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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

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: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40 and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R15-8 rulemaking, of which the amendment to Part 810 is a single segment. Also affected is 35 Ill. Adm. Code 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 August 21, 2014, proposing amendments in docket R15-8, which opinion and order is available from the address below.

The Board reserved this docket 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) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R15-8 Federal RCRA Subtitle D MSWLF amendments that occurred during the period January 1, 2014 through June 30, 2014.

The R15-8 docket amends rules in Parts 810 and 814. The amendments to the two Parts are inter-related. USEPA did not amend the federal MSWLF regulations in 40 CFR 258 during the update period January 1, 2014 through June 30, 2014. Rather, the Board determined that two amendments were necessary.

First, the Board determined that the imminent availability of the 2014 version of the *Code of Federal Regulations* makes it necessary to update the incorporations by reference to those federal requirements at this time.

Second, review of Appendix A to 35 Ill. Adm. Code 814 indicated that incorporations by reference to the federal requirements listed are missing. Since Appendix A imposes substantive requirements on regulated entities, the Board has determined that it is necessary to correct the error and add the incorporations by reference. Thus, the Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

has added the incorporations by reference in 35 Ill. Adm. Code 810.104, the centralized incorporation by reference provision of the Illinois landfill rules. The Board has added the standard cross-reference language to the incorporations by reference in the appropriate segments of Appendix A to 35 Ill. Adm. Code 814.

Specifically, the amendments to Part 810 update the existing incorporations by reference to the *Code of Federal Regulations* and add incorporations by reference to the *Code of Federal Regulations* provisions that the Board inadvertently omitted during a prior rulemaking.

Tables appear in the Board's opinion and order of August 21, 2014 in docket R15-8 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 August 21, 2014 opinion and order in docket R15-8.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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 R15-8 and be addressed to:

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

Please direct inquiries to the following person and reference docket R15-8:

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 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)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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: 38 Ill. Reg. 13977; 14009-11 (July 7, 2014)

The full text of the Proposed Amendment 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. 7253, effective March 13, 2014; amended in R15-8 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 (~~2014~~~~(2013)~~) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

40 CFR 3.3 [\(2014\)\(2013\)](#) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 [\(2014\)\(2013\)](#) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000 [\(2014\)\(2013\)](#) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 [\(2014\)\(2013\)](#) (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

[40 CFR 258.10\(a\), \(b\) and \(c\) \(2014\) \(Airport Safety\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.11\(a\) \(2014\) \(Floodplains\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.12\(a\) \(2014\) \(Wetlands\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.13 \(2014\) \(Fault Areas\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.14 \(2014\) \(Seismic Impact Zones\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.15 \(2014\) \(Unstable Areas\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

[40 CFR 258.16\(a\) \(2014\) \(Closure of Existing Municipal Solid Waste Landfill Units\), referenced in 35 Ill. Adm. Code 814.Appendix A.](#)

POLLUTION CONTROL BOARD

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[40 CFR 258.20 \(2014\) \(Procedures for Excluding the Receipt of Hazardous Waste\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.23 \(2014\) \(Explosive Gases Control\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.26 \(2014\) \(Run-on/Run-off Control Systems\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.27 \(2014\) \(Surface Water Requirements\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.28 \(2014\) \(Liquids Restrictions\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.29\(a\) and \(c\) \(2014\) \(Recordkeeping Requirements\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.60\(c\)\(2\), \(c\)\(3\), \(d\), \(f\), \(g\) and \(i\) \(2014\) \(Closure Criteria\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.61\(a\), \(c\)\(3\) and \(d\) \(2014\) \(Post-Closure Care Requirements\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.70\(a\) \(2014\) \(\(Financial Assurance\) Applicability and Effective Date\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.71\(a\)\(2\) \(2014\) \(Financial Assurance for Closure\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.72\(a\)\(1\) and \(a\)\(2\) \(2014\) \(Financial Assurance for Post-Closure Care\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

[40 CFR 258.73 \(2014\) \(Financial Assurance for Corrective Action\)](#), referenced in 35 Ill. Adm. Code 814.Appendix A.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

[40 CFR 258.74 \(2014\) \(Allowable Mechanisms \(for Financial Assurance\)\)](#), referenced in 35 Ill. Adm. Code 814. Appendix A.

Appendix I to 40 CFR 258 [\(2014\)](#)~~(2013)~~, referenced in 35 Ill. Adm. Code 811.319.

Appendix II to 40 CFR 258 [\(2014\)](#)~~(2013)~~, referenced in 35 Ill. Adm. Code 811.319.

- 2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036:

Financial Accounting Standard 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, 1916 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:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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" (Third Edition, Update IIIB, November 2004) (document number 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 AMENDMENT

- 1) Heading of the Part: Standards for Existing Landfills and Units
- 2) Code Citation: 35 Ill. Adm. Code 814
- 3) Section Number: 814.Appendix A Proposed Action: Amendment
- 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 814 is a single segment of the docket R15-8 rulemaking that also affects 35 Ill. Adm. Code 810, 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 R15-8 rulemaking in this issue of the *Illinois Register* is included in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of August 21, 2014, proposing amendments in docket R15-8, which opinion and order is available from the address below.

Specifically, the amendment to Part 814 adds cross-references to the incorporations by reference to Code of Federal Regulations provisions that the Board has added to 35 Ill. Adm. Code 81.104. The Board has included a limited number of additional corrections and clarifying amendments that are not directly related to the incorporations by reference to the Code of Federal Regulations.

Tables appear in the Board's opinion and order of August 21, 2014 in docket R15-8 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 August 21, 2014 opinion and order in docket R15-8.

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

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 an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) 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 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 R15-8 and be addressed to:

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

Please direct inquiries to the following person and reference docket R15-8:

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>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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: 38 Ill. Reg. 13977; 14009-11 (July 7, 2014)

The full text of the Proposed Amendment 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 HAULINGPART 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 AMENDMENT

- 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 AMENDMENT

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. 7294, effective March 13, 2014; amended in R15-8 at 38 Ill. Reg. _____, effective _____

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

- a) An existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~must~~shall comply with the following requirements of the federal Subtitle D standards under 40 CFR 258, each incorporated by reference in 35 Ill. Adm. Code 810.104(a)(1), (1992) until the unit's permit is modified in accordance with Section 814.104:
- 1) Location restrictions:
 - A) 40 CFR ~~258.61(a)~~258.10 (a) and (c);
 - B) 40 CFR 258.11(a);
 - C) 40 CFR 258.15; and
 - D) 40 CFR 258.16(a);;
 - 2) Operating standards:
 - A) 40 CFR 258.20;
 - B) 40 CFR 258.23;
 - C) 40 CFR 258.26;
 - D) 40 CFR 258.27;
 - E) 40 CFR 258.28; and
 - F) 40 CFR 258.29(a) and (c);;
 - 3) Closure and postclosure care:
 - A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g) and (i); and
 - B) 40 CFR 258.61(a), (c)(3) and (d);;

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- 4) Financial assurance requirements:
 - A) 40 CFR 258.70(a);
 - B) 40 CFR 258.71(a)(2);
 - C) 40 CFR 258.72(a)(1) and (a)(2);
 - D) 40 CFR 258.73; and
 - E) 40 CFR 258.74.
- b) In addition to the requirements of subsection (a) of this Appendix A, all existing MSWLF units, including municipally owned and operated on-site facilities, shall comply with the financial assurance requirements specified at 35 Ill. Adm. Code 807.Subpart F.
- c) A lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~must~~shall comply with the following requirements of the federal Subtitle D standards under 40 CFR 258, each incorporated by reference in 35 Ill. Adm. Code 810.104(a)(1), (1992) until the unit's permit is modified in accordance with Section 814.104:
 - 1) Location restrictions:
 - A) 40 CFR 258.10(a), (b) and (c);
 - B) 40 CFR 258.11(a);
 - C) 40 CFR 258.12(a);
 - D) 40 CFR 258.13;
 - E) 40 CFR 258.14;
 - F) 40 CFR 258.15; and
 - G) 40 CFR 258.16(a);;

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- 2) Operating standards:
 - A) 40 CFR 258.20;
 - B) 40 CFR 258.23;
 - C) 40 CFR 258.26;
 - D) 40 CFR 258.27;
 - E) 40 CFR 258.28; and
 - F) 40 CFR 258.29(a) and (c);~~;~~
 - 3) Closure and postclosure care:
 - A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g) and (i); and
 - B) 40 CFR 258.61(a), (c)(3) and (d);~~;~~
 - 4) Financial assurance requirements:
 - A) 40 CFR 258.70(a);
 - B) 40 CFR 258.71(a)(2);
 - C) 40 CFR 258.72(a)(1) and (a)(2);
 - D) 40 CFR 258.73; and
 - E) 40 CFR 258.74.
- de) In addition to the requirements of subsection (b) of this Appendix A~~Appendix~~, a lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 must~~shall~~ comply with the following requirements:
- 1) Flexible membrane liner requirements prescribed at 35 Ill. Adm. Code 811.306(d)(5)(A); and

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- 2) All existing MSWLF units including municipally owned and operated and on-site facilities shall with the financial assurance requirements specified at 35 Ill. Adm. Code 807.Subpart F.

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

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- 1) Heading of the Part: Accreditation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 186
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
186.105	Amended
186.110	Amended
186.115	Amended
186.120	Amended
186.125	New Section
186.130	New Section
186.135	New Section
186.180	Amended
186.215	Amended
- 4) Statutory Authority: Implementing and authorized by Section 4(n) and (o) of the Environmental Protection Act [415 ILCS 5/4(n) and (o)]
- 5) Effective Date of Rule: September 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule is on file in the Illinois Environmental Protection Agency's principal office, located at 1021 North Grand Avenue East, PO Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 7695; April 11, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 186.110, the Illinois EPA deleted subsections (c) and (d). The Illinois EPA clarified that "The TNI Standard" means "The NELAC Institute (TNI) Standard" in Sections 186.115 and 186.120. The word "and" was added after the semicolon in Section 186.130(a)(4)(F). The word "primary" in Section 186.130(e) was deleted.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. Two technical changes were made. No nontechnical 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 Amendments: The Illinois EPA is a National Environmental Laboratory Accreditation Program (NELAP) accrediting body. To obtain NELAP accrediting body status, the Illinois EPA had to incorporate "The National Environmental Laboratory Accreditation Conference: Constitution, Bylaws, and Standards" (2003 NELAC Standard) into its laboratory accreditation regulations. In 2009, the 2003 NELAC Standard was replaced with the TNI Standard, entitled "Requirements for the National Environmental Laboratory Accreditation Program" (2009 TNI Standard). To maintain its NELAP accrediting body status, the Illinois EPA is required to incorporate the 2009 TNI Standard into its laboratory accreditation regulations. These amendments update the incorporation by reference and set forth the laboratory accreditation application procedure which was not included in the 2009 TNI Standard.
- 16) Information and questions regarding this adopted rule shall be directed to:

Joanne Olson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19726
Springfield IL 62794-9276

217/782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 186
ACCREDITATION OF ENVIRONMENTAL LABORATORIES

Section

- 186.105 Purpose
- 186.110 Scope and Applicability
- 186.115 Incorporation by Reference
- 186.120 Definitions
- 186.125 ~~Accreditation Application Process (Repealed)~~
- 186.130 ~~Application Process~~~~Accreditation Procedures and References to Accreditation (Repealed)~~
- 186.135 ~~TNI Standard~~~~On-Site Evaluations (Repealed)~~
- 186.140 Personnel Requirements (Repealed)
- 186.145 Laboratory Equipment and Materials (Repealed)
- 186.150 Laboratory Facilities (Repealed)
- 186.155 Calibration (Repealed)
- 186.160 Quality Assurance/Quality Control (Repealed)
- 186.165 Quality Assurance Plan (Repealed)
- 186.170 Performance Evaluation Sample Testing (Repealed)
- 186.175 Performance Evaluation Testing Programs (Repealed)
- 186.180 ~~Scope of Accreditation~~~~Fields of Testing~~
- 186.185 Sample Acceptance and Receipt (Repealed)
- 186.190 Record Keeping, Sample Tracking and Reporting (Repealed)
- 186.195 Subcontracting (Repealed)
- 186.200 Reciprocity (Repealed)
- 186.205 Acceptance of Out-of-State Accreditation (Repealed)
- 186.210 Suspension, Revocation and Denial of Accreditation (Repealed)
- 186.215 Hearing, Decision and Appeal
- 186.220 Confidential Documents
- 186.225 Severability
- 186.230 On-site Assessment and Proficiency Testing Laboratory Expenses
- 186.APPENDIX A Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation (Repealed)

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AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].

SOURCE: Adopted at 22 Ill. Reg. 5546, effective March 4, 1998; amended at 26 Ill. Reg. 12167, effective July 29, 2002; amended at 30 Ill. Reg. 2507, effective February 10, 2006; amended at 34 Ill. Reg. 9064, effective June 24, 2010; amended at 38 Ill. Reg. 18627, effective September 1, 2014.

Section 186.105 Purpose

~~The purpose of this Part is to Pursuant to the authority contained in Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)], which authorize the Illinois Environmental Protection Agency to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land, and sanitary, chemical, and mineral quality of water distributed by a public water supply, and to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency...and to promulgate and enforce regulations relevant to the issuance and use of such certificates, the Illinois Environmental Protection Agency adopts this Part. [415 ILCS 5/4(n) and (o)]~~

(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.110 Scope and Applicability

- a) ~~This Part establishes general provisions applicable to the accreditation program for laboratories administered by the Agency. Requirements of this Part are applicable to all laboratories that are accredited or seeking accreditation, regardless of their size, volume of business or field of testing. A laboratory accredited by the Agency pursuant to this Part must comply with the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC). The NELAC uniform standards are contained in the following five chapters and related appendices:~~
 - 1) ~~The Glossary, set forth in Appendix A to Chapter 1, contains the definitions of terms that are used throughout the NELAC standards to assure the consistency of their use and interpretation.~~

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- 2) ~~Chapter 2 sets forth the criteria for the proficiency testing (PT) program. Laboratory participation in PT programs fulfills one part of the quality assessment requirements of NELAC. The PT programs in which a laboratory must participate to become accredited are defined, as well as the criteria for samples, PT providers, and acceptance limits.~~
 - 3) ~~Chapter 3 describes the essential elements that are to be included in an on-site assessment and the requirements for an accrediting authority conducting on-site assessments. Chapter 3 also describes the qualifications and requirements for assessors as well as the program elements to ensure uniform and consistent implementation of the NELAC standards.~~
 - 4) ~~Chapter 4 describes the accreditation process the laboratory must follow to be recognized as a NELAC laboratory. The chapter also defines the period of accreditation and the process for maintaining, awarding, and revoking accreditation.~~
 - 5) ~~Chapter 5 and the related appendices describe the elements of the laboratory quality system. This chapter details the quality assurance/quality control requirements to ensure that all accrediting authorities will evaluate laboratories consistently and uniformly.~~
 - 6) ~~Chapter 6 establishes the procedures and operating requirements established by NELAC for an accrediting authority to become nationally recognized, and provides the policies and criteria that an accrediting authority must meet to apply for and maintain recognition.~~
- b) Nothing in this Part shall prevent laboratories from performing any quality control or other tests when the State has not required ~~those~~~~such~~ tests to be performed by an accredited laboratory.
 - e) ~~Unless the contrary is clearly indicated, all references to "Sections" in this Part are to the Ill. Adm. Code, Title 35: Environmental Protection. For example, Section 186.105 of this Part is 35 Ill. Adm. Code 186.105.~~
 - d) ~~Unless the contrary is clearly indicated, all references to singular nouns include the plural noun, and all references to plural nouns include the singular, for~~

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~~example the word "laboratory" also includes multiple "laboratories."~~

(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.115 Incorporation by Reference

- a) The Agency incorporates the following documents by reference.
- 1) The NELAC Institute (TNI) Standard titled Requirements for the National Environmental Laboratory Accreditation Program, consisting of Volume 1, Management and Technical Requirements for Laboratories Performing Environmental Analysis, EL-V1-2009; and Volume 2, General Requirements for Accreditation Bodies Accrediting Environmental Laboratories, EL-V2-2009, P.O. Box 2439, Weatherford TX 76086, (817)598-1624, EPA/600/R-04/003, "National Environmental Laboratory Accreditation Conference: Constitution, Bylaws, and Standards" (July 2003); and
 - 2) "Test Methods for Evaluating Solid Waste, SW846", "Laboratory Manual Physical/Chemical Properties", volumes 1A, 1B and 1C, 3rd edition (January 2008), Office of Solid Waste and Emergency Response, Environmental Protection Agency, available from the National Technical Information Service (NTIS), (703)605-6000 (available Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; (202)512-1800 or online at www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm).
 - 3) American Public Health Association, 1015 Fifteenth Street NW, Washington DC 20005, (202)777-2742.

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992.

Method 2330B for the determination of Corrosivity (Langlier Index).

Method 2340B for the determination of Hardness by Calculation.

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Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

Method 5320B for the determination of TOX-Total Organic Halides by Absorption-Pyrolysis-Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 20th Edition, 1998.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 21st Edition, 2005.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

- 4) USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati OH 45242-0419 (available from <http://www.epa.gov/nscep/>).

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"Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, EPA 600/R-93-100.

Method 180.1, "Determination of Turbidity by Nephelometry", Revision 2.0, August 1993.

"Methods for the Determination of Metals in Environmental Samples, Supplement I", May 1994, EPA 600/R-94-111.

Method 218.6, "Determination of Dissolved Hexavalent Chromium in Drinking Water, Groundwater and Industrial Wastewater Effluents by Ion Chromatography", Revision 3.3, May 1994.

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1", EPA 815/R-00/014, August 2000.

Method 314.0, "Determination of Perchlorate in Drinking Water Using Ion Chromatography", Revision 1, November 1999.

Method 526, "Determination of Selected Semivolatile Organic Compounds in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)", Revision 1.0, June 2000.

Method 528, "April 2000, Determination of Phenols in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)", Revision 1.0, April 2000.

Method 532, "Determination of Phenylurea Compounds in Drinking Water by Solid Phase Extraction and High Performance Liquid Chromatography with UV Detection", Revision 1.0, June 2000.

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Method 218.7, "Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography with Post-Column Derivatization and UV – Visible Spectroscopic Detection", Revision 1.0, November 2011, EPA 815-R-11-005.

Method 334.0, "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer", Revision 1.0, September 2009, EPA 815-B-09-013.

