and,

WHEREAS, DeLoyce McMurray was recognized in 2013 for his valor and awarded the Congressional Gold Medal, the nation's highest civilian honor and expression of appreciation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 27, 2013 as **DELOYCE MCMURRAY DAY** in Illinois.

Issued by the Governor November 13, 2013
Filed by the Secretary of State December 4, 2013

2013-428
Kawasaki Disease Awareness Day

WHEREAS**,** Kawasaki Disease is an acute febrile illness with inflammation of small and medium sized blood vessels throughout the body, in particular, the coronary arteries; and,

WHEREAS, though Kawasaki Disease primarily affects young children, and can lead to permanent heart disease, it can affect children and adults of all ages; and,

WHEREAS, Kawasaki Disease is the #1 cause of permanent heart disease in children, and in the US it is diagnosed in 4000-5000 children annually who are under the age of eight; and,

WHEREAS**,** Kawasaki Disease can cause devastating consequences, including life-long aneurysms, stent placement, heart transplants, skin disorders, and childhood anxiety; and,

WHEREAS**,** accurately diagnosing and providing timely treatment can positively impact those affected by Kawasaki Disease; and,

WHEREAS, due to the rarity of Kawasaki Disease and the lack of awareness of the illness and its dangerous effects, children are often diagnosed late or misdiagnosed; and,

WHEREAS, it is important to educate health care professionals, parents, and the general public about Kawasaki Disease; and,

THEREFORE**,** I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 26, 2014, as **KAWASAKI DISEASE AWARENESS DAY** in Illinois, in support of increasing awareness of this disease.

Issued by the Governor November 19, 2013
Filed by the Secretary of State December 4, 2013

2013-429
Small Business Saturday

WHEREAS, the State of Illinois is pleased to celebrate our local small businesses and the contributions they make to our local economies and communities; according to the United States Small Business Administration, there are currently 28 million small businesses in the United States, which represent more than 99 percent of American companies, create two-thirds of the net new jobs, and generate half of private gross domestic product; and,

WHEREAS, small businesses employ one half of the employees in the private sector in the United States; and,

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and,

WHEREAS, 86 percent of consumers in the United States would miss small businesses in their community if they closed; and,

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and,

WHEREAS, 90 percent of consumers in the United States are willing to pledge support for a ‘‘buy local" movement; and,

WHEREAS, the State of Illinois supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and,

WHEREAS, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 30, 2013, as **SMALL BUSINESS SATURDAY** in Illinois, and encourage consumers in the Land of Lincoln to support the small businesses and merchants that create jobs within our communities and reinvest in our local economies.

Issued by the Governor November 19, 2013
Filed by the Secretary of State December 4, 2013

2013-430
Celebration of Giving- Community Awareness Day

WHEREAS, the Calahan Foundation, a nonprofit organization, was created in 2009 by Edward & Shirley Calahan to inspire youth through educational scholarships, contemporary role models, entrepreneurial mentorship, and economic empowerment programs; and,

WHEREAS, the mission of the Calahan Foundation is to create ways of "Giving a Hand Out to Give a Hand Up"; and,

WHEREAS, the Calahan Foundation serves tweens, teenagers, and young adults who are highly participatory, creatively connected, and achievement oriented; and,

WHEREAS, each year the Calahan Foundation provides scholarships to low-income high school students and essentials for women and children living in shelters; and,

WHEREAS, the Calahan Foundation hosts an annual "Celebration of Giving Benefit Concert and Gala," which brings together over 2,000 guests to raise funds for annual scholarship awards to low-income high school students in inner city communities. This year's event will be hosted by ABC News Anchor Cheryl Burton, V103 radio personality Herb Kent, and Edric L. Calahan of Calahan Funeral Home; and,

WHEREAS, the 2013 honorees of the "Celebration of Giving Benefit Concert and Gala" are Mr. Michael House, Retired CEO of the Chicago Defender, and Corey B. Brooks, Pastor of New Beginnings MBC; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim December 7, 2013, as **CELEBRATION OF GIVING- COMMUNITY AWARENESS DAY** in Illinois, in recognition of tonight's event and in support of the important programs and services offered by the Calahan Foundation.

Issued by the Governor November 20, 2013
Filed by the Secretary of State December 4, 2013

2013-431
Student Council Week

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

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and,

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

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and,

WHEREAS, this year, the 80th Annual Illinois Association of Student Councils State Convention will be held from May 1-3, 2014, in Springfield. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 1-3, 2014, as **STUDENT COUNCIL WEEK** in Illinois, in support of Student Council, and to

encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor November 20, 2013
Filed by the Secretary of State December 4, 2013

2013-432
Employee Learning Week

WHEREAS, the organizations of the State of Illinois are committed to creating a highly skilled workforce that is critical to growing and sustaining a competitive advantage; and,

WHEREAS**,** they recognize that having a knowledgeable, skilled workforce improves the performance of those organizations; and,

WHEREAS, learning develops individual and organizational knowledge and expertise; and,

WHEREAS**,** the American Society for Training & Development (ASTD)—the world's largest association dedicated to the training and development field—has declared December 2-6 2013, as "Employee Learning Week" and designated this time for organizations to recognize the value of employee learning; and,

WHEREAS**,** Workforce Development is Everyone's Business™; and,

WHEREAS**,** the Heart of Illinois Chapter of ASTD, whose members are workplace learning and performance professionals and the organizations in the State of Illinois have demonstrated their commitment to developing the skills of employees and the workforce; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 2-6 2013, as **EMPLOYEE LEARNING WEEK** in Illinois, and call upon our citizens to celebrate and promote workplace learning and development in our state.

Issued by the Governor November 21, 2013
Filed by the Secretary of State December 4, 2013

2013-433
Jack Lavin Day

WHEREAS, Americans are served every single day by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation running; and,

PROCLAMATIONS

WHEREAS, public officials take not only jobs, but oaths; and,

WHEREAS, one remarkable public servant is Jack Lavin, who, after serving with distinction in state government for 14 years, recently departed for the private sector; and,

WHEREAS, Jack Lavin's departure from state government offers an opportunity for all residents of Illinois to commend his honorable and dedicated service and to look back and reflect on his many accomplishments; and,

WHEREAS, Jack Lavin has served as Governor Quinn's chief of staff since 2010 and chief operating officer since February 2009. In these positions, he helped the Quinn Administration achieve unprecedented fiscal and budget reforms and played an important role in passing and managing the largest Illinois Jobs Now! capital program, which has put hundreds of thousands of people back to work; and,

WHEREAS, prior to being named Illinois' Chief Operating Officer, Jack Lavin served as the director of the Department of Commerce and Economic Opportunity, where he completed hundreds of business transactions which generated billions of dollars in private investment and created thousands of jobs; and,

WHEREAS, throughout his career, Jack Lavin has focused on economic development and was instrumental in keeping Ford, Navistar, and Chrysler in Illinois; and,

WHEREAS, in addition to his work in state government, Jack Lavin has always been active in his community, advocating for people with disabilities and working to solve education issues, particularly for children with special needs; and,

WHEREAS, the work that Jack Lavin has done has undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues and the mark that he leaves behind will serve as a foundation for the future; and,

WHEREAS, Jack Lavin's life commitment to public service has helped to make our state stronger and serves as an inspiration to the people of the Land of Lincoln; and,

WHEREAS, in all that he has done, Jack Lavin's work ethic has exemplified the dedication to service the citizens of the State of Illinois have come to expect and deserve; and,

WHEREAS, perhaps most importantly, Jack Lavin has been a loving husband to wife Kathy, and together they have loved their three beautiful children, Emily, Michael, and Katie; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 22, 2013, as **JACK LAVIN DAY** in Illinois, and do hereby commend him on the important contributions that he has made to the people of the State of Illinois.

Issued by the Governor November 21, 2013
Filed by the Secretary of State December 4, 2013

2013-434
Chad Pregracke Day

WHEREAS, stewardship of the land, service to others, and volunteering in one's community are hallmarks of character and excellence; and,

WHEREAS, heroism can be defined as everyday people who step up to do extraordinary things; and,

WHEREAS, one such hero is Chad Pregracke of East Moline, Illinois; and,

WHEREAS, Living Lands & Waters, the organization Chad Pregracke founded in 1998, has recruited 70,000 volunteers, and removed 7,000,000 pounds of debris from 23 waterways, including the Mississippi, Illinois and Ohio Rivers; and,

WHEREAS**,** Chad Pregracke and his crew spent nine months a year living and working on boats while organizing volunteers to perform river clean-ups, invasive species removal and one-half million tree plantings; and

WHEREAS, Chad Pregracke personifies stewardship of our rivers, a "roll-up-your-sleeves" tenacity and the volunteer spirit that makes Illinois special; and,

WHEREAS, Chad Pregracke is a model for the 3,000 AmeriCorps members serving in Illinois, and embodies the mission of the Serve Illinois Commission which is to improve Illinois communities by enhancing volunteerism and instilling an ethic of service; and,

WHEREAS, Chad Pregracke is teaching the value of stewardship to a younger generation by turning his barges into "floating classrooms" and sponsoring an "Alternative Spring Break" program; and,

WHEREAS, Chad Pregracke has authored "From the Bottom Up: One Man's Crusade to Clean America's Rivers," to tell his inspirational story, encourage individuals to positive action, and help connect us all to the need for clean water; and,

PROCLAMATIONS

WHEREAS, following a global election process, Chad Pregracke will be honored as "CNN's Hero of the Year" during an All-Star Tribute hosted by Anderson Cooper which will air on Sunday, December 1, at 7:00 p.m.; and,

WHEREAS, in an extraordinary act of generosity, Chad Pregracke will share part of his CNN prize with each of the nine other "CNN Heroes" finalists; and,

THEREFORE, I Pat Quinn, Governor of the state of Illinois, do hereby proclaim December 1, 2013 as **CHAD PREGRACKE DAY** in Illinois in recognition of his community volunteerism and leadership throughout our state.

Issued by the Governor November 27, 2013
Filed by the Secretary of State December 4, 2013

ILLINOIS ADMINISTRATIVE CODE
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