- 5) "Application Update 144: Determination of Hexavalent Chromium in Drinking Water Using Ion Chromatography", 2003, Dionex, 1228 Titan Way, P.O. Box 3603 Sunnyvale CA 94088-3603, (408)737-0700 (available from www.Dionex.com).
- 6) QuikChem® Method 10-117-07-1-A, Determination of Chloride by Flow Injection Analysis Colorimetry, November 2007, Lachat Instruments, 5600 Lindburgh Drive, Loveland CO 80539, (414)358-4200.

b) The Agency incorporates the following Sections of federal regulations by reference:

- 1) 40 CFR 136.3 Table ~~IBIC~~, Table ~~ICIB~~, Table ID, Table IG (20132002);
40 CFR 136.4 (20132002);
40 CFR 136.5 (20132002);
40 CFR 136.6 (2013)
40 CFR 136.7 (2013)
40 CFR 136 ~~appendix~~Appendix A (20132002);
40 CFR 136 ~~appendix~~Appendix B (20132002);
40 CFR 136 ~~appendix~~Appendix C (20132002);
~~40 CFR 141.40(n)(11)(2002)~~;

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~~40 CFR 122, 136, 141, 143, 430, 455 and 465 Final Rule March 12, 2007: "Guideline Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures";~~

2) ~~40 CFR 141.23(k) (20132002);~~

~~40 CFR 141.24(e) (20132002);~~

~~40 CFR 141.24(f)(20) (20132002);~~

~~40 CFR 141.27 (20132002);~~

~~[40 CFR 141.74 \(2013\)](#)~~

~~[40 CFR 141.131 \(2013\)](#)~~

~~[40 CFR 141 subpart C, appendix A \(2013\)](#)~~

~~40 CFR 143.4 (20132002),~~

~~40 CFR 141.40(n)(11)(2002);~~

~~40 CFR 141 Final Rule June 3, 2008: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures";~~

~~40 CFR 141 and 143 Final Rule June 29, 2009: "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts and Changes in References to Analytical Methods";~~

~~40 CFR 141 Final Rule August 3, 2009: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedure";~~

c) This Section incorporates no later amendments or editions.

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(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.120 Definitions

For the purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Accrediting Body" means the territorial, state or federal agency having responsibility and accountability for environmental laboratory accreditation and that grants NELAP accreditation.

"Agency" means the Illinois Environmental Protection Agency. The Agency administers the environmental laboratory accreditation program. The Agency serves as the accrediting ~~body~~ authority (primary and secondary), and the assessor body, unless the Agency designates a third party assessor body.

"Biennial Basis" means every two years, plus or minus six months.

"NELAP" means the National Environmental Laboratory Accreditation Program.

"Primary Accreditation" means an accreditation granted by a primary accreditation body.

"Primary Accreditation Body" means the accreditation body responsible for assessing a laboratory's total quality system, on-site assessment, and proficiency test performance tracking for fields of accreditation.

"Secondary Accreditation" means an accreditation granted by a secondary accreditation body.

"Secondary Accreditation Body" means an accreditation body that grants laboratory accreditation for a field of accreditation based on recognition of accreditation from a primary accreditation body for the same field of accreditation.

"TNI" means The NELAC Institute.

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"TNI Standard" means The NELAC Institute (TNI) Standard titled "Requirements for the National Environmental Laboratory Accreditation Program", incorporated by reference in Section 186.115.

(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.125 Accreditation~~Application Process (Repealed)~~

- a) Primary Accreditation. The Agency shall issue initial or renewal primary accreditation if the laboratory has met the following criteria:
- 1) completed the application process as specified in Section 186.130;
 - 2) paid the fees required by 35 Ill. Adm. Code 185;
 - 3) employs qualified personnel, as required by the TNI Standard;
 - 4) implemented and maintains a quality system, as required by the TNI Standard;
 - 5) successfully analyzed proficiency testing samples, as required by this Part and the TNI Standard;
 - 6) passed an on-site assessment, as required by this Part and the TNI Standard; and
 - 7) implemented corrective action detailed in a corrective action report, if any.
- b) Secondary Accreditation. The Agency will issue initial or renewal secondary accreditation if the laboratory has met the following criteria:
- 1) completed the application process as specified in Section 186.130;
 - 2) paid the fee required by 35 Ill. Adm. Code 185; and
 - 3) submitted evidence of primary accreditation from a NELAP accreditation body.
- c) Laboratory accreditation issued pursuant to this Part is valid for one year and may

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be renewed on an annual basis.

- d) When an accredited laboratory has made a timely and complete application for the renewal of accreditation pursuant to this Section, the existing accreditation shall continue in full force and effect until the final Agency decision on the application has been made, unless a later date is fixed by order of the Board or a reviewing court. An application will be considered timely only when received by the Agency prior to the expiration of the laboratory's accreditation.
- e) Accreditation remains in effect until:
- 1) suspended or revoked by the Agency according to the TNI Standard;
 - 2) withdrawn at the written request of the accredited laboratory; or
 - 3) the accreditation expires.
- f) An accredited laboratory may make a written request to add to its scope of accreditation. The Agency will conduct an on-site assessment if the additional fields of testing or test methods require the use of a chemical process, an analytical process, instrument or piece of equipment that the laboratory has not been previously accredited to use.
- g) Laboratories shall post or display their most recent certificate of accreditation and scope of accreditation in a prominent place in the laboratory facility.
- h) A laboratory shall notify the Agency in writing within 30 days after a change of any matter that may affect the ability of the laboratory to fulfill the requirements for accreditation, including, but not limited to, any change in the following:
- 1) its legal, commercial, ownership or organizational status;
 - 2) the organization, top management and key personnel, including, but not limited to, laboratory director, quality assurance officer, supervisor, analyst;
 - 3) main policies, including, but not limited to, its quality system;
 - 4) resources and premises, including, but not limited to, a major remodeling

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of a laboratory or relocation of the physical facility.

i) Transfer of Accreditation

1) Accreditation shall be transferrable when the following conditions are in effect:

A) the transferring owner agrees in writing with the transferee, before the transfer of ownership takes place, to be accountable and liable for any analyses, data and reports generated up to the time of legal transfer of ownership; and

B) the transferee agrees in writing with the transferring owner to be accountable and liable for any analyses, data and reports generated after the legal transfer of ownership occurs.

2) The laboratory shall submit a copy of the agreement entered under subsection (i)(1) to the Agency prior to transfer of ownership.

3) Transfer of accreditation pursuant to this subsection (i) will not alter the laboratory's accreditation status or scope of accreditation.

4) If ownership is transferred, the transferee will not be responsible for payment of fees to the Agency during the remainder of the yearly period, provided that the transferring owner has fully paid the required fees to the Agency pursuant to 35 Ill. Adm. Code 185.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.130 Application Process~~Accreditation Procedures and References to Accreditation (Repealed)~~

The application process consists of the submission of a written application package, completion of an on-site assessment, and proficiency test sample evaluations.

a) Application Package

1) All laboratories seeking initial accreditation or renewal accreditation shall

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annually submit a completed application package. A complete application package includes an application on forms prescribed by the Agency and payment of the appropriate fees required by Section 17.8 of the Act and 35 Ill. Adm. Code 185.

- 2) The Agency shall send, no later than 60 days prior to the anniversary date of initial certification, an application package to the accredited laboratories. Upon request, the Agency shall send an application package to those laboratories seeking initial accreditation.
- 3) If the Agency receives an incomplete application package, the Agency will provide written notice of the incomplete application, specifying the missing information. The Agency review of the application package will not commence until the Agency receives the missing information.
- 4) The following information shall be included in the application:
 - A) laboratory information, including laboratory name, address, telephone number, e-mail address, fax number, hours of operation, laboratory owner, laboratory contact person, name of the laboratory director, and name of the laboratory quality assurance officer;
 - B) the type of laboratory, for example commercial, federal or public water system;
 - C) the fields of testing and test methods for which the laboratory is requesting accreditation, pursuant to Section 186.180;
 - D) the laboratory's quality assurance plan, if the laboratory is seeking initial primary accreditation;
 - E) a statement of laboratory personnel qualifications;
 - F) the primary accrediting body, if the laboratory is seeking secondary accreditation; and
 - G) a copy of the laboratory's primary accreditation certificate, if the laboratory is seeking secondary accreditation.

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- 5) The laboratory director shall sign and date the application package and attest in writing to the validity of the information contained within the entire application package.
 - 6) Information required in the application package must be complete and accurate.
 - 7) Falsification of any information in the application package shall result in denial of the application.
- b) Within 30 days after receipt of the complete application package, the Agency will review the complete application package. If the complete application package does not meet the TNI Standard as set forth in Section 186.135, the Agency may deny the application or request additional information. The Agency shall review any additional information submitted by the laboratory within 30 days after receipt.
 - c) Initial Primary Accreditation Application. If the complete application package meets the TNI Standard, the Agency will conduct an on-site assessment and the laboratory shall complete the proficiency test sample evaluation process.
 - d) Renewal Primary Accreditation Application. If the complete application package meets the TNI Standard, the Agency will conduct an on-site assessment on a biennial basis.
 - e) Secondary Accreditation. If the complete application package meets the TNI Standard, the Agency will issue secondary accreditation.
 - f) Procedures for the on-site assessment and the proficiency test sample evaluation process are set forth in the TNI Standard.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.135 TNI Standard ~~On-Site Evaluations (Repealed)~~

All accredited laboratories or any laboratory seeking initial or renewal accreditation shall comply with the following portions of the TNI Standard:

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- a) Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis:
- 1) Module 1: Proficiency Testing;
 - 2) Module 2: Quality Systems General Requirements;
 - 3) Module 3: Quality Systems for Asbestos Testing; and
 - 4) Module 4: Quality Systems for Chemical Testing.
- b) Volume 2: General Requirements for Accreditation Bodies Accrediting Environmental Laboratories:
- 1) Module 1: General Requirements;
 - 2) Module 2: Proficiency Testing; and
 - 3) Module 3: On-Site Assessment.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.180 Scope of Accreditation~~Fields of Testing~~

- a) The Agency offers the following scope of accreditation:~~shall accredit a laboratory as specified in this Part. A laboratory shall be accredited to conduct testing in one or more fields of testing as defined in 35 Ill. Adm. Code 185 (Environmental Laboratory Certification Fee Rules).~~
- 1) public water supply analysis for organic and inorganic parameters;
 - 2) water pollution analyses for organic and inorganic parameters; and
 - 3) analyses for organic and inorganic parameters of solid or liquid samples for hazardous or other waste.
- b) The Agency offers accreditation for the test methods incorporated by reference in

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~~Section 186.115 shall accredit a laboratory for the test methods contained in the documents and publications cited in this subsection (b):~~

- ~~1) For accreditation to conduct public water supply analyses, inorganic and organic analytes, the reference to a listing of the test methods encompassing the Agency's scope of accreditation is found in Section 186.115(b)(2) of this Part.~~
- ~~2) For accreditation to conduct water pollution analyses, inorganic and organic analytes, the reference to a listing of the test methods encompassing the Agency's scope of accreditation is found in Section 186.115(b)(1) of this Part.~~
- ~~3) For accreditation to conduct analyses of solid or liquid samples for hazardous or other waste analytes, inorganic and organic analytes, the test methods encompassing the Agency's scope of accreditation are referenced in Section 186.115(a)(2) of this Part.~~

(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

Section 186.215 Hearing, Decision and Appeal

- ~~a) The following procedures apply to all accreditation actions that are required by law to be preceded by notice and an opportunity to be heard. These actions include suspension, revocation, and denial of accreditation.~~
- ~~b) Prior to revocation, suspension, or denial of accreditation, the Agency shall give written notice of the action by certified mail and email to the laboratory's accreditation contact. The notice shall state the facts or conduct and the Sections of the TNI Standard~~NELAC standards~~ that form the basis for the decision. The notice shall also state the effective date of the action and set forth the procedures for appealing the Agency's decision~~requesting a hearing~~.~~
- ~~c) Any suspension, revocation or denial of accreditation is immediately. The 15 days after the laboratory receives the notice, unless the laboratory may file files a written notice of appeal within 15 days after its receipt of the notice. prior to the 15th day. The Agency shall not extend the 14 day appeal period. The notice of appeal shall be filed with the Agency by certified mail, hand delivery, or telefacsimile followed by certified mail in care of the~~

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~~laboratory's accreditation officer, mail code number four, Division of Laboratories, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.~~

- ~~db)~~ A laboratory may request a hearing in the notice of appeal. All hearings pursuant to this Part shall be held in Springfield, Illinois. ~~When~~Should a hearing ~~is~~be requested, the Director of the Agency shall appoint one or more persons to act as hearing officers. The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings (35 Ill. Adm. Code 168).~~Agency employees or may appoint a nonagency employee to chair the proceedings. The hearing shall be conducted in accordance with the hearing requirements of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].~~
- ~~ee)~~ The Director of the Agency shall make a decision within 30 days after receiving the hearing transcript. The Director ~~of the Agency~~ shall give written notice by certified mail or personal service of the decision, including its basis, to the ~~laboratory~~laboratory's lead technical director.
- ~~fd)~~ Within 35 days after its receipt of a notice of decision ~~pursuant to subsection (e),~~ the laboratory may file an appeal to the Illinois Pollution Control Board.

(Source: Amended at 38 Ill. Reg. 18627, effective September 1, 2014)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.55 Adopted Action:
New Section
- 4) Statutory Authority: Implementing Articles IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) Effective Date of Rule: August 29, 2014
- 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 4, 2014; 38 Ill. Reg. 7428
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Only non-substantive, technical changes were made to this rulemaking
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace 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 complies with section 408(a) of the Social Security Act [42 USC 608](a). These provisions prohibit the access of TANF benefits via any Electronic Benefits Transfer (EBT) transaction in any liquor store; any casino, gambling casino, or gaming establishment; or

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any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

This rulemaking establishes that for the first instance of prohibited access, the Department will issue a verbal warning. For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one half for one month.

A companion amendment is also being adopted in 89 Ill. Adm. Code 117.

- 16) Information and questions regarding this adopted rule shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5 Incorporation by Reference
112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
[112.55 Electronic Benefits Transfer \(EBT\) Restrictions](#)
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative

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112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

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112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets (Repealed)

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- 112.152 Asset Disregards (Repealed)
- 112.153 Deferral of Consideration of Assets (Repealed)
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections

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Facilities (Repealed)

SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

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1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

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December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

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amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

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effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

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amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.55 Electronic Benefits Transfer (EBT) Restrictions

- a) Benefits are not to be accessed via Electronic Benefits Transfer (EBT) (see section 408(a)(12)(B)(iii) of the Social Security Act (42 USC 608(a)(12)(B)(iii))

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at any prohibited location, which includes liquor stores (see section 408(a)(12)(B)(i) of the Social Security Act), gambling casinos (see section 408(a)(12)(B)(ii) of the Social Security Act), or retail establishments that provide adult entertainment involving disrobing or nudity.

- b) For the first instance of prohibited access, the Department will issue a verbal warning.
- c) For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one-half for one month.

(Source: Added at 38 Ill. Reg. 18646, effective August 29, 2014)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.11 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13]
- 5) Effective Date of Rule: August 29, 2014
- 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 4, 2014; 38 Ill. Reg. 7441
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Only non-substantive technical changes were made to this rulemaking
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace 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 complies with section 408(a) of the Social Security Act [42 USC 608](a). These provisions prohibit the access of TANF benefits via any Electronic Benefits Transfer (EBT) transaction in any liquor store; any casino, gambling casino, or gaming establishment; or

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any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

This rulemaking establishes that for the first instance of prohibited access, the Department will issue a verbal warning. For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one half for one month.

A companion amendment is also being adopted in 89 Ill. Adm. Code 112.

- 16) Information and questions regarding this adopted rule shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance (Repealed)
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF and AABD
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

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

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

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May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008; emergency amendment at 36 Ill. Reg. 10503, effective July 1, 2012 until June 30, 2013; amended at 37 Ill. Reg. 1884, effective February 4, 2013; amended at 38 Ill. Reg. 18659, effective August 29, 2014.

Section 117.11 Issuance of Cash Assistance Benefits

- a) Cash assistance benefits shall be issued to the payee via an electronic benefits payment file established by the Department through Electronic Benefits Transfer (EBT) ([see section 408\(a\)\(12\)\(B\)\(iii\) of the Social Security Act \(42 USC 608\(a\)\(12\)\(B\)\(iii\)\)](#)). The payee may access the cash benefits at any participating Point-of-Sale (POS) terminal or Automated Teller Machine (ATM) except:-
- 1) [liquor stores \(see section 408\(a\)\(12\)\(B\)\(i\) of the Social Security Act\)](#);

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- 2) gambling casinos (see section 408(a)(12)(B)(ii) of the Social Security Act); or
 - 3) retail establishments that provide adult entertainment involving disrobing or nudity.
- b) If the client has a checking or savings account, the client may elect to have cash assistance benefits delivered via direct deposit to the financial institution where the client's account resides.
 - c) In circumstances where none of the above delivery options are available, a warrant for the cash assistance benefits will be delivered to the client's residence or other secure address, as selected by the client.

(Source: Amended at 38 Ill. Reg. 18659, effective August 29, 2014)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Variable Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1451
- 3) Section Number: 1451.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article XIV 1/2 of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24]
- 5) Effective Date of Rule: August 27, 2014
- 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 principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 7446; April 4, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In the definition of "Securities Examination", added "Series" before "7" and "Examinations" after "Qualification".

In the definition of "Variable Contract", first line, changed "mean" to "means".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The existing definition of Variable Contract is restrictive. The amendments to the definition will allow a new product to be offered in Illinois.
- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Christy, Actuary I
Life Actuarial Section
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/782-1759

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER t: SEPARATE ACCOUNTSPART 1451
VARIABLE CONTRACTS

Section

1451.10	Authority
1451.20	Definitions
1451.30	Qualification of Insurance Companies to Issue Variable Contracts
1451.40	Separate Accounts
1451.50	Filing of Contracts
1451.60	Contracts Providing for Variable Benefits
1451.70	Required Reports
1451.80	Foreign or Alien Companies
1451.90	Licensing of Producers for Variable Contracts
1451.100	Disclosure

1451.APPENDIX A Variable Annuities Only

AUTHORITY: Implementing Article XIV½ of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24].

SOURCE: Filed February 18, 1972, effective March 1, 1972; codified at 7 Ill. Reg. 4217; amended at 25 Ill. Reg. 4208, effective March 5, 2001; amended at 38 Ill. Reg. 18664, effective August 27, 2014.

Section 1451.20 Definitions

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

"Company" ~~means shall mean~~ a stock or mutual legal reserve life insurance company or a fraternal benefit company that operates on a legal reserve basis. It does not include an assessment legal reserve company, or any other company as that term is defined in ~~subsection (e) of~~ Section 2(e) of the ~~Illinois Insurance Code~~ [215 ILCS 5/2(e)].

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"1983 Table "a"" means the mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

"Producer" ~~means shall mean~~ any person who is licensed as a life insurance producer under the Illinois Insurance Code. The term producer also includes any person who represents a fraternal benefit company, operating on a legal reserve basis, and who solicits, negotiates or effects, for or on behalf of the fraternal beneficiary such company, policies or contracts for insurance covering risks in this State.

"Securities Examination" ~~means shall mean~~ proof of passing either ~~of~~ the NASD Series 6 or Series 7 Qualification Examinations or any superseding NASD examination that grants a person authority to sell variable contracts.

"Variable Contract" ~~means shall mean~~ any policy or contract that is registered under the Securities Act of 1933, as amended (15 USC 77a et seq.) (Securities Act) and that~~which~~ provides for life insurance or annuity benefits that vary according to the investment experience of any separate account or accounts maintained by the insurer as to ~~that~~~~such~~ policy or contract, as provided for in Section 245.21 of the ~~Illinois Insurance Code [215 ILCS 5/245.21]; or any policy or contract that is registered under the Securities Act, and that provides for benefits that vary according to the performance of an index, when the funds are not guaranteed as to principal or a stated rate of interest and in which the supporting assets are held and reported in a noninsulated separate account in which changes in asset values substantially match changes in contractual benefits from inception of the contract.~~

"Variable Contract Producer" ~~means shall mean~~ a producer who ~~sells~~~~shall sell~~ or ~~offers~~~~offer~~ to sell any variable contract.

(Source: Amended at 38 Ill. Reg. 18664, effective August 27, 2014)

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- 1) Heading of the Part: Carnival and Amusement Ride Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u>
6000.10	Amendment
6000.15	Amendment
6000.20	Amendment
6000.25	Amendment
6000.30	Amendment
6000.40	Amendment
6000.50	Amendment
6000.65	Amendment
6000.70	Amendment
6000.85	Amendment
6000.90	Amendment
6000.100	Amendment
6000.120	Amendment
6000.130	Amendment
6000.170	Amendment
6000.270	Amendment
6000.280	Amendment
6000.302	Amendment
6000.305	Amendment
6000.351	New Section
- 4) Statutory Authority: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85]
- 5) Effective Date of Rule: August 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the 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*: 38 Ill. Reg. 10772; May 23, 2014

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- 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 rule in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments are necessary due to PA 98-41 which amended the Carnival and Amusement Rides Safety Act [430 ILCS 85] to allow for formal hearings for suspension and revocation of permits to operate, orders of cessation of operation of amusement rides or attractions as well as assessment of civil penalties for violations of the Act. The amendments will provide for a formal hearing process at the Department level so that the agency is in compliance with the statutory amendments.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jim Preckwinkle
Illinois Department of Labor
900 S. Spring St.
Springfield IL 62704

217/558-1270
217/782-0596 (fax)

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: DEPARTMENT OF LABORPART 6000
CARNIVAL AND AMUSEMENT RIDE SAFETY ACT

Section	
6000.10	Definitions
6000.15	Incorporated and Referenced Materials
6000.20	Exemptions
6000.25	Qualifications of Inspectors
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Amusement Ride and Amusement Attraction Design and Construction
6000.80	Insurance
6000.85	Requirements for Liability Insurance, Bond or Deposit of Security
6000.90	Penalties
6000.100	Employment of Carnival Workers Appeals of Permit Denials
6000.110	Assembly and Disassembly
6000.120	Operator Requirements for Operation
6000.130	Operator Authority Regarding Passenger Safety
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment – Amusement Rides and Amusement Attractions
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflatable Amusement Attractions
6000.280	Non-Destructive Testing

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6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302	Outdoor and Indoor Concession Go-Karts
6000.305	Racing Go-Karts
6000.308	Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides (Repealed)
6000.320	Dry Type Slides
6000.330	Trams
6000.340	Bungee Jumping
6000.350	Zip Lines
6000.351	Haunted Houses

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 34 Ill. Reg. 763, effective December 29, 2009; emergency amendment at 34 Ill. Reg. 13646, effective September 10, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 195, effective December 20, 2010; emergency amendment at 36 Ill. Reg. 8979, effective June 1, 2012, for a maximum of 150 days, emergency expired October 28, 2012; amended at 37 Ill. Reg. 4935, effective March 27, 2013; amended at 38 Ill. Reg. 18668, effective August 26, 2014.

Section 6000.10 Definitions

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In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

"ACCT" means the abbreviation for the Association for Challenge Course Technology, P.O. Box 47, Deerfield IL 60015.

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" or "ATV" means any vehicle designed and manufactured for off-road use.

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick NJ 08858.

"Annual Inspection" is the official inspection of an amusement ride or amusement attraction performed by the Director or the Director's designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York NY 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus OH 43228-0518.

"ASTM" means ASTM International, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959.

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

"Carabiners" means shaped metal or alloy devices used to connect sections of jump rigging, equipment or safety gear.

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.

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(Section 2-2(5) of the Act)

"Carnival Worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

"Certified Arborist" means an individual who holds a valid arborist certificate from the International Society of Arboriculture or comparable authority in another state.

"Coaster – Intermediate" means any coaster that is more than 25 feet but less than 50 feet in height at the highest point of the track above grade.

"Coaster – Large" means any coaster that is 50 feet or more at the highest point of the track above grade.

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use for up to 15 mph.

"Department" means Illinois Department of Labor. (Section 2-2(2) of the Act)

"Director" means the Director of the Illinois Department of Labor or the Director's designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20 feet or more upon which people slide or are conveyed.

"Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.

"Employee", for purposes of this Part, means an individual who is performing services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

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"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act)

"Inflatable Amusement Attraction" means an amusement ride or device designed for use that may include, but is not limited to, bounce, climb, slide or interactive play, which is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape. ~~a device consisting of air filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.~~ This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

"In-line Riding" means one person in front of the other.

"Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.

"Kiddie Rides" are those amusement rides or amusement attractions that are designed for 75 pounds or less per passenger.

"Licensed Professional Engineer" means an individual who holds a valid license as a licensed professional engineer from the Illinois Department of Financial and Professional Regulation.

"Licensed Structural Engineer" means an individual who holds a valid license as a licensed structural engineer from the Illinois Department of Financial and Professional Regulation.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

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"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those amusement rides or amusement attractions that are designed for more than 75 pounds per passenger unit. The term includes any coaster that is 25 feet or less at the highest point of the track above grade.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy MA 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2(7) of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an amusement ride or amusement attraction.

Agent means a person employed by the ~~owner~~Owner to carry out the responsibilities of management on the ~~owner's~~Owner's behalf.

Manager means a person employed by the ~~owner~~Owner and who is responsible to the Agent or the ~~owner~~Owner for the day-to-day on-site management of the amusement rides or amusement attractions.

Attendant means a person employed by the ~~owner~~Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the ~~owner~~Owner to assist the ~~attendant~~Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or amusement attraction is issued.

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"Permit" means a permit issued annually by the Department allowing an amusement ride or amusement attraction unit to be operated in the State of Illinois.

"Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, or public or private organization of any character.

"PRCA" is the abbreviation for Professional Ropes Course Association, 6260 E. Riverside Blvd., #104, Rockford IL 61111.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the amusement ride or amusement attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Qualified Person" means an individual who, by possession of a recognized degree, certificate or professional standing, or who, by possession of extensive knowledge, training and experience in the subject field, has successfully demonstrated ability in design, analysis, evaluation, inspection and specification in the subject work, project or product to the extent established by the manufacturer.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

"Serious Injury" means an injury for which treatment by a licensed physician is

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required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means *any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides.* (Section 2-2(4) of the Act)

"Volunteer" means *a person who operates or assists in the operation of an amusement ride or amusement attraction for an ~~owner~~Owner or ~~operator~~Operator without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same ~~owner~~Owner or ~~operator~~Operator to perform the same type of service as those for which the individual proposes to volunteer.* (Section 2-2(9) of the Act)

"Working Days" means Monday through Friday, excluding State holidays.

"Zip Line" means a system consisting of a pulley or trolley that is suspended on a cable mounted on an incline allowing a rider to travel from the departure point to an arrival point by holding on to, or attaching to, the pulley or trolley.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.15 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part. All incorporations by reference refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
 - 1) Private and professional association standards:
 - A) A.M. Best Bond and Liability Insurance Ratings, available from A.M. Best Company, Ambest Road, Oldwick, New Jersey 08858.

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- B) The following standards and recommended practices of the American National Standards Institute, Inc. (ANSI), which may be obtained from the American National Standards Institute, Inc., 25 West 43rd Street, 4th Floor, New York, New York 10036:
- i) Standards
 - ANSI B-77.1 – 2006 Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements (2006); and
 - ANSI B30.5 – 2000 Safety Standard for Mobile and Locomotive Cranes (2006).
 - ii) Recommended Practices
 - ANSI SAE J-1241 Surface Vehicle Recommended Practices (1999).
- C) American Society for Nondestructive Testing, Inc. (ASNT) Recommended Practice No. SNT-TC-1A, 2006, which may be obtained from the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box 28518, Columbus, Ohio 43228-0518.
- D) The following standards of the ASTM International (ASTM), which may be obtained from the ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959:
- i) ASTM F698-94 (Reapproved 2000) Standard Specification for Physical Information to be Provided for Amusement Rides and Devices (2000);
 - ii) ASTM F770-~~1106a~~ Standard Practice for Ownership and Operation of Amusement Rides and Devices (~~2009~~2006);
 - iii) ASTM F846-92 (Reapproved 2003 – [Historic Standard](#)) Standard Guide for Testing Performance of Amusement Rides and Devices (2003);

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- iv) ASTM F853-05 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (2005);
 - v) ASTM F2374-~~1007a~~ Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (~~2010~~2007); ~~and~~
 - vi) ASTM F2007-~~1207~~ Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities (~~2012~~2007);-
 - vii) [ASTM F2291-11 Standard Practice for Design of Amusement Rides and Devices \(2011\);](#)
 - viii) [ASTM F893-05a Standard Guide for Inspection of Amusement Rides and Devices \(2005\);](#)
 - ix) [ASTM F2974-13 Standard Guide for Auditing Amusement Rides and Devices \(2013\).](#)
- E) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) NFPA 10, Standard for Portable Fire Extinguishers (2007);
 - ii) NFPA 30, Flammable and Combustible Liquids Code (2003);
 - iii) NFPA 70, National Electrical Code – Article 525 Carnivals, Circuses, Fairs, and Similar Events (2005); and
 - iv) NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films (1999).
- F) SAE J-1241-1999 Surface Vehicle Recommended Practice, which may be obtained from the Society of Automotive Engineers (SAE),

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400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001 (1999).

- G) Snell Helmet Safety Standards, which may be obtained from Snell Memorial Foundation Inc., 3628 Madison Avenue, North Highlands, California 95660 (1998).
- b) All incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any editions or amendments subsequent to the date specified.
- 1) 29 CFR 1910.180 (2006); and
 - 2) 29 CFR 1926.550(g) (2006).
- c) The following State statutes are referenced in this Part:
- 1) Freedom of Information Act [5 ILCS 140];
 - 2) Carnival and Amusement Rides Safety Act [430 ILCS 85];
 - 3) Illinois Controlled Substances Act [720 ILCS 570]; and
 - 4) Weights and Measures Act [225 ILCS 470].

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.20 Exemptions

The following amusement rides or amusement attractions are exempt from the provisions of this Act:

- a) *Any amusement ride or amusement attraction which is owned or operated by a non-profit religious, educational or charitable institution or association if such amusement ride or amusement attraction is located within a building subject to inspection by the State Fire Marshal or by any political subdivisions of the State under its building, fire, electrical, and related public safety ordinances, and the amusement ride or amusement attraction itself is subject to inspection by a political subdivision of the State in accordance with Section 2-17. (Section 2-16*

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of the Act)

- b) Unpowered, non-motorized non-mechanized playground equipment that is customarily placed in a playground, including but not limited to: such as swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, ~~and~~ ~~climbers~~, slides, ~~and~~ ~~trampolines~~. that do not normally require the supervision or services of a person responsible for its operation.
- c) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride that is customarily placed singly, or in groups, in a public location and that does not normally require the supervision or services of a person responsible for its operation ~~an operator~~.
- d) Any amusement ride or amusement attraction that is not open to the general public and where admission is monitored and strictly controlled by invitation, company or group identification or other means of identification.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.25 Qualifications of Inspectors

All amusement ride and amusement attraction inspectors shall meet the following qualifications:

- a) have a four year bachelor of science or bachelor of arts degree and have experience in knowledge, skills and mental development equivalent to completion of two years of technical school or college with courses in mechanical engineering, physical sciences, or related fields (related work experience or military training in safety inspections, heavy machinery or maintenance, or work related experience in the ~~or the carnival and~~ amusement ride industry may be substituted on a year-for-year basis);
- b) be proficient in Microsoft Word, Excel, Power Point and Outlook. Have the ability to use and understand inspection software and computer hardware materials;
- ~~c~~b) have a working knowledge of effective methods of inspection and enforcement;
- ~~d~~e) have the ability to prepare clear and concise inspection reports;

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- ~~ed~~) have a working knowledge of the fundamental principles of accepted safety and health practices and methods;
- ~~fe~~) have the ability to interpret laws, rules, regulations and standards associated with carnival and amusement ride safety;
- ~~gf~~) have the ability to climb amusement rides or amusement attractions and tolerate heights and work in extreme outdoor weather conditions;
- ~~hg~~) receive annual training or continuing education regarding ~~carnival and~~ amusement ride safety, fire protection safety and occupational safety and health issues; ~~and~~
- ~~i~~) take appropriate course work and pass necessary examinations, such as those administered by the National Association of Ride Safety Officials or the equivalent, as may be determined by the Department;
- ~~jh~~) possess a valid Illinois driver's license and have the ability to travel.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.30 Inspections

- a) The inspector, upon presenting credentials, is authorized without prior notice to inspect and investigate during regular working hours, any establishment, assembly area, or other area where amusement rides or amusement attractions are assembled or are in use.
- b) Inspection includes a review of necessary documents required under this Part, observance and/or inspection of amusement ride or amusement attraction assembly or set-up. Inspection of the amusement ride or amusement attraction is to include: foundation, blocking, fuel containers, mechanical conditions, and safe operation of the amusement ride or amusement attraction.
- ~~c)~~ Inspections shall also include the observation of operators, assistants or attendants during the operation of amusement rides or attractions. An inspector shall notify the owner or person responsible for the operation of the amusement ride or attraction in writing via an inspection report or a verification report if an inspector observes distracted attendants or assistants as noted in Section 6000.120(i). The first offense or violation shall be a warning and the behavior is to be corrected by

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the owner or the person responsible for the operation of the amusement ride or attraction. A second or subsequent violation may result in the revocation of permit, the issuance of a stop operation order for the amusement ride or attraction that the assistant or attendant is running, and/or the imposition of a civil penalty.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.40 Application for a Permit to Operate

- a) No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without a permit having been issued by the Director to the owner of such equipment.
- b) The permit will be valid for one calendar year. Permits are valid January 1 through December 31. A permit is not transferable and if the owner transfers ownership of the amusement ride or amusement attraction, all rights secured under the permit are terminated.
- c) At least 30 days prior to the first day of operation or the expiration of the permit, the owner or agent shall apply to the Director for a permit to operate in Illinois. The application shall be made on a form to be supplied by the Department and be accompanied by a certificate of insurance in the amount as set forth in Section 2-14 of the Act, Non-Destructive Test Certificates as required by Section 6000.280, the times and places where the amusement rides or amusement attractions will be available for inspection, and a check, ~~or~~ money order or form of electronic payment through E-Pay for the required fees.
- d) Inspections will be scheduled as expeditiously as practicable, considering the availability of inspectors, the location of the sites to be inspected, and the complexity of the inspection. An applicant must submit all of the required application materials, fees, insurance certificates and testing certificates at least 30 calendar days in advance of the first operation by the applicant in the State of Illinois.
- e) If an amusement ride or amusement attraction undergoes a major alteration or is repaired after a major breakdown it shall be reinspected.
- f) The Department's website shall outline the most current method of applying for a permit and paying for fees.~~Permit and inspection fees are non-refundable and~~

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~~shall be delivered to Illinois Department of Labor, Carnival and Amusement Ride Inspection Division, #1 West Old State Capitol Plaza, Room 300, Springfield IL 62701.~~ Without exception, payment may not be made to an inspector.

- g) No permit will be issued if there are any:
- 1) Outstanding charges or fees;
 - 2) Open Stop Operation Orders;
 - 3) Modifications, repairs or maintenance procedures that are not in accordance with manufacturer's standards;
 - 4) The owner or agent fails to comply with the procedures set forth in this Part.
- h) In order to keep the Department informed regarding the operation of relocatable or mobile amusement rides or amusement attractions, the owner or the person who will be operating or who controls or has the duty to control the operation of the amusement ride or amusement attraction~~operator~~ shall submit, with the required registration application, a tentative itinerary and/or route sheet providing dates and locations of expected operation in the State of Illinois. Throughout the operating season, this itinerary and/or route sheet shall be updated through written submission of notices as to additional operating periods or locations as soon as practicable but prior to operation. The itinerary and/or route sheet shall be submitted on a form to be supplied by the Department and shall include the following:
- 1) the name of the company;
 - 2) the name of the event and/or the event contact person and telephone number;
 - 3) the location address of the event;
 - 4) the date and time the amusement ride or amusement attraction is scheduled to arrive at the location;

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- 5) the date and time the amusement ride or amusement attraction is scheduled to begin operation; and
 - 6) the last date and time the amusement ride or amusement attraction is scheduled to be in operation at that location.
- i) The Department shall maintain the confidentiality of all route sheets as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(1)(g)].

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.50 Permit, Inspection and Associated Fees

Fees assessed under the Act will be:

- a) ~~Effective Through December 31, 2010:~~
- 1) ~~Permit Fees~~
 - A) ~~Kiddie Rides: \$10 each~~
 - B) ~~Major Rides: \$25 each~~
 - C) ~~Amusement Attractions: \$25 each~~
 - D) ~~Ski Lifts, Aerial Tramways, and Rope Tows: \$25 each~~
 - E) ~~Inflatable Amusement Attractions: \$10 each~~
 - F) ~~Permit Issued upon Resolution of a Stop Operation Order: \$10 each~~
 - 2) ~~Inspection Fees~~
 - A) ~~Kiddie Rides: \$25 each~~
 - B) ~~Major Rides: \$60 each~~
 - C) ~~Amusement Attractions: \$60 each~~

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- ~~D)~~ ~~Ski Lifts, Aerial Tramways, and Rope Tows: \$60 each~~
 - ~~E)~~ ~~Inflatable Amusement Attractions: \$25 each~~
 - ~~F)~~ ~~Reinspection to resolve a Stop Operation Order: \$250 each~~
 - ~~G)~~ ~~Reinspection: \$30 each~~
- b) ~~Beginning January 1, 2011:~~
- a) Permit Fees
 - ~~1A)~~ Kiddie Rides: \$10 each
 - ~~2B)~~ Major Rides: \$25 each
 - ~~3C)~~ Amusement Attractions: \$25 each
 - ~~4D)~~ Ski Lifts and Aerial Tramways: \$25 each
 - ~~5E)~~ Inflatable Amusement Attractions: \$10 each
 - ~~6F)~~ Permit Issued upon Resolution of a Stop Operation Order: \$10 each
 - ~~7G)~~ Rope Tows, Conveyors and Surface Lifts: \$25 each
 - ~~8H)~~ Coasters – Intermediate: \$25 each
 - ~~9I)~~ Coasters – Large: \$25 each
 - b) Inspection Fees
 - ~~1A)~~ Kiddie Rides: \$45 each
 - ~~2B)~~ Major Rides: \$105 each
 - ~~3C)~~ Amusement Attractions: \$105 each

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- ~~4D)~~ Ski Lifts and Aerial Tramways: \$365 each
 - ~~5E)~~ Inflatable Amusement Attractions: \$45 each
 - ~~6F)~~ Reinspection to Resolve a Stop Operation Order: \$250 each
 - ~~7G)~~ Reinspection: \$30 each
 - ~~8H)~~ Rope Tows, Conveyors and Surface Lifts: \$105 each
 - ~~9I)~~ Coasters – Intermediate: \$235 each
 - ~~10J)~~ Coasters – Large: \$365 each
- c) Administrative Hearing Fee: \$250 per hearing when a Notice of Violation or Stop Order or fine has been successfully levied by the Department.
- d) An Expedited Site Inspection Fee is a surcharge that shall be paid by the operator to have its permit and inspection expedited. Expedited permit fees are assessed when an operator fails to notify the Department at least 30 calendar days in advance of operation and requests an inspection and permit. When the operator fails to properly notify the Department at least 30 calendar days in advance and requests an inspection and permit, the Department, absent proof that the operator could not reasonably comply with the 30 day requirement and that the request has not been made immediately after the need for a permit has been determined, may assess the following additional one-time site fee, which shall be paid prior to the Department issuing a permit:
- 1) When the inspection is to be conducted during normal inspection hours (8:00 a.m to 5:00 p.m. Central Standard Time) Tuesday through Friday, an additional fee of \$250 per site shall be assessed.
 - 2) When the inspection is to be conducted outside normal inspection hours, an additional fee of \$500 per site shall be assessed.
- e) When an operator cancels an inspection and fails to notifies the Department or the inspector involved prior to the close of business the day prior to the scheduled inspection, the Department, depending upon the circumstances surrounding the cancellation and lack of notice prior to the close of business, may charge a one-

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time fee in the amounts set forth in subsection (d)(1) or (d)(2) for the cancelled inspection and rescheduling the inspection. This fee shall be paid prior to the Department issuing a permit.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.65 Suspension of Permit to Operate

- a) The Director ~~may deny, shall~~ suspend or revoke the permit to operate when the~~of an owner who operates an~~ amusement ride or amusement attraction ~~that~~ does not meet the requirements of the ~~Carnival and Amusement Rides Safety Act~~ or this Part ~~or-~~ has been operated in violation of the Act or this Part, or for other good cause under the meaning and purposes of the Act. The amusement ride or amusement attraction may not be operated while the permit is denied, suspended or revoked.
- b) If the Department denies, suspends or revokes a permit or issues a Stop Order as provided in Section 6000.180, it will notify, in writing, the owner and, if the owner is neither the person operating nor controlling, nor has the duty to control the operation of the amusement ride or amusement attraction, the Department shall also notify that person of the basis for the Department's action. If the Department has issue a Stop Order, the notice shall also include the conditions in need of correction at the time the order for cessation of operations is issued.
- c) If a person whose permit has been suspended or revoked, whose application for a permit has been denied, or who has received a Stop Order believes that the violation or condition justifying suspension, revocation, Stop Order or denial does not exist, the person may appeal the Department's decision by filing a written request for a hearing within 10 working days after the Department's decision. Failure to file an appeal and request for a hearing shall cause the decision of the Department to become a final administrative decision subject to the Administrative Review Law [735 ILCS 5/Art. III].
- d) Unless otherwise mutually agreed by the parties, the Department shall schedule a hearing within 48 hours after the request for hearing.
- e) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file

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with the Department and reasonably believed to be the current address of the permit holder.

- f) The written notice of a hearing shall specify the time, date and location of the hearing and the reasons for the action proposed by the Department.
- g) At the hearing, the Department shall have the burden of establishing good cause for its action. Good cause shall be considered shown when the Department establishes that the ride or amusement attraction has been operating without a permit or the operator has failed to comply with the requirements for a permit as provided for under the Act and this Part.
- h) The hearing under this Section shall comply with the Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120), except that formal discovery, such as production requests, interrogatories, requests to admit and depositions shall not be allowed. Prior to hearing, the parties shall exchange documents and witness lists and may issue subpoenas.
- i) The final decision by the Department shall be rendered within 5 working days after the conclusion of the hearing. The Administrative Law Judge's decision shall be deemed a final administrative decision by the Department, subject to the Administrative Review Law.
- j) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the designated period shall run until the end of the last day, or the next following working day.
- k) If a party seeks judicial review of a final administrative decision, that party shall pay the actual cost to the Department of preparing the administrative record and filing the record in court. Payment shall be by certified check made payable to the Illinois Department of Labor.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.70 Amusement Ride and Amusement Attraction Design and Construction

All amusement rides and amusement attractions shall meet the manufacturer's standards and specifications. No amusement ride or amusement attraction manufactured or undergoing major

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alterations after April 29, 1986 shall be placed in service unless:

- a) ~~It complies with ASTM F698-94;~~
- ~~a~~b) The owner is supplied with a manual containing the operation procedures established by ASTM F770-~~11-06a~~;
- e) ~~The owner receives certification that the amusement ride or amusement attraction has been tested to the standards established by ASTM F846-92; and~~
- ~~b~~d) The owner is supplied with a maintenance procedures manual established by ASTM F853-05 (2005); ~~and-~~
- c) It complies with ASTM F2291-11.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security

The ~~owner, operator, agent or manager~~Owner, Operator, Agent or Manager shall have in force liability insurance, a bond or a deposit in cash or security in the amounts specified in Section 2-14 of the Act.

- a) Liability Insurance
 - 1) Proof of insurance shall be a copy of the policy or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the Department's Carnival and Amusement Ride Inspection Division.
 - 2) The company or companies affording coverage shall have a current Best's rating of "B+"~~"B"~~ or better and a current Best's financial class of "V" or better.
 - 3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.
- b) Bonds
 - 1) The bonding company shall have:

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- A) A current Best's rating of "B+" or better and a current Best's financial class of "V" or better.
- B) A duly issued license in the State of Illinois by the Department of Financial and Professional Regulation-Division of Insurance.
- 2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the Division of Insurance.
- 3) The bond shall be in effect for a minimum of 3 years or until any pending litigation has been finalized.
- c) Deposit of Cash or Other Security
 - 1) The acceptability of any deposit of cash or other security shall be determined by the Director with agreement from a majority of the Board.
 - 2) The deposits shall be held, interest free, by the Department for a minimum of 3 years or until any pending litigation has been finalized.
- d) Self-Insured Governmental Bodies
 - 1) A governmental body that is self-insured shall submit a Statement of Self-Insurance at least as great as those required by Section 2-14 of the Act.
 - 2) If the governmental body's self-insurance is not as great as required, then the body shall also submit documentation of its excess coverage, either through a conventional insurance company or an insurance pool. If the excess coverage is through a conventional insurance carrier, then the A.M. Best ratings as stated in this Section shall apply. If a pool is used, the pool shall be registered with the Division of Insurance, and shall submit a financial statement to the Department's Carnival and Amusement Ride Inspection Division evidencing a surplus to liability ratio of at least 2.5 to 1.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.90 Penalties

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- a) *Any person who operates an amusement ride or amusement attraction at a carnival or fair without having obtained a permit from the Director or who violated any order or rule issued by the Director or Board under this Act is guilty of a Class A misdemeanor. Each day shall constitute a separate and distinct offense. (Section 2-15 of the Act)*
- b) *Any person who interferes with, impedes, or obstructs in any manner the Director or any authorized representative of the board or Department in the performance of their duties under this Act is guilty of a Class A misdemeanor. (Section 2-15 of the Act)*
- c) The Department may assess a civil penalty not to exceed \$2,500 per violation for a first violation and not to exceed \$5,000 for a second or subsequent violation to any person who owns or operates an amusement ride or amusement attraction without having obtained a permit from the Department in violation of the Act.
- d) The Department may assess a civil penalty in an amount not to exceed \$1,000 for a first offense, not to exceed \$5,000 for a second offense, and not to exceed \$15,000 for a third or subsequent offense to any person that owns or operates a carnival or fair that fails to conduct a criminal history records check or a sex offender registry check for carnival workers in its employ, as required by the Act.
- e) When the Department assesses a penalty in accordance with subsection (d) or (e), the Department shall notify the owner/operator of the grounds for its action.
- f) If a person against whom the penalty has been assessed wishes to challenge the basis for the penalty or the amount of the penalty, the person may appeal the Department's decision by filing a written request for a hearing within 10 working days after the Department's action. Failure to file an appeal and request for a hearing shall cause the decision of the Department to become a final decision of the Department, subject to the Administrative Review Law.
- g) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file with the Department and reasonably believed to be the current address of the permit holder.

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- h) The written notice of a hearing shall specify the time, date and location of the hearing
- i) At the hearing, the Department shall have the burden of establishing the violation for which the penalty has been assessed.
- j) The hearing under this Section shall comply with Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120), except that formal discovery, such as production requests, interrogatories, requests to admit and depositions shall not be allowed. Prior to hearing, the parties shall exchange documents and witness lists and have the right to issue subpoenas.
- k) The Administrative Law Judge's decision shall be deemed a final administrative decision of the Department, subject to the Administrative Review Law.
- l) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the designated period shall run until the end of the last day, or the next following working day.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.100 Employment of Carnival Workers~~Appeals of Permit Denials~~

- a) All persons that own or operate a carnival or fair must conduct a criminal history records check and perform a check of the National Sex Offender Public Website (www.nsopr.gov) for carnival workers 17 years of age or older at the time the worker is hired. This check must be performed annually for workers. The only exception to the requirement for the annual check is for workers who remain in the continuous employment of the entity. A worker who works only during the season but works each season is not exempt from the annual check. The annual check for a seasonal employee must be performed before the employee commences active employment each season.
- b) No person that owns or operates a carnival or fair shall employ a carnival worker who has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5], is a registered sex offender as defined in the Sex Offender Registration Act [730 ILCS 150], or has ever been convicted of any offense set forth in Article 9 of the Criminal Code of

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1961 or 2012. The provisions of this Section shall apply to any employees who may have been continuously employed and may not have been subject to the requirements of subsection (a) by virtue of having been hired prior to the effective date of the criminal history and background check requirements.

- c) In order to comply with Section 20(c) of the Act requiring a substance abuse policy that must include random drug testing, the person that operates the carnival or fair must demonstrate the policy is enforced in practice. The policy must be in writing and must have been distributed to all affected employees, and there must be records documenting that employees have undergone random drug testing. The requirements of the Act are not satisfied if the random drug testing procedure has not been implemented in practice.

~~If, after inspection, a permit is denied, the affected owner or agent may request the Director to review the denial. If the Director determines that the denial was in conformance with this Part and the Act, the Director shall notify the affected party of the determination, orally or in writing, within 5 days after the receipt of the request. The owner or agent may, within 20 business days after the original request, petition the Board in writing and request a review of the Director's determination. The Board shall issue its written findings within 15 days after receipt of the written petition. The Board's findings shall constitute final administrative action.~~

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.120 ~~Operator~~ Requirements for Operation

No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without an attendant or assistant. The attendant and/or assistant may be an employee or volunteer.

- a) All attendants or assistants shall be at least 16 years of age.
- b) The attendant shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the amusement ride or amusement attraction.
- c) The attendant and/or assistant shall be trained in the proper use and operation of the amusement ride or amusement attraction as provided for in ASTM F770-1106a, ASTM F853-05 and ASTM 2374-1007a.

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- d) The attendant and/or assistant shall ensure that all passenger safety devices are in place around patrons before starting.
- e) The attendant and/or assistant shall be within arms length of the operators station when the amusement ride or amusement attraction is in use.
- f) The attendant and/or assistant shall not operate any amusement ride or amusement attraction while under the influence of alcohol or any drug or combination of drugs to a degree that renders the operator incapable of safely operating the amusement ride or amusement attraction. For the purposes of this Section, the term "drug" includes any substance defined as a drug by Section 102(t) of the Illinois Controlled Substance Act [702 ILCS 570/102].
- g) The attendant and/or assistant shall ensure that no one is permitted on an amusement ride or amusement attraction while carrying any article, i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.
- h) The record of attendant and assistant training required by subsection (c) ~~of this Section~~ shall be kept on file by the owner or operator and be made available to the inspector during inspection and upon request by the Department.
- i) The attendant and/or assistant shall not use a cellular phone or any other handheld mobile device except when the use is in conjunction with the operations of the ride or attraction and/or the performance of the attendant's/assistant's duties, nor shall an attendant and/or assistant engage in any other activities that distract the attendant/assistant from his or her duties while operating an amusement ride or attraction.
- j) Each amusement ride or attraction shall clearly post at each entrance of the amusement ride or attraction the height requirements, age requirements and any other restrictions set forth by the manufacturer or any more stringent requirements above and beyond those set forth by the manufacturer and that are imposed by the operator.
- k) This subsection (~~k~~) does not apply to volunteers.
 - 1) The owner or operator has a duty to comply with all the requirements set forth in Section 2-20 of the Act regarding the employment of carnival

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workers, criminal history records checks, sex offender registry checks and the maintenance of a substance abuse policy for carnival workers.

- 2) The owner or operator shall be required to acknowledge in writing that the owner or operator understands its obligations under the Act and confirm that the required criminal history records check and national search of sex offender registry checks have been performed. Upon annual inspection or reinspection, the owner or operator shall provide written evidence that the criminal history records check and the sex offender registry check have been completed for each carnival worker in its employ. If the documentation is not available upon inspection, the Department may grant the owner or operator five calendar days to obtain and provide documentation to the Department showing that the checks were requested and the results were received for each carnival worker. An owner or operator shall provide copies of the results of the criminal records check and the sex offender registry checks to the Department upon inspection or upon request by the Department. These records shall be maintained by the owner or operator for a period of two years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until after their destruction is authorized by the Department or court order.
- 3) The owner or operator shall also be required to provide written documentation that he or she maintains a substance abuse policy that includes random drug testing of carnival workers.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.130 ~~Operator~~ Authority Regarding Passenger Safety

- a) *The owner or operator of an amusement ride or amusement attraction may remove from or deny entry to a person to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry or conduct may jeopardize the safety of such person or the safety of any other person.* (Section 2-19 of the Act)
- b) Any amusement ride or amusement attraction that is subject to guardian, height or weight requirement established by manufacturer, manager or attendant shall have that restriction in plain view at the entrance to the amusement ride or amusement

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attraction. The restriction may not be waived.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.170 Maintenance

- a) Periodic~~The attendant shall perform periodic~~ maintenance as required or recommended by the amusement ride or amusement attraction manufacturer shall be performed. ~~The~~Such maintenance shall be recorded on ~~Daily Inspection Checklists as provided in Section 6000.150(a) and be available for review by the Director~~ a log documenting daily maintenance, which shall detail the maintenance performed, the date performed and by whom performed, and that shall be available for review by the Department.
- b) Maintenance records shall be maintained for one calendar year.

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.270 Inflatable Amusement Attractions

All inflatable amusement attractions shall meet the manufacturer's standards and specifications.

- a) Anchorage in accordance with the manufacturer's specifications shall be provided for inflatable amusement attractions and examined daily.
- b) The fabric on inflatable amusement attractions shall be examined daily for rips and tears and those found shall be repaired immediately.
- c) Ventilators and fans shall be shielded by one of the following methods:
- 1) Fencing around unit;
 - 2) Mesh guarding over unit; or
 - 3) Total enclosure.
- d) Covered or enclosed inflatable amusement attractions shall be so designed that if a power failure occurs the structure will remain substantially erect for more than the time required to evacuate the normal rated occupancy or five minutes

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whichever is the longer period.

- e) No inflatable amusement attraction manufactured after January 1, 2010 shall be placed in service unless the owner:
 - 1) Receives certification that the attraction has been designed, constructed and tested to the standards established by ASTM F2374-[1007a](#);
 - 2) Obtains and complies with the manual containing the operation procedures established by ASTM F2374-[1007a](#); and
 - 3) Obtains and complies with the maintenance procedures manual established by ASTM F2374-[1007a](#).

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.280 Non-Destructive Testing

- a) The owner or agent shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.
- b) Persons performing non-destructive testing on amusement ride or amusement attraction components shall be qualified to NDT Level II or NDT Level III, in accordance with the ASNT Recommended Practice No. SNT-TC-1A. Only individuals qualified may perform non-destructive testing on amusement ride or amusement attraction components. The Department may require certifications of personnel or accept previous certifications at their option.
- e) ~~The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the parts to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.~~
- [c](#)) The Department shall maintain and disseminate a listing of all amusement ride or amusement attraction components requiring non-destructive testing. This list shall include the test specifications and frequency of testing.

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(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.302 Outdoor and Indoor Concession Go-Karts

- a) Vehicle Requirements
- 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
 - 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.
 - 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.
 - 4) Vehicles' shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.
 - 5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE J-1241.
 - 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.
- b) Track and Course Requirements
- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
 - ~~2) Minimum width requirements for go-kart tracks shall be 20 feet throughout the entire length of the track.~~
 - 23) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts. It shall be securely anchored and extend

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the entire length of the track or course. The system may be a guardrail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.

- A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.
 - B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.
 - C) A barrier system shall be installed to designate and protect opposing traffic, the pit area or passenger loading area.
 - D) No one shall have access to the track and courses other than properly admitted go-kart drivers, employees of the licensee ~~or the Board~~, and other persons authorized by the license for the purpose of maintenance, etc.
- 34) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting amusement rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
- 45) No intersecting course configurations, including but not limited to a Figure 8 course configuration, shall be permitted.
- c) Operation
- 1) The attendants or assistants shall be able to clearly view the entire course.
 - 2) Fire extinguishers shall be charged and readily available to the track personnel at all times in accordance with ASTM F-2007-1207.
 - 3) The refueling of vehicles with internal combustion engines or the charging of batteries in electric powered karts shall take place in the pit areas.

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- 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190— (Fire Prevention and Protection).
- 5) Beginning at twilight at an outdoor operation, track lighting is required. During indoor operation, track lighting is required. Track lighting shall be in accordance with ASTM F-2007-1207.
- 6) Monitoring
 - A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.
 - B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.
- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector's review. All replacement of parts should be documented in the maintenance log for that vehicle. A comment section should be provided. On a daily basis, the track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
 - A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and

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- G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- d) Special Circumstances/Waiver of this Section
 - 1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to January 1, 2007.
 - 2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
 - 3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.305 Racing Go-Karts

- a) Vehicle Requirements
 - 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
 - 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.
 - 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

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- 4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.
 - 5) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE J-1241 and be designed and maintained so as not to leak.
 - 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.
- b) Track and Course Requirements
- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
 - ~~2) Minimum width requirements for tracks shall be 20 feet throughout the entire length of the track or course.~~
 - 23) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts and shall extend the entire length of the track or course.
 - A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.
 - B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.
 - C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.

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- D) Access to the entire track shall be restricted.
- 34) A fence or railing system shall be installed at maintenance buildings or areas, driveways, pit areas, and fuel storage/pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
- 45) No intersecting course configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.
- c) Operation
- 1) The attendants or assistants shall be able to clearly view the entire course.
 - 2) Fire extinguishers shall be charged and readily available to the track personnel at all times.
 - 3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.
 - 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190— (Fire Prevention and Protection).
 - 5) Beginning at twilight, track lighting is required and lighting is required for indoor tracks at all times during operations.
 - 6) Monitoring
 - A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.
 - B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.

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- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
- A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- 9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.
- A) Drivers of karts shall wear the following personal safety equipment while on the track or course:
 - i) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification as published in the Snell Helmet Safety Standards is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.
 - ii) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or

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her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

- B) Drivers of indoor karts that are not equipped with seatbelts and roll bars, and that go less than 7 mph, are not required to wear personal safety equipment as stated in this Section and are called kiddie karts.
- d) Special Circumstances/Waiver of this Section
- 1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to January 1, 2007.
 - 2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
 - 3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 38 Ill. Reg. 18668, effective August 26, 2014)

Section 6000.351 Haunted Houses

- a) Emergency Planning
 - 1) Maximum occupant load, which shall include staff, shall be determined during plan review. A sign stating maximum occupant capacity shall be posted in a visible location near the entrance, and staff shall control the flow of patrons so as not to exceed this limit.

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- 2) A written emergency procedure plan shall be provided with the permit application packet. All employees shall be trained in emergency procedure.
 - 3) The emergency procedure plan shall include training of staff and familiarization with fire alarm tone. Specific personnel shall be designated to turn off all distracting noises (e.g., sound system) and turn on lights when alerted by the fire alarm or otherwise notified of an emergency condition.
 - 4) While the haunted house is open to the public, it shall be adequately staffed to control the occupant load and assist patrons in exiting should an evacuation become necessary. Staffing level shall be determined upon review of plans and may be increased at the discretion of the fire department.
 - 5) All employees shall carry flashlights and know the location of all exits, fire extinguishers, light switches, electrical panels and emergency phones.
 - 6) A fire drill demonstrating the implementation of the emergency plan may be required at the time of inspection.
 - 7) Phone communication shall be readily available for the purpose of calling 911 in the event of an emergency.
- b) Exits
- 1) Two exits shall be provided from each room with an occupant load of 50 or more. Required exit doors shall swing in the direction of egress.
 - 2) Naturally or artificially illuminated exit signs shall be provided at each exit.
 - 3) Exit doors serving an occupant load of 50 or more shall not be provided with a latch or lock other than panic hardware.
 - 4) Emergency lighting shall be provided.

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- 5) Exhibits and decorative materials shall not obstruct, confuse or obscure exits, exit pathways, exit signs or emergency lighting units.
 - 6) Additional pathway markings, including low level marking and signs, may be required during the field inspection.
- c) Fire Protection
- 1) Fire and smoke detecting systems shall be installed in each building or structure used in an amusement ride or amusement attraction that requires a darkened interior during operation.
 - 2) Fire extinguishers shall be:
 - A) Minimum 2A10BC rated.
 - B) Visible and accessible at all times and clearly illuminated or marked with reflective tape.
 - C) Located within 50 feet travel distance from anywhere in the building.
 - 3) Decorative materials shall not obstruct fire sprinklers, fire extinguishers or any other fire protection equipment.
 - 4) Fabric constituting part of an amusement ride or amusement attraction shall meet the flamespread ratings of NFPA 701. A certificate or a test report from the fabric manufacturer or approved testing agency indicating a fire resistance rating equal to or better than NFPA 701 shall be available upon request.
 - 5) "No Smoking" signs shall be posted at the entrances/exits to all amusement rides or amusement attractions that require a darkened interior during operation.
- d) Electrical
- 1) Extension cords shall be of heavy commercial type, UL listed and in good condition, and shall be appropriate for the intended use.

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- 2) Only UL listed power strips with over-current protection shall be used when the number of outlets provided is inadequate. Power strips shall be plugged directly into provided outlets and shall not be plugged into one another in series.
 - 3) All extension cords and power strips shall be adequately protected from foot traffic ("bridged") if paths of travel cannot be avoided.
 - 4) Emergency Lighting. If an amusement attraction requires a darkened interior during operation, each building or structure shall be equipped with a battery powered emergency lighting system.
- e) Decorative Materials
- 1) All decorative materials (decorations, drapes, backdrops and props) shall be either inherently flame retardant and labeled as such, or shall be treated with a flame retardant.
 - 2) If material is treated by the user, a container and receipt will serve as proof. A flame test may be required.
 - 3) Care and consideration shall be used with respect to smoke generator and smoke alarm locations. Use of smoke generators may be restricted if determined to be incompatible with the smoke alarms.
- f) Miscellaneous
- 1) Storage or use of flammable or combustible liquids, gasses and solids is prohibited.
 - 2) Open flame is prohibited.
 - 3) Good housekeeping shall be maintained throughout exhibit and exit pathways at all times.
 - 4) There shall be no sharp corners, splintered wood walls or protruding screws or nails that can cause injury.

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(Source: Added at 38 Ill. Reg. 18668, effective August 26, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Coal Mining Act
- 2) Code Citation: 62 Ill. Adm. Code 140
- 3) Section Number: 140.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 2.02 and 2.12 of the Coal Mining Act [225 ILCS 705/2.02 and 2.12] and Section 1905-35 of the Department of Natural Resources (Mines and Minerals) Law [20 ILCS 1905/1905-35]
- 5) Effective Date of Rule: August 29, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 21, 2014; 38 Ill. Reg. 5010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A new subsection (b) was added:
 - b) References in this Section to ASTM Standards refer to the 2014 Annual Book of ASTM Standards, Section 05 – Fossil Fuels, Volume 06 – Gaseous Fuels; Coal and Coke; Bioenergy and Industrial Chemicals from Biomass, published by the American Society for Testing and Materials, ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959 (no incorporation in this Part contains later editions or amendments).

Following the addition of subsection (b), subsequent subsections were relabeled.

In subsection (c), "current" was replaced with "D2234/D2234M-10".

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In subsection (d), "current" was replaced with "D2234/D2234M-12.

In subsection (e), following "Standards", added "D3174-12, D3302/D3302M-12, D5865-13, and D4239-14".

In subsection (g), following "sample" added "(after initial grinding to 8 mesh size; a composite of multiple gross samples)".

In subsection (g), after "sample", added "(prior to grinding; usually a 50 lb. bag)".

Subsection (h) was deleted as text was incorporated in new subsection (b).

- 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 amendment updates all methods including sampling, preparation, storage and analysis, extends retention times of samples, clarifies reporting guidelines and updates the pricing schedule for coal processing.
- 16) Information and questions regarding this adopted rule shall be directed to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES~~MINES AND MINERALS~~

PART 140

THE COAL MINING ACT

Section

140.10	Plans to be Submitted to the Department
140.20	Requirement Concerning Removal of Vehicle Wheels, Tires, and Valve Cores
140.30	Coal Quality Testing Program

AUTHORITY: Implementing Sections 2.02 and 2.12 of the Coal Mining Act [225 ILCS 705/2.02 and 2.12] and Section 1905-35 of the Department of Natural Resources (Mines and Minerals) Law [20 ILCS 1905/1905-35].

SOURCE: Adopted May 13, 1975; codified at 8 Ill. Reg. 8509; emergency amendment added at 18 Ill. Reg. 15167, effective October 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 2461, effective February 21, 1995; amended at 38 Ill. Reg. 18711, effective August 29, 2014.

Section 140.30 Coal Quality Testing Program

- a) The Department of Natural Resources-Office of Mines and Minerals' (Department) analytical laboratory, located in Benton, Illinois, is authorized to test the quality of coal delivered under State coal purchase contracts.
- b) References in this Section to ASTM Standards refer to the 2014 Annual Book of ASTM Standards, Section 05 – Fossil Fuels, Volume 06 – Gaseous Fuels; Coal and Coke; Bioenergy and Industrial Chemicals from Biomass, published by the American Society for Testing and Materials, ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959 (no incorporation in this Part contains later editions or amendments).
- ~~b~~) The Department shall analyze samples taken from coal shipments under State contracts provided by any agency or institution of the State of Illinois, ~~hereinafter called~~ (the delivering agency), if ~~the such~~ samples are:
 - 1) submitted ~~in the 6 pound increments required for analysis,~~ with a minimum of 6 pounds ~~of coal per sample bag~~ and a maximum of 42

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pounds of coal per sample bag ~~(any variation to this sampling process must follow guidelines set by ASTM Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103);~~

- 2) identified as having been submitted by a specific delivering agency;
- 3) received by the Department's Benton, Illinois analytical laboratory by the 10th day of the month; and
- 4) collected as required by ASTM Standards D2234/D2234M-10 for the collection of a gross sample of coal~~Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.~~

de) The Department shall grind all acceptable coal sample bags from a delivering agency during the third week of the month~~Upon receiving an acceptable sample bag from a delivering agency, the Department shall grind the coal to the specifications of ASTM Standards D2013/D2013M-12 for preparing coal samples for analysis with the deviation of storing a minimum of 500 grams of composited 8 mesh sample for repeat analysis if requested.Standard D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, by using a hammermill crusher or equivalent device, as follows:~~

- 1) ~~The crusher shall be completely enclosed to avoid the loss of dust or moisture.~~
- 2) ~~The coal in each sample bag shall be mixed (ground by crusher) to form an initial composite sample as stated in ASTM Standard D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.~~
- 3) ~~The initial composite sample shall be reduced to 1,000 grams and divided into two (2) 500 gram samples. The Department shall then dry one of the 500 gram samples to the specifications outlined in ASTM Standard D-~~

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~~2013-86 found at page 247 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. After drying, this 500 gram sample shall then be processed in accordance with subsection (c)(4) below. The undried 500 gram sample shall be held in reserve should more than one test be required.~~

- 4) ~~The 500 gram sample used for immediate analysis shall be placed on a spin wheel mixer for 15 minutes, then analyzed for percent of moisture, percent of ash, percent of sulphur and BTUs, in accordance with subsection (d) below.~~
- e) The Department shall perform a short proximate analysis on the 60 mesh coal~~analyze the 500 gram~~ sample using testing procedures that conform to the following specifications found in Volume 05.05 of the 1993 Book of ASTM Standards D3174-12, D3302/D3302M-12, D5865-13, and D4239-14,~~published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:~~
- 1) ~~ASTM Standard D-3302-91 (percent of moisture), pp. 358-364;~~
- 2) ~~ASTM Standard D-3174-89 (percent of ash), pp. 324-326;~~
- 3) ~~ASTM Standard D-4239-93 (percent of sulphur), pp. 392-400; and~~
- 4) ~~ASTM Standard D-1989-92 (BTUs), pp. 237-244.~~
- f) The results of the analysis shall be reported to the delivering agency in accordance with subsection (f)~~below~~. The Department shall retain the undried 500 gram sample for 90~~30~~ days from the date the results of the analysis are sent to the delivering agency.
- g) The Department shall report the results of its coal quality analysis to the delivering agency by the end of the month in which it is processed~~within two weeks after the Department's receipt of a coal sample acceptable for testing,~~ and will submit a bill for the coal quality analysis performed, based upon the following schedule:

Analysis of composited sample (after initial grinding to 8 mesh size; a \$100

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composite of multiple gross samples)Compositing of a gross sample (prior to grinding; usually a 50 lb. bag) \$25Exceeding 50 lbs in a bag of coal \$25

Number of sample bags tested per month	Fee
1 to 2 bags	\$ 50
3 to 4 bags	\$ 65
5 to 6 bags	\$ 80
7 to 8 bags	\$ 95
9 to 10 bags	\$105
11 to 12 bags	\$120
13 to 14 bags	\$135
15 to 16 bags	\$150
For every 2 additional bags	\$ 15

- hg) The Department shall ~~process~~ charge ~~\$50.00 extra for~~ each sample bag submitted by a delivering agency after the 10th day of the month as a new sample at the rates established in subsection (f).
- h) ~~References in this Section to the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, do not include any subsequent amendments or editions.~~

(Source: Amended at 38 Ill. Reg. 18711, effective August 29, 2014)

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- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.131	Amendment
240.132	Amendment
240.133	Amendment
240.210	Amendment
240.310	Amendment
240.460	Amendment
240.1440	Amendment
240.1705	Amendment
240.1830	Amendment
240.1905	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725]
- 5) Effective Date of Rule: August 29, 2014
- 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 16, 2014; 38 Ill. Reg. 10624
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
240.796	New Section	37 Ill. Reg. 18081; January 15, 2013

- 15) Summary and Purpose of Rulemaking: This Part is being amended pursuant to PA 97-1136, to insert language pertaining to a filing fee for petitions for hearings, alter the fees associated with permits and transfers and to delete language pertaining to transfers involving more than 50 wells and amend its annual well fees to include only two categories.

- 16) Information and questions regarding this adopted rule shall be directed to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240

THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings – Notices (Repealed)
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings and Enforcement Cessation Orders
240.185	Cessation of Oil Production Operations
240.186	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment
240.190	Temporary Relief Hearings
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

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Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, or Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section	
240.400	Definitions

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240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section	
240.500	Definitions
240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS

Section	
240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

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SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	
240.700	Applicability and Definitions
240.710	Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells
240.720	Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770	Establishment of External Mechanical Integrity for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
240.795	Commercial Saltwater Disposal Well

SUBPART H: LEASE OPERATING REQUIREMENTS

Section	
240.800	Definitions
240.805	Lease and Well Identification
240.810	Tanks, Tank Batteries and Containment Dikes
240.820	Flowlines
240.830	Power Lines
240.840	Equipment Storage
240.850	Concrete Storage Structures
240.860	Pits
240.861	Existing Pit Exemption For Continued Production Use
240.862	Existing Pit Exemption For Alternative Use
240.870	Leaking Unpermitted Drill Hole
240.875	Leaking Previously Plugged Well
240.880	Initial Spill Notification
240.890	Crude Oil Spill Remediation Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Remediation Requirements

SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL

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Section	
240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds – Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section	
240.1000	Definitions
240.1005	Applicability
240.1010	Application for Vacuum Permit
240.1020	Contents of Application
240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments

SUBPART K: PLUGGING OF WELLS

Section	
240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1115	Plugging Responsibility

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240.1120	Plugging of Uncased Wells
240.1130	Plugging and Temporary Abandonment of Inactive Production Wells
240.1131	Extension of Future Use Status for Production Wells (Repealed)
240.1132	Plugging and Temporary Abandonment of Inactive Class II UIC Wells
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section

240.1200	Applicability
240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section

240.1300	Introduction
240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
240.1330	Well Locations Prohibited
240.1340	Notice to Mining Board
240.1350	Casing and Protective Work

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- 240.1360 Operational Requirements Over Active Mine
- 240.1370 Inspection of Vehicles (Recodified)
- 240.1380 Transfer of Permits (Recodified)
- 240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
- 240.1390 Records and Reporting Requirements (Recodified)
- 240.1395 Bonds – Blanket Surety Bond (Recodified)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section

- 240.1400 Definitions
- 240.1405 Transfer of Management (Repealed)
- 240.1410 Applicability
- 240.1420 Notification
- 240.1425 Authority of Person Signing Transfer Notification
- 240.1430 Responsibilities of Current Permittee
- 240.1440 Responsibilities of New Permittee or Proposed New Permittee
- 240.1450 Authority of Persons Signing Notification
- 240.1460 Conditions for and Effect of Issuance or Transfer of Permit to Operate
- 240.1465 Condition for and Effect of Transfer of PRF Wells
- 240.1470 Revocation of Permit to Operate
- 240.1480 Involuntary Transfer
- 240.1485 Administrative Record Correction
- 240.1490 Transfer Hearings

SUBPART O: BONDS

Section

- 240.1500 When Required, Amount and When Released
- 240.1510 Definitions
- 240.1520 Bond Requirements
- 240.1530 Forfeiture of Bonds

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Section

- 240.1600 Definitions
- 240.1610 Plugging Leaking or Abandoned Wells
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- 240.1625 Plugging Abandoned Wells Through Landowner Grant
240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects
240.1635 Emergency Well Plugging and Emergency Project Reimbursement
240.1640 Repayment of Funds
240.1650 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment
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SUBPART Q: ANNUAL WELL FEES

Section

- 240.1700 Fee Liability
240.1705 Amount of Assessment
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240.1720 When Annual Well Fees are Due
240.1730 Opportunity to Contest Billing
240.1740 Delinquent Permittees

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section

- 240.1800 Applicability
240.1805 Definitions
240.1810 Submission of Underground Gas Storage Field Map
240.1820 Permit Requests in a Underground Gas Storage Field
240.1830 Application for Permit to Drill or Convert Wells
240.1835 Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well
240.1840 Authority of Person Signing Application
240.1850 Issuance of Permit
240.1852 Gas Storage and Observation Well, Construction, Operating and Reporting Requirements
240.1855 Well Drilling Completion and Workover Requirements
240.1860 Storage Field Operating Requirements
240.1865 Liquid Oilfield Waste Disposal
240.1870 Plugging of Gas Storage and Observation Wells

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SUBPART S: REQUIREMENTS FOR SERVICE WELLS

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240.1900	Applicability
240.1905	Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
240.1910	Contents of Application for Permit to Drill or Convert to a Service Well
240.1920	Authority of Person Signing Application
240.1930	Issuance of Permit
240.1940	When Wells Shall Be Plugged and Department Notification
240.1950	Plugging and Restoration Requirements
240.1960	Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. 9045, effective July 9, 2001; amended at 35 Ill. Reg. 13281, effective July 26, 2011; amended at 38 Ill. Reg. 18717, effective August 29, 2014.

SUBPART A: GENERAL PROVISIONS

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Section 240.131 Unitization Hearings

a) Commencement of Action

Where separately owned tracts of land are underlain by all or a portion of a common pool of oil or gas or both, an interested person may petition the Department for an order unitizing those tracts, that is to combine those tracts within a unified operation, pursuant to Section 23.3 of the Act. The petition for a unitization order shall contain the following:

- 1) *A legal description of the land and geologic description of the reservoirs within the proposed unit area;*
- 2) *The names of all persons owning or having an interest in the oil and gas rights in the proposed unit area as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the unit area is situated, and their addresses, if known. If the address of any person or the name of any owner is unknown, the petition shall so indicate and shall state whether due diligence was used in locating the unknown address or unknown owner;*
- 3) *A statement of the type of operations contemplated for the unit area;*
- 4) *A copy of a proposed plan of unitization signed by persons owning not less than 51% of the working interest underlying the surface within the area proposed to be unitized, which the petitioner considers fair, reasonable and equitable; said plan of unitization shall include (or provide in a separate unit operating agreement, if there be more than one working interest owner, a copy of which shall accompany the petition) the following:*
 - A) *A plan for allocating to each separately owned tract in the unit area its share of the oil and gas produced from the unit area and not required or consumed in the conduct of the operation of the unit area or unavoidably lost; the plan shall include the participation factors for each tract and a detailed description of the methodology and supporting data used to calculate the participation factors.*
 - B) *A provision indicating how unit expense shall be determined and*

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charged to the several owners, including a provision for carrying or otherwise financing any working interest owner who has not executed the proposed plan of unitization and who elects to be carried or otherwise financed, and allowing the unit operator, for the benefit of those working interest owners who have paid the development and operating costs, the recovery of not more than 150% of such person's actual share of development costs of the unit plus operating costs, with interest. Recovery of the money advanced to owners wishing to be financed, for development and operating costs of the unit, together with such other sums provided for herein, shall only be recoverable from such owner's share of unit production from the unit area.

- C) *A procedure and basis upon which wells, equipment, and other properties of the several working interest owners within the unit area are to be taken over and used for unit operations, including the method of arriving at the compensation therefor.*
 - D) *A plan for maintaining effective supervision and conduct of unit operations, in respect to which each working interest owner shall have a vote with a value corresponding to the percentage of unit expense chargeable against the interest of such owner.*
 - E) A summary of the total cumulative production to date, the estimated additional total recoverable reserves from the proposed unit and the estimated total development cost and operating cost of the unit;
- 5) The name and addresses of the proposed operator or operators of the unit;
 - 6) A map showing the tracts or group of leases included within the proposed unit area, the location of the proposed injection well or wells and the name, permit number, and location of all oil and gas wells, including abandoned wells, active wells and dry holes and the reservoirs in which all such wells are currently completed, and the names of all operators offsetting the proposed unit area and the name, description and depth of the producing zones in those areas;
 - 7) A map showing the structure of the geologic horizon that best represents

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the structure of the proposed reservoirs to be unitized;

- 8) A listing of the reservoirs to be unitized and a map showing the productive portion, thickness, and extent of each reservoir;
- 9) An induction or electric log of a representative well completed in the proposed unitized reservoirs;
- 10) A description of the injection medium to be used, its source and the estimated amounts to be injected daily;
- 11) A description of the proposed plan of development of the area included within the unit;
- 12) An allegation of the facts required to be found by the Department under Section 23.5 of the Act. The required facts are as follows:
 - A) *That the unitized management and operation is economically feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;*
 - B) *That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;*
 - C) *That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;*
 - D) That the allocation of unit production to each separately owned tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;
 - E) That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and

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- F) That the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable.
- b) Execution and Filing
- 1) The petition for an order creating a unit pursuant to Section 23.3 of the Act shall be sent to the Department at One Natural Resources Way, Springfield IL 62702.
 - 2) Every petition shall be signed by the petitioner or his or her representative and the petitioner's address shall be stated on the petition. The signature of the petitioner or his or her representative constitutes a certificate that he or she has read the petition and that, to the best of his or her knowledge, information and belief, there is good ground to support the petition. The petition shall be accompanied by a non-refundable application fee in the amount of \$2,500.
 - 3) If the Department finds the petition deficient relative to the requirements of subsection (a), subsection (b)(2) or Section 240.250(b), the petition shall not be accepted and the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.
- c) Notice of Hearing
- 1) *Upon the receipt of an accepted petition for unitization, the Department shall fix the time and place for a public hearing, which shall be no less than 30 days nor more than 60 days after the date of the filing of said petition. The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceedings, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands contained within the proposed unit area. (Section 23.4 of the Act) The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting an entry of appearance in writing to the Department*

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and that person shall be deemed a party of record in the proceeding.

- 2) The Department shall mail the notice to the petitioner who shall then serve notice in the following manner:
 - A) By mailing the notice by U.S. Postal Service certified mail, return receipt requested, *directed to the persons named in the petition at their last known addresses* at least 20 days prior to the hearing; and
 - B) *By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing, in a newspaper of general circulation published in each county containing some portion of the proposed unit area.* (Section 23.4 of the Act)
 - 3) Whenever the Department determines that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect that person's rights or property, the Department shall cause notice to be sent to the person, as provided in this subsection (c).
- d) Pre-Hearing Conferences
- 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.

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- 2) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his or her own motion or for good cause shown on motion of any party of record.
 - 2) Every interested person wishing to participate at the hearing shall enter an appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court.

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- 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit information necessary to reach a decision on the petition.
 - 6) Preliminary Matters: When applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of service of the notice of hearing, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- f) Evidence
- 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow

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evidence to be received in written form.

- 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- g) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department and included in the record.
- h) Postponement or Continuance of Hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- i) Default

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If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of that party. If the failure to appear at a pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.131(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.

j) Order

- 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry. The Department shall render a decision within 30 days after the hearing unless all parties that have appeared agree to waive this requirement.
- 2) The order shall grant the petition for unitization if based on the record the Hearing Officer finds all of the following:
 - A) *That the unitized management and operation is economically feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;*
 - B) *That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;*
 - C) *That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;*
 - D) *That the allocation of unit production to each separately owned*

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tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;

- E) *That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and*
 - F) *That the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable. (Section 23.5 of the Act)*
- 3) If the petition is granted the order shall provide for the authorization of the unit and unitized operation, as proposed by the petitioner, upon such terms and conditions as may be shown by the evidence to be fair, reasonable, equitable and that are necessary or proper to protect and safeguard the respective rights and obligations of the working interest owners and royalty owners, and for the protection of correlative rights and the prevention of waste. The order shall state the time the unit operation shall become effective and the manner in which and the circumstances under which the unit operation shall terminate.
- 4) Except as provided in subsection (j)(5), the order shall deny and dismiss the petition for unitization if, based on the record, the Hearing Officer finds that the petitioner has failed to establish the requirements for formation of a unit set forth in subsection (j)(2). An order denying and dismissing a petition for unitization shall be entered within 30 days after the hearing. *Such order shall set forth the reasons for dismissal, and the same shall be promptly filed by the petitioner, if notice was filed under Section 23.3(2) of the Act, in the recorder's office of the county or counties wherein the land is situated. (Section 23.6 of the Act)*
- 5) As an alternative to denying the petition for unitization, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the petitioner in order to avoid dismissal. If the petitioner supplies the information requested by the Department, a new hearing shall be scheduled in order to examine the documents. If the petitioner fails to comply with the interim order, the petition shall be denied. The Department shall send notice of the hearing to all parties of record.
- k) *Approval of Plan of Utilization – Effective Date of Order*

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No order of the Department providing for unit operations shall become effective unless and until the plan of unitization has been approved in writing by those persons who, under the order, will be required to pay at least 51% of the unit expense, and also by the persons owning at least 51% of the unit production or proceeds thereof that will be credited to interests which are free of unit expense, including but not limited to, royalties, overriding royalties, carried interests, net profit interests, and production payments, and the Director has made such a finding, either in the order providing for unit operations or in a supplemental order, that the plan of unitization has been so approved; provided, however, that if any person is obligated to pay 51% or more, but less than 100% of the unit expense, the approval of that person and at least one other such person shall be required; and if one person entitled to production or proceeds thereof will be credited to interests which are free of unit expense, owns 51% or more, but less than 100%, the approval of that person and at least one other such person shall be required. If the plan of unitization has not been so approved at the time the order providing for unit operations is issued, the Department shall, upon petition and notice, hold such supplemental hearings as may be required to determine if and when the plan of unitization has been so approved and shall issue a supplemental order evidencing such approval. If the requisite number of persons and the requisite percentage of interests in the unit area do not approve the plan of unitization within a period of 6 months from the date on which the order providing for unit operations is made, such order shall be revoked by the Department unless for good cause shown the Department extends said time for an additional period of time not to exceed one year. (Section 23.8 of the Act)

1) *Notice of Order – Recordation*

Within 10 days after an order has been issued, a copy of the order shall be mailed by the Department to each person or his or her attorney of record who has entered an appearance in the matter pursuant to which the order is issued. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the unit is situated a copy of the order providing for unit operations.

m) *Order – Final Administrative Decision*

The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

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Section 240.132 Integration Hearings

- a) Commencement of Action
- When the oil or gas rights within a drilling unit are separately owned and the owners of those rights have not voluntarily agreed to integrate or pool those rights to develop the oil or gas, an owner may petition the Department for an order integrating those rights, pursuant to Section 22.2 of the Act. The petition for an order integrating interests shall contain the following:
- 1) The name and address of the petitioner;
 - 2) The petitioner's reasons for desiring to integrate the separately owned interests;
 - 3) A legal land description of the drilling unit sought to be established;
 - 4) A geologic report of the area where the proposed drilling unit is to be located, indicating the potential presence of reservoirs;
 - 5) A description of the interest owned by the petitioner and each person named in the petition;
 - 6) The names of all persons who have not agreed to integrate their interests owning or having an interest in the oil and gas rights in the proposed drilling unit as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the drilling unit is situated, and their addresses, if known. If the address of any person is unknown, the petition shall so indicate;
 - 7) A statement that the owners have not agreed to integrate their interests;
 - 8) A statement that the petitioner has exercised due diligence to locate each owner and that a bona fide effort was made to reach an agreement with each owner as to how the unit would be developed;
 - 9) A statement that no action has been commenced by the owners seeking permission to drill pursuant to the provisions of the Oil and Gas Rights Act [765 ILCS 520];

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- 10) Any other information relevant to protect correlative rights of the parties sought to be affected by the order.
- b) Execution and Filing
 - 1) The petition for an order requiring integration pursuant to Section 22.2 of the Act shall be sent to the Department at One Natural Resources Way, Springfield IL 62702.
 - 2) Every petition shall be signed by the petitioner or his or her representative and the petitioner's address shall be stated on the petition. The signature of the petitioner or the petitioner's representative constitutes a certificate that he or she has read the petition and that, to the best of his or her knowledge, information and belief, there is good ground to support the petition. The petition shall be accompanied by a non-refundable application fee in the amount of \$1,500.
 - 3) If the Department finds the petition deficient relative to the requirements of subsection (a), subsection (b)(2) or Section 240.250(b), the petition shall not be accepted and the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.
 - c) Notice of Hearing
 - 1) Upon the receipt of an accepted petition for integration, the Department will fix the time and place for a hearing.
 - 2) The Department shall prepare a notice of hearing that shall issue in the name of the State of Illinois and shall be signed by the Director. The notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands embraced within the proposed drilling unit. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting an entry of appearance in writing to the Department and that person shall be deemed a party of record in the proceeding.

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- 3) The Department shall mail the notice to the petitioner who shall then serve notice in the following manner:
 - A) By mailing the notice by U.S. Postal Service certified mail, return receipt requested, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of the notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
 - 4) Whenever the Department shall determines that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect that person's rights or property, the Department shall cause notice to be sent to the person, as provided in this subsection (c).
- d) Pre-Hearing Conferences
- 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations, admissions of fact and the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.

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- 2) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his or her own motion or for good cause shown on motion of any party of record.
 - 2) Every interested person wishing to participate at the hearing shall enter an appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court.

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- 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit information necessary to reach a decision on the petition.
 - 6) Preliminary Matters: When applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- f) Evidence
- 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

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- 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- g) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department and included in the record.
- h) Postponement or Continuance of Hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of any emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- i) Default
If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may

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then proceed to make its decision in the absence of that party. If the failure to appear at a pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.132(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.

- j) Order
- 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.
 - 2) *In making the determination of integrating separately owned interests, and determining to whom the permit should be issued, the Department may consider:*
 - A) *The reasons requiring the integration of separate interests;*
 - B) *The respective interests of the parties in the drilling unit sought to be established, and the pool or pools in the field where the proposed drilling unit is located;*
 - C) *Any parties' prior or present compliance with the Act and the Department's rules; and*
 - D) *Any other information relevant to protect the correlative rights of the parties sought to be affected by the integration order.*
 - 3) Each order integrating separately owned interests *shall authorize the drilling, testing, completing, equipping, and operation of a well on the drilling unit; provide who may drill and operate the well; prescribe the time and manner in which all the owners in the drilling unit may elect to participate therein; and make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Should an owner not elect*

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to voluntarily participate in the risk and costs of the drilling, testing, completing and operation of a well as determined by the Department, the integration order shall provide either that:

- A) *The nonparticipating owner shall surrender a leasehold interest to the participating owners on a basis and for such terms and consideration the Department finds fair and reasonable; or*
 - B) *The nonparticipating owner shall share in a proportionate part of the production of oil and gas from the drilling unit determined by the Department, and pay a proportionate part of operation cost after the participating owners have recovered from the production of oil or gas from a well all actual costs in the drilling, testing, completing and operation of the well plus a penalty to be determined by the Department of not less than 100% nor more than 300% of such actual costs.*
- 4) *For the purpose of this Section, the owner or owners of oil and gas rights in and under an unleased tract of land shall be regarded as a lessee to the extent of a 7/8 interest in and to said rights and a lessor to the extent of the remaining 1/8 interest therein.*
- 5) *In the event of any dispute relative to costs and expenses of drilling, testing, equipping, completing and operating a well, the Department shall determine the proper costs after due notice to interested parties and a hearing thereon. The operator of such unit, in addition to any other right provided by the integration order of the Department, shall have a lien on the mineral leasehold estate or rights owned by the other owners therein and upon their shares of the production from such unit to the extent that costs incurred in the development and operation upon said unit are a charge against such interest by order of the Department or by operation of law. Such liens shall be separable as to each separate owner within such unit, and shall remain liens until the owner or owners drilling or operating the well have been paid the amount due under the terms of the integration order. (Section 22.2 of the Act)*
- 6) *As an alternative to denying the petition for integration, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the petitioner in order to avoid dismissal. If the petitioner*

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supplies the information requested by the Department, a new hearing shall be scheduled in order to examine the documents. If the petitioner fails to comply with the interim order, the petition shall be denied. The Department shall send notice of the hearing to all parties of record.

- 7) An integration order establishing a drilling unit shall terminate one year from the effective date of the order unless a well has been drilled on the unit within that time. If a well has been drilled on the unit within that time, the integration order shall terminate when the well is plugged.
- k) Notice of Order – Recordation
Within 10 days after an order has been issued, a copy of the order shall be mailed by the Department to each person or his or her attorney of record who has entered an appearance in the matter pursuant to which the order is issued and to each working interest owner who has not agreed to an integration. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the drilling unit is situated a copy of the order providing for integration of the separate interests.
- l) Order – Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

Section 240.133 Hearings to Establish Pool-Wide Drilling Units

- a) Commencement of Action
 - 1) Any interested person may petition the Department for a hearing to *establish a drilling unit or units for the production of oil and gas or either of them for each pool* to which the interested person owns some portion of the oil and gas. (Section 21.1 of the Act)
 - 2) The petition for hearing to establish a drilling unit or units shall contain the following:
 - A) The name and address of the petitioner;

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- B) A legal description of the size of the drilling unit sought to be established;
 - C) A legal description of the extent of the reservoir to which the drilling unit or units are sought to be established;
 - D) A list of the names and addresses of all permittees of oil or gas interests in the reservoir;
 - E) A geologic description of the pool and an isopach and structure map of the reservoir, for which the drilling unit is sought showing the productive limits of the reservoir;
 - F) A plat showing all oil and gas or water injection or storage wells completed within the pool (reservoir);
 - G) Geologic and engineering reports outlining the reasons for and data supporting the proposed size of the drilling unit or units.
- 3) If the establishment of a drilling unit or units would require the integration of separately owned interests in the drilling unit or units, the petitioner may contemporaneously file a petition under Section 240.132 and the matters shall then be consolidated and heard together.
- b) Execution and Filing
- 1) The petition to establish drilling units shall be sent to the Department at One Natural Resources Way, Springfield IL 62702.
 - 2) Every petition shall be signed by the petitioner or his or her representative and the petitioner's address shall be stated on the petition. The signature of the petitioner or his or her representative constitutes a certificate that he or she has read the petition and that, to the best of his or her knowledge, information and belief, there is good ground to support the petition. The petition shall be accompanied by a non-refundable application fee in the amount of \$2,500.
 - 3) If the Department finds the petition deficient relative to the requirements of subsection (a), subsection (b)(2) or Section 240.250(b), the petition

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shall not be accepted and the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.

- c) Notice of Hearing
- 1) Upon the receipt of an accepted petition to establish drilling units, the Department shall fix the time and place for a hearing.
 - 2) The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. The notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the affected lands. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting an entry of appearance in writing to the Department and that person shall be deemed a party of record in the proceeding.
 - 3) The Department shall mail the notice to the petitioner who shall then serve notice in the following manner:
 - A) By mailing the notice by U.S. Postal Service certified mail with return receipt, directed to the persons named in the petition pursuant to subsection (a)(2)(D) at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of the notice for service on those persons whose addresses are unknown or whose names are unknown and for those owners of unleased mineral rights, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
 - 4) Whenever the Department determines that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect that person's rights or

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property, the Department shall cause notice to be sent to the person, as provided in this subsection (c).

- d) Pre-Hearing Conferences
 - 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
 - 2) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.
- e) Hearing
 - 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel;

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- D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.
- 2) Every interested person wishing to participate at the hearing shall enter an appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court.
 - 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit information necessary to reach a decision on the petition.
 - 6) When applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to

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presentation of evidence may be addressed.

- f) Evidence
- 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- g) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any

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person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department and included in the record.

- h) **Postponement or Continuance of Hearing**
A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- i) **Default**
If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of that party. If the failure to appear at a pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.133(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.
- j) **Order**
 - 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.
 - 2) The order shall grant the petition based on the record if the Hearing Officer finds that establishing the drilling unit will prevent waste, protect the correlative rights of the owners in the pools, and prevent the unnecessary drilling of wells.

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- 3) No drilling unit shall be established *which requires the allocation of more than 40 acres of surface area nor less than 10 acres of surface area to an individual well for production of oil from a pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) provided, however, that the Department may permit the allocation of greater acreage to an individual well and provided further that the spacing of wells in any pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) shall not include the fixing of a pattern except with respect to the 2 nearest external boundary lines of each drilling unit.* (Section 21.1 of the Act)
- 4) The drilling units established by an order under this Section *shall be of approximately uniform size and shape for each entire pool, except that where circumstances reasonably require, the Department may grant exceptions to the size or shape of any drilling unit or units, in which case the order shall state the particular circumstances that require the exception.*
- 5) *Each order establishing drilling units shall specify the size and shape of the unit, which shall be such as will result in the efficient and economical development of the pool as a whole, and subject to the provisions of subsection (j)(3), the size of no drilling unit shall be smaller than the maximum area that can be efficiently and economically drained by one well.*
- 6) *Each order establishing drilling units for a pool shall cover all lands determined or believed to be underlain by such pool. Each order establishing drilling units may be modified by the Department to change the size thereof, or to permit the drilling of additional wells.*
- 7) *Each order establishing drilling units shall prohibit the drilling of more than one well on any drilling unit for the production of oil or gas from the particular pool with respect to which the drilling unit is established and subject to the provisions of subsection (j)(3) shall specify the location for the drilling of such well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the application. If the Department finds, after notice and hearing, notice being made as provided in this Section to all parties of record in the proceeding, that surface conditions would substantially add*

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to the burden or hazard of drilling such well at the specified location, or for some other reason it would be inequitable or unreasonable to require a well to be drilled at the specified location, the Department may issue an order permitting the well to be drilled at a location other than that specified in the order establishing drilling units.

- 8) *After the date of the notice for a hearing called to establish drilling units, no additional well shall be commenced for production from the pool until the order establishing drilling units has been issued unless the commencement of the well is authorized by order of the Department.*
- 9) *After an order establishing a drilling unit or units has been issued by the Department, the commencement of drilling of any well or wells into the pool with regard to which such unit was established for the purpose of producing oil or gas therefrom, at a location other than that authorized by the order, or by order granting exception to the original spacing order is hereby prohibited. (Section 21.1 of the Act)*
- 10) As an alternative to denying the petition for a drilling unit, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the petitioner in order to avoid dismissal. If the petitioner supplies the information requested by the Department, a new hearing shall be scheduled in order to examine the documents. If the petitioner fails to comply with the interim order, the petition shall be denied. The Department shall send notice of the hearing to all parties of record.

- k) Order – Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section 240.210 Application for Permit to Drill, Deepen or Convert to a Production Well

- a) No person shall drill, deepen or convert any well to a production well without a permit from the Department.

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- b) Application for a permit to drill, deepen or convert to a production well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of ~~\$300+00~~ and the required bond under Subpart O.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.
- d) *Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act and for which no permit has previously been issued, is required to be permitted. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart O and existing well construction information reported on Department forms. If application is made on or before August 14, 1991, no permit fee is required. An application made after that date shall be accompanied by the non-refundable fee of ~~\$300+00~~. Spacing requirements and provisions of the Act and these rules pertaining to well construction shall not apply. After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in the Act. (Section 12 of the Act)*

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.310 Application for Permit to Drill, Deepen, or Convert or Amend to a Class II UIC Well

- a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.
- b) No person shall inject into a freshwater aquifer or be issued a permit to inject into a freshwater aquifer unless:

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- 1) the freshwater aquifer into which injection is proposed has been excepted as specified in Section 240.312; or
 - 2) a completed application requesting an aquifer exemption was submitted to the Department prior to February 1, 1998 and USEPA Region V has completed a technical review, determined that the application meets the relevant criteria, and intends to put the application forward for final approval by the USEPA under 40 CFR 146.4; or
 - 3) a request for an aquifer exemption is submitted to the Department in accordance with Section 240.311 and approved by the USEPA under 40 CFR 146.4.
- c) Application for a permit to drill, deepen or convert to a Class II UIC well or amend existing Class II UIC well permit in accordance with Section 240.390(a) shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury and accompanied by the non-refundable fee of ~~\$300+00~~ and the required bond under Subpart L.
- d) At the time of application they must specify the type of Class II well being permitted as an injection, disposal or commercial disposal well.
- e) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.
- f) *Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act and for which no permit has previously been issued, is required to be permitted. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury and accompanied by the required bond under Subpart O. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of ~~\$300+00~~. After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in*

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the *Act*. (Section 12 of the Act)

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART D: SPACING OF WELLS

Section 240.460 Modified Drilling Unit

- a) Upon application of any person having an interest in oil or gas in a lease or drilling unit, the Department shall schedule a hearing to consider a petition for modification of the location of the standard drilling unit described in Section 240.410, based on geologic or engineering characteristics of the reservoir, relative to the land survey system specified in Section 240.410 and well density specified in Section 240.465.
- b) Contents of petition shall include:
 - 1) the name and address of the petitioner;
 - 2) the petitioner's geologic or engineering reason for requesting a modified drilling unit; and
 - 3) a legal land description of the drilling unit sought to be established.
- c) Execution and Filing
 - 1) The petition to modify a drilling unit in accordance with this Section or establish a special drilling unit in accordance with Section 240.465 shall be sent to the Department offices located in Springfield, Illinois.
 - 2) Every petition shall be signed by the petitioner or his or her representative and the petitioner's address shall be stated on the petition. The signature of the petitioner or his or her representative constitutes a certificate by him or her that he or she has read the petition and that to the best of his or her knowledge, information and belief there is good ground to support the petition. The petition shall be accompanied by a non-refundable application fee in the amount of \$1,500.
 - 3) If the Department finds the petition deficient relative to the requirements

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of subsection (a) or (b) or Section 240.250(b), the petition shall not be accepted and the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.

- d) Notice of hearing shall be given by the applicant to all mineral owners within the boundaries set forth in the application, and to all permittees whose wells or leases are within $\frac{1}{4}$ mile of the boundaries of the lease or drilling unit, by U.S. Postal Service certified mail, return receipt requested, and by publication in a newspaper of general circulation in each county in which any portion of the proposed lease or drilling unit or units is located, at least 10 days prior to the hearing.
- e) Pre-Hearing Conferences
 - 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just.
 - 2) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.
- f) Hearing
 - 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear

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and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.
- 2) Every interested person wishing to participate at the hearing shall enter an appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in Circuit Court.
 - 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit information necessary to reach a decision on the petition.

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- 6) When applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- g) Evidence
 - 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence received by the presiding Hearing Officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

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- 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- h) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department and included in the record.
- i) Postponement or Continuance of Hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing.
- j) Default
If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of that party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.460(i). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.
- k) If the Department finds, based on the reservoir's geological and engineering characteristics, that a modified drilling unit or units is necessary to prevent waste, to protect correlative rights, and to prevent the unnecessary drilling of wells, the Department shall enter an order establishing the drilling unit or units. Each order shall:

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- 1) specify the location of each drilling unit relative to the land survey system; and
 - 2) specify the set back from the drilling unit boundaries for the location of the oil or gas well on each drilling unit; and
 - 3) terminate 1 year from the effective date of the order unless a well has been drilled on the drilling unit within that time. If a well has been drilled within that time, the order shall terminate when the well is plugged.
- 1) Order – Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1440 Responsibilities of New Permittee or Proposed New Permittee

Prior to the Department effecting the transfer, the new permittee or proposed new permittee shall:

- a) pay the required non-refundable transfer fee as follows: *A fee of ~~\$5015~~ per well shall be paid by the new owner for each transfer of well ownership, ~~except that when multiple wells are acquired and transferred as a part of the same transaction, the fee shall be calculated at the rate of \$15 per well for the first 50 wells, and \$10 for each additional well in excess of 50 wells~~ [225 ILCS 725/14];*
- b) provide the required bond, if applicable, in accordance with Subpart O;
- c) if a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois, and authorized under its charter to engage in the permitted activity;
- d) if an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois;
- e) if issued, submit an FEIN number;

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- f) submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
- 1) a lease assignment properly recorded in the county where the lease is located; or
 - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located or a court order involuntarily terminating a lease; or
 - 3) any other document evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well(s) on the land in question;
- g) if the transfer request is for a PRF well, the new permittee or proposed new permittee shall comply with Section 240.1465 of this Part.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART Q: ANNUAL WELL FEES

Section 240.1705 Amount of Assessment

Well fees shall be assessed for total permits issued to the permittee as of July 1 of each year as follows:

- a) \$75 per well for the first 100 wells attributed to each permittee~~For 1 permit, \$150;~~
- b) \$50 per well for any wells in excess of 100 wells attributed to each permittee.~~For 2 through 5 permits, \$300;~~
- e) ~~For 6 through 25 permits, \$750;~~
- d) ~~For 26 through 100 permits, \$1500;~~
- e) ~~For more than 100 permits, \$1500 plus \$12.50 for each permit over 100 permits.~~

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

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SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS**Section 240.1830 Application for Permit to Drill or Convert Wells**

- a) No person shall drill or convert a well covered by this Subpart without a permit from the Department.
- b) Application for a permit to drill or convert an observation or gas storage well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the nonrefundable fee of ~~\$300+00~~ and the bond required under Subpart O.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section 240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes

- a) No person shall drill or convert a well or drill a test hole covered by this Subpart without a permit from the Department.
- b) Application for a permit to drill or convert a service well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of ~~\$300+00~~ and the bond required under Subpart O.

(Source: Amended at 38 Ill. Reg. 18717, effective August 29, 2014)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3) Section Number: 665.240 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]
- 5) Effective Date of Rule: August 26, 2014
- 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*: April 25, 2014; 38 Ill. Reg. 8726
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part specifies required immunizations, physical examinations, and acceptable exemptions for children attending child care facilities, children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. This rulemaking modifies existing requirements to align

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with current accepted clinical practices as recommended by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the

Academy of Family Physicians (AFP). In March 2013, ACIP updated their recommendations for the prevention and control of meningococcal disease. Meningococcal disease can cause severe and devastating illness. The burden of disease is highest among infants aged less than one year, young adults aged 16 through 21 years, and persons aged 65 years and older. The vaccines licensed currently are recommended routinely for adolescents and other persons at increased risk for meningococcal disease. ACIP recommends routine administration of a MenACWY vaccine for all persons aged 11 through 18 years. A single booster dose recommendation is based on age and risk factors.

Public Act 98-480 was signed into law on August 16, 2013 and requires that the Department of Public Health adopt a rule requiring students, upon entering the 6th and 12th grade of any public, private, or parochial school, to receive an immunization containing meningococcal conjugate vaccine that meets the standards approved by the U.S. Public Health Service for such biological products and is in accordance with the recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. The immunization shall consist of one dose of the MCV4 vaccine for 6th grade entrance and two doses for 12th grade entrance, unless the first dose was administered to a child who was 16 years of age or older, in which case only one dose is required at 12th grade entrance. However, if the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices' recommendations for adolescents are updated, then the requirement under this Section should reflect those changes to be current. Existing Illinois standards for parental or legal guardian objections or medical objections shall be applicable.

- 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 IL 62761

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 665
CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

Section	
665.100	Statutory Authority (Repealed)
665.105	Definitions
665.110	General Considerations (Repealed)
665.115	Referenced Materials

SUBPART B: HEALTH EXAMINATION

Section	
665.120	Health Examination Requirements
665.130	Performance of Health Examination and Verification of Certificate of Child Health Examination
665.140	Timetable for Examinations
665.150	Report Forms
665.160	Proof of Examination
665.210	Proof of Immunizations
665.220	Local School Authority (Repealed)
665.230	School Entrance
665.240	Basic Immunization
665.250	Proof of Immunity
665.260	Booster Immunizations
665.270	Compliance with the School Code
665.280	Physician Statement of Immunity
665.290	List of Non-immunized Students

SUBPART C: VISION AND HEARING SCREENING

Section	
665.310	Vision and Hearing Screening

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SUBPART D: DENTAL EXAMINATION

Section

665.410	Dental Examination Requirement
665.420	Dental Examination Timetable
665.430	Dental Examination
665.440	Guidelines (Repealed)
665.450	Waiver of Dental Examination Requirement

SUBPART E: EXCEPTIONS

Section

665.510	Objection of Parent or Legal Guardian
665.520	Medical Objection

SUBPART F: EYE EXAMINATION

Section

665.610	Eye Examination Requirement
665.620	Vision Examination (Repealed)
665.630	Eye Examination Report
665.640	Indigent Students (Repealed)
665.650	Waiver of Eye Examination Requirement

SUBPART G: DIABETES SCREENING

Section

665.700	Diabetes Screening Requirement
665.710	Diabetes Screening
665.720	Testing Recommendations

665.APPENDIX A	Illinois Department of Public Health Eye Examination Report
665.APPENDIX B	Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)
665.APPENDIX C	Illinois Department of Public Health Eye Examination Waiver Form
665.APPENDIX D	Illinois Department of Public Health Dental Examination Form
665.APPENDIX E	Illinois Department of Public Health Dental Examination Waiver Form
665.APPENDIX F	Vaccination Schedule for Pneumococcal Conjugate Vaccines (PCV13)

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AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2] and Section 2 of the Communicable Disease Prevention Act [40 ILCS 315/2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. 11950, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11966, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 1, 1998; amended at 26 Ill. Reg. 5921, effective July 1, 2002; amended at 26 Ill. Reg. 10689, effective July 1, 2002; amended at 29 Ill. Reg. 18127, effective October 24, 2005; emergency amendment at 32 Ill. Reg. 8778, effective May 30, 2008, for a maximum of 150 days; emergency expired October 26, 2008; emergency amendment at 32 Ill. Reg. 9055, effective June 6, 2008, for a maximum of 150 days; emergency expired November 2, 2008; amended at 33 Ill. Reg. 7011, effective May 11, 2009; amended at 33 Ill. Reg. 8459, effective June 8, 2009; amended at 35 Ill. Reg. 16723, effective September 27, 2011; amended at 37 Ill. Reg. 13912, effective August 16, 2013; amended at 38 Ill. Reg. 18766, effective August 26, 2014.

SUBPART B: HEALTH EXAMINATION

Section 665.240 Basic Immunization

- a) Diphtheria, Pertussis, Tetanus
 - 1) Any child two years of age or older entering a [child care facility or](#) school program [below the kindergarten level](#) shall show proof of having received four or more doses of Diphtheria, Tetanus, Pertussis (DTP or DTaP) vaccine. The first three doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the third and fourth doses shall be at least six months.
 - 2) Any child entering kindergarten or first grade for the first time shall show proof of having received four or more doses of Diphtheria, Tetanus, Pertussis (DTP or DTaP) vaccine, with the last dose being a booster and

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having been received on or after the fourth birthday. The first three doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the third and fourth doses shall be at least six months. Children six years of age and older may receive Tetanus, Diphtheria (Td) vaccine in lieu of DTP or DTaP vaccine.

- 3) Any child entering school at a grade level not included in subsection (a)(1) or (2) shall show proof of having received three or more doses of DTP, DTaP, pediatric DT or adult Tetanus and Diphtheria (Td), with the last dose being a booster and having been received on or after the fourth birthday. The first two doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the second and third doses shall be at least six months.
 - 4) Receipt of pediatric Diphtheria Tetanus (DT) vaccine in lieu of DTP or DTaP is acceptable only if the pertussis component of the vaccine is medically contraindicated. Documentation of the medical contraindication shall be verified as specified in Section 665.520.
 - 5) Beginning with school year 2011-2012, any child entering sixth grade shall show proof of having received one dose of Tdap (defined as tetanus, diphtheria, acellular pertussis) vaccine regardless of the interval since the last DTaP, DT or Td dose.
 - 6) Students entering grades seven through 12 who have not already received Tdap are required to receive one Tdap dose regardless of the interval since the last DTaP, DT or Td dose.
 - 7) For students attending school programs in which grade levels (kindergarten through 12) are not assigned, including special education programs, proof of one dose of Tdap vaccine as described in subsection (d)(5) shall be submitted prior to the school years in which the child reaches the ages of 11 and 15.
- b) Polio
- 1) Any child two years of age or older entering a [child care facility or school program below the kindergarten level](#) shall show proof of having received three or more doses of polio vaccine (defined as oral poliovirus vaccine

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(OPV) or inactivated poliovirus vaccine (IPV)). Doses in the series shall have been received no less than four weeks (28 days) apart.

- 2) Any child entering school at any grade level (kindergarten through 12) shall show proof of having received three or more doses of polio vaccine (defined as oral poliovirus vaccine (OPV) or inactivated poliovirus vaccine (IPV)). A child who received any combination of IPV and OPV shall show proof of having received at least four doses, with the last dose having been received on or after the fourth birthday. Doses in the series shall have been received no less than four weeks (28 days) apart. A child who received IPV exclusively or OPV exclusively shall show proof of having received at least three doses, with the last dose having been received on or after the fourth birthday. Doses in the series shall have been received no less than four weeks (28 days) apart.

c) Measles

- 1) Any child two years of age or older entering a [child care facility or school program below the kindergarten level](#) shall show proof of having received one dose of live measles virus vaccine on or after the first birthday, or other proof of immunity described in Section 665.250(c).
- 2) Children entering school at any grade level (kindergarten through 12) shall show proof of having received two doses of live measles virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first or other proof of immunity described in Section 665.250(c).
- 3) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of live measles virus vaccine as described in subsection (c)(2) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.

d) Rubella

- 1) Any child two years of age or older entering a [child care facility or school program below the kindergarten level](#) shall show proof of having received at least one dose of live rubella virus vaccine on or after the first birthday.

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Proof of disease is not acceptable unless laboratory evidence of rubella immunity is presented (see Section 665.250(d)).

- 2) Beginning with the school year 2014-2015, children entering school at any grade level (kindergarten through 12) shall show proof of having received two doses of live rubella virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or other proof of immunity described in Section 665.250(c).
- 3) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of live rubella virus vaccine as described in subsection (d)(2) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.

e) Mumps

- 1) Any child two years of age or older entering a [child care facility or school program below the kindergarten level](#) shall show proof of having received at least one dose of live mumps virus vaccine on or after the first birthday. Proof of disease, if verified by a physician, or laboratory evidence of mumps immunity may be substituted for proof of vaccination (see Section 665.250(e)).
- 2) Beginning with the school year 2014-2015, children entering school at any grade level (kindergarten through 12) shall show proof of having received two doses of live mumps virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or other proof of immunity described in Section 665.250(c).
- 3) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of having received two doses of live mumps virus vaccine as described in subsection (e)(2) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.

f) Haemophilus influenzae type b (Hib)

- 1) Any child two years of age or older entering a [child care facility or school](#)

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program [below the kindergarten level](#) shall show proof of immunization that complies with the Hib vaccination schedule in Appendix B of this Part.

- 2) Children 24 to 59 months of age who have not received the primary series of Hib vaccine, according to the Hib vaccination schedule, shall show proof of receiving one dose of Hib vaccine at 15 months of age or older.
 - 3) Any child five years of age or older shall not be required to provide proof of immunization with Hib vaccine.
- g) Hepatitis B
- 1) Any child two years of age or older entering a [child care facility or school program below the kindergarten level](#) shall show proof of having received three doses of hepatitis B vaccine. The first two doses shall have been received no less than four weeks (28 days) apart. The interval between the second and third doses shall be at least two months. The interval between the first dose and the third dose shall be at least four months. The third dose shall have been administered on or after six months of age. Proof of prior or current infection, if verified by laboratory evidence, may be substituted for proof of vaccination (see Section 665.250(f)).
 - 2) Children entering the sixth grade shall show proof of having received three doses of hepatitis B vaccine, or other proof of immunity described in Section 665.250(f). The first two doses shall have been received no less than four weeks (28 days) apart. The interval between the second and third doses shall be at least two months. The interval between the first and third doses shall be at least four months. Proof of prior or current infection, if verified by laboratory evidence, may be substituted for proof of vaccination (see Section 665.250(f)).
 - 3) The third dose of hepatitis B vaccine is not required if it can be documented that the child received two doses of adult formulation Recombivax-HB vaccine (10 mcg) and was 11 to 15 years of age at the time of vaccine administration, and that the interval between receipt of the two doses was at least four months.
- h) Varicella

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- 1) Any child two years of age or older entering a child care facility or school program below the kindergarten level shall show proof of having received one dose of varicella vaccine on or after the first birthday, proof of prior varicella disease as described in Section 665.250(g), or laboratory evidence of varicella immunity.
 - 2) Children who entered kindergarten for the first time on or after July 1, 2002, shall show proof of having received at least one dose of varicella vaccine on or after the first birthday, proof of prior varicella disease as described in Section 665.250(g), or laboratory evidence of varicella immunity.
 - 3) Beginning with the school year 2014-2015, any child entering kindergarten, sixth grade, or ninth grade for the first time shall show proof of having received two doses of varicella vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or proof of prior varicella disease as described in Section 665.250(g), or laboratory evidence of varicella immunity.
 - 4) Only those children who have been immunized with varicella vaccine in accordance with subsections (h)(1), (2) and (3), have had physician diagnosed varicella disease, have a health care provider's interpretation that a parent's or legal guardian's description of varicella disease history is indicative of past infection, or have laboratory evidence of immunity shall be considered to be immune.
 - 5) For students attending school programs where grade levels (kindergarten through 12) are not assigned, proof of having received at least two doses of varicella vaccine or other proof of immunity as described in subsections (h)(2), (3) and (4) shall be submitted prior to the school year in which the child reaches the ages of five, 11 and 15.
- i) Invasive Pneumococcal Disease
- 1) Any child under two years of age entering a child care facility or school program below the kindergarten level shall show proof of immunization that complies with the pneumococcal vaccination schedule in Appendix F.

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- 2) Children 24 to 59 months of age who have not received the primary series of pneumococcal conjugate vaccine, according to the recommended vaccination schedule, shall show proof of receiving one dose of pneumococcal vaccine after 24 months of age.
- 3) Any child who has reached his or her fifth birthday shall not be required to provide proof of immunization with pneumococcal conjugate vaccine.

j) Meningococcal Disease

- 1) Beginning with the school year 2015-2016, any child entering the sixth grade shall show proof of having received one dose of meningococcal conjugate vaccine on or after the 11th birthday. Children who do not meet the age requirement will be monitored in accordance with Section 665.270.
- 2) Beginning with the school year 2015-2016, any child entering the 12th grade shall show proof of having received two doses of meningococcal conjugate vaccine prior to entering the 12th grade. The first dose shall have been received on or after the 11th birthday, and the second dose shall have been received on or after the 16th birthday, at least eight weeks after the first dose. If the first dose is administered when the child is 16 years of age or older, only one dose is required.
- 3) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of having received one dose of meningococcal conjugate vaccine shall be submitted in the school year in which the child reaches age 11 and a second dose in the school year in which the child reaches age 16. If the first dose is administered when the child is 16 years of age or older, only one dose is required.

k)† The requirements of this Section also apply to children who transfer into Illinois child care facilities, school programs, and schools from other states, regardless of the age or grade level at which the child transfers.

(Source: Amended at 38 Ill. Reg. 18766, effective August 26, 2014)

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- 1) Heading of the Part: Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 695
- 3) Section Number: 695.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]
- 5) Effective Date of Rule: August 26, 2014
- 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*: April 25, 2014; 38 Ill. Reg. 8740
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part specifies required immunizations, physical examinations, and acceptable exemptions for children attending child care facilities, children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. This rulemaking modifies existing requirements to align with current accepted clinical practices as recommended by the Advisory Committee on

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Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the Academy of Family Physicians (AFP). In March 2013, ACIP updated their recommendations for the prevention and control of meningococcal disease. Meningococcal disease can cause severe and devastating illness. The burden of disease is highest among infants aged less than one year, young adults aged 16 through 21 years, and persons aged 65 years or older. The vaccines licensed currently are recommended routinely for adolescents and other persons at increased risk for meningococcal disease. ACIP recommends routine administration of a MenACWY vaccine for all persons aged 11 through 18 years. A single booster dose recommendation is based on age and risk factors.

Public Act 98-480 requires the Department of Public Health to prescribe rules requiring students entering the sixth and 12th grade of any public, private, or parochial school, to receive an immunization containing meningococcal conjugate vaccine that meets the standards approved by the U.S. Public Health Service for such biological products and is in accordance with the recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. The immunization shall consist of one dose of the MCV4 vaccine for 6th grade entrance and two doses for 12th grade entrance, unless the first dose was administered to a child who was 16 years of age or older, in which case only one dose is required at 12th grade entrance. Existing Illinois standards for parental or legal guardian objections or medical objections are applicable.

- 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 IL 62761

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 695
IMMUNIZATION CODE

Section

695.5	Definitions
695.7	Referenced Materials
695.10	Basic Immunization
695.20	Booster Immunizations
695.30	Exceptions
695.40	List of Non-Immunized Child Care Facility Attendees or Students
695.50	Proof of Immunity
695.APPENDIX A	Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)
695.APPENDIX B	Vaccination Schedule for Pneumococcal Conjugate Vaccines (PCV13)

AUTHORITY: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].

SOURCE: Emergency amendment effective June 23, 1977; emergency amendment at 3 Ill. Reg. 14, p. 88, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 134, effective December 17, 1979; codified at 8 Ill. Reg. 4512; amended at 11 Ill. Reg. 11799, effective June 29, 1987; emergency amendment at 14 Ill. Reg. 5890, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14562, effective August 27, 1990; amended at 15 Ill. Reg. 7712, effective May 1, 1991; amended at 17 Ill. Reg. 2975, effective February 11, 1993; amended at 20 Ill. Reg. 11962, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11973, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 11, 1998; amended at 26 Ill. Reg. 5930, effective July 1, 2002; amended at 26 Ill. Reg. 10792, effective July 1, 2002; amended at 37 Ill. Reg. 13930, effective August 16, 2013; amended at 38 Ill. Reg. 18778, effective August 26, 2014.

Section 695.10 Basic Immunization

- a) The optimum starting ages for the specified immunizing procedures are as

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follows:

- 1) Diphtheria – two to four months
 - 2) Pertussis – two to four months, combined with tetanus toxoid
 - 3) Tetanus – two to four months
 - 4) Poliomyelitis – two to four months
 - 5) Measles – 12 to 15 months
 - 6) Rubella – 12 to 15 months
 - 7) Mumps – 12 to 15 months
 - 8) Haemophilus – two to four months influenzae type b
 - 9) Hepatitis B – ~~birth~~Birth to two months
 - 10) Varicella – 12 to 18 months
 - 11) Invasive Pneumococcal disease (except as noted in subsection (l)) – two to four months
 - 12) Meningococcal Disease – six months to two years
- b) Upon first entering a child care facility, all children two months of age and older shall show proof that the child has been immunized, or is in the process of being immunized, according to the recommended schedule, against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, Haemophilus influenzae type b, hepatitis B, varicella, and invasive pneumococcal disease.
- c) All children entering school programs in Illinois for the first time shall show proof of immunity against:
- 1) Diphtheria
 - 2) Pertussis (except as noted in subsection (d))

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- 3) Tetanus
 - 4) Poliomyelitis
 - 5) Measles (except as noted in subsection (f))
 - 6) Rubella
 - 7) Mumps
 - 8) Haemophilus influenzae type b (except as noted in subsection (i))
 - 9) Hepatitis B (except as noted in subsection (j))
 - 10) Varicella (except as noted in subsection (k))
 - 11) Invasive pneumococcal disease (except as noted in subsection (l))
 - 12) [Meningococcal Disease \(except as noted in subsection \(m\)\)](#)
- d) Diphtheria, Tetanus, Pertussis
- 1) Any child entering a child care facility or school program below the kindergarten level shall show proof of having received three doses of Diphtheria, Tetanus, Pertussis (DTP or DTaP) vaccine by one year of age and one additional dose by the second birthday. The first three doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the third and fourth doses shall be at least six months. Any child 24 months of age or older shall show proof of four doses of DTP or DTaP vaccine, appropriately spaced.
 - 2) Any child entering school (kindergarten or first grade) for the first time shall show proof of having received four or more doses of Diphtheria, Tetanus, Pertussis (DTP or DTaP) vaccine, with the last dose being a booster and having been received on or after the fourth birthday. The first three doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the third and fourth doses shall be at least six months. Children six years of age or older may receive adult

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Tetanus, Diphtheria (Td) vaccine in lieu of DTP or DTaP vaccine.

- 3) Any child entering school at a grade level not included in subsection (d)(1) or (2) shall show proof of having received three or more doses of DTP, DTaP, pediatric DT or adult Tetanus, Diphtheria (Td), with the last dose being a booster and having been received on or after the fourth birthday. The first two doses in the series shall have been received no less than four weeks (28 days) apart. The interval between the second and third doses shall be at least 6 months.
 - 4) Receipt of pediatric Diphtheria, Tetanus (DT) vaccine in lieu of DTP or DTaP is acceptable only if the pertussis component of the vaccine is medically contraindicated. Documentation of the medical contraindication shall be verified as specified in Section 695.30.
 - 5) Beginning with school year 2011-2012, any child entering sixth grade shall show proof of receiving one dose of Tdap (defined as tetanus, diphtheria, acellular pertussis) vaccine regardless of the interval since the last DTaP, DT or Td dose.
 - 6) Students entering grades seven through 12 who have not already received Tdap are required to receive only one Tdap dose regardless of the interval since the last DTaP, DT or Td dose.
 - 7) For students attending school programs in which grade levels (kindergarten through 12) are not assigned, including special education programs, proof of one dose of Tdap vaccine as described in subsection (d)(5) shall be submitted prior to the school years in which the child reaches the ages of 11 and 15.
 - 8) School-age children entering a child care facility shall comply with the immunization requirements in subsections (d)(2), (3), (4) and (5).
- e) Polio
- 1) Any child entering a child care facility or school program below the kindergarten level shall show proof of having received two doses of polio vaccine (defined as oral poliovirus vaccine (OPV) or inactivated poliovirus vaccine (IPV)) by one year of age and a third dose by the

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second birthday. Doses in the series shall have been received no less than four weeks (28 days) apart. Any child 24 months of age or older shall show proof of at least three doses of polio vaccine, appropriately spaced.

- 2) Any child entering school at any grade level, kindergarten through 12, shall show proof of having received three or more doses of polio vaccine (defined as oral poliovirus vaccine (OPV) or inactivated poliovirus vaccine (IPV)). A child who received any combination of IPV and OPV shall show proof of having received at least four doses, with the last dose having been received on or after the fourth birthday. Doses in the series shall have been received no less than four weeks (28 days) apart. A child who received IPV exclusively or OPV exclusively shall show proof of having received at least three doses, with the last dose having been received on or after the fourth birthday. Doses in the series shall have been received no less than four weeks (28 days) apart.
 - 3) School-age children entering a child care facility shall comply with the immunization requirements in subsection (e)(2).
- f) Measles
- 1) Any child entering a child care facility or school program below the kindergarten level shall show proof of having received one dose of live measles virus vaccine by the second birthday. The measles vaccine shall have been received on or after the first birthday.
 - 2) The child shall:
 - A) Show proof that he or she has been age-appropriately immunized against measles prior to entering a child care facility or school, including school programs below the kindergarten level, for the first time; or
 - B) Present a statement from the physician that he or she has had measles as noted in Section 695.50(c); or
 - C) Present laboratory evidence of measles immunity.
 - 3) Children entering school at any grade level, kindergarten through-12, shall

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show proof of having received two doses of live measles virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or other proof of immunity as described in this Part.

- 4) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of live measles virus vaccine as described in subsection (f)(3) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.
- 5) School-age children entering a child care facility shall comply with the immunization requirements in subsections (f)(2), (3) and (4).

g) Mumps

- 1) Any child entering a child care facility or school program below the kindergarten level shall show proof of having received one dose of live mumps virus vaccine by the second birthday. The mumps vaccine shall have been received on or after the first birthday.
- 2) The child shall:
 - A) Show proof that he or she has been age-appropriately immunized against mumps prior to entering a child care facility or school, including school programs below the kindergarten level, for the first time; or
 - B) Present a statement from the physician that he or she has had mumps as noted in Section 695.50(e); or
 - C) Present laboratory evidence of mumps immunity (see Section 695.50(e)).
- 3) Beginning with the school year 2014-2015, children entering school at any grade level, kindergarten through 12, shall show proof of having received two doses of live mumps virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or other proof of immunity as described in this Part.

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- 4) Only those children who have been immunized with live mumps virus vaccine on or after the first birthday, have had physician diagnosed mumps disease, or show laboratory evidence of immunity shall be considered to be immune.
 - 5) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of live mumps virus vaccine as described in subsection (f)(3) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.
 - 6) School-age children entering a child care facility shall comply with the immunization requirements in subsections (g)(2), (3) and (4).
- h) Rubella
- 1) Any child entering a child care facility or school program below the kindergarten level shall show proof of having received one dose of live rubella virus vaccine by the second birthday. The rubella vaccine shall have been received on or after the first birthday.
 - 2) The child shall:
 - A) Show proof that he or she has been age-appropriately immunized against rubella prior to entering a child care facility or school, including school programs below the kindergarten level, for the first time; or
 - B) ~~Present~~ Present laboratory evidence of immunity to rubella.
 - 3) Beginning with the school year 2014-2015, children entering school at any grade level, kindergarten through 12, shall show proof of having received two doses of live rubella virus vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first dose, or other proof of immunity as described in this Part.
 - 4) Only those children who have been immunized with rubella vaccine on or after the first birthday, or have a laboratory (serologic) evidence of

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immunity to rubella, shall be considered to be immune.

- 5) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of live rubella virus vaccine as described in subsection (f)(3) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.
- 6) School-age children entering a child care facility shall comply with the immunization requirements in subsections (h)(2), (3) and (4).
 - i) Haemophilus influenzae type b (Hib)
 - 1) Any child under five years of age entering a child care facility or school program below the kindergarten level shall show proof of immunization that complies with the Hib vaccination schedule in Appendix A of this Part.
 - 2) Children 24 to 59 months of age who have not received the primary series of Hib vaccine, according to the Hib vaccination schedule, shall show proof of receiving one dose of Hib vaccine at 15 months of age or older.
 - 3) Any child who has reached his or her fifth birthday shall not be required to provide proof of immunization with Hib vaccine.
 - j) Hepatitis B
 - 1) Any child two years of age or older enrolling in a child care facility or school program below the kindergarten level shall show proof of having received three doses of hepatitis B vaccine. The first two doses shall have been received no less than four weeks (28 days) apart. The interval between the second and third doses shall be at least two months. The interval between the first and the third doses shall be at least four months. The third dose shall have been administered on or after six months of age. The child shall:
 - A) Show proof that he or she has been age-appropriately immunized against hepatitis B prior to enrolling in a child care facility or school program below the kindergarten level for the first time; or

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- B) Present laboratory evidence of prior or current hepatitis B infection.
- 2) Children entering the sixth grade shall show proof of having received three doses of hepatitis B vaccine. The first two doses shall have been received no less than four weeks (28 days) apart. The interval between the second and third dose must be at least 2 months. The interval between the first dose and the third shall be at least four months. Proof of prior or current infection, if verified by laboratory evidence, may be substituted for proof of vaccination (see Section 695.50(f)).
 - 3) The third dose of hepatitis B vaccine is not required if it can be documented that the child received two doses of adult formulation Recombivax-HB vaccine (10 mcg), the child was 11 to 15 years of age at the time of vaccine administration, and the interval between receipt of the two doses was at least four months.
 - 4) Only those children who have been immunized with hepatitis B vaccine in accordance with subsections (j)(1), (2) and (3) or have laboratory evidence of prior or current hepatitis B infection shall be considered immune.
 - 5) School-age children entering a child care facility shall comply with the immunization requirements in this subsection (j).
- k) Varicella
- 1) Any child two years of age or older entering a child care facility or school program below the kindergarten level shall show proof of having received one dose of varicella vaccine or other proof of immunity as specified in Section 695.50(g). The varicella vaccine shall have been received on or after the first birthday.
 - 2) The child shall:
 - A) Show proof that he or she has been age-appropriately immunized against varicella prior to entering a child care facility or school program below the kindergarten level for the first time, or

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- B) Present a statement from a physician verifying that the child has had varicella, or
 - C) Present a statement from a health care provider (as defined in Section 695.50(a)) verifying that a parent's or legal guardian's description of varicella disease history is indicative of past infection, or
 - D) Present laboratory evidence of immunity to varicella.
- 3) Children who entered kindergarten for the first time on or after July 1, 2002 shall show proof of having received one dose of varicella vaccine on or after the first birthday or other proof of immunity as specified in Section 695.50(g).
 - 4) Beginning with [the](#) school year 2014-2015, any child entering kindergarten, sixth grade or ninth grade for the first time shall show proof of having received two doses of varicella vaccine, the first dose on or after the first birthday and the second dose no less than four weeks (28 days) after the first, or other proof of immunity as specified in Section 695.50(g).
 - 5) Only those children who have been immunized with varicella vaccine in accordance with subsections (k)(1), (2)(A), (3) and (4), have had physician diagnosed varicella disease, have a health care provider's interpretation that a parent's or legal guardian's description of varicella disease history is indicative of past infection, or have laboratory evidence of immunity shall be considered to be immune.
 - 6) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of two doses of varicella vaccine as described in subsections (k)(3) and (4) shall be submitted prior to the school years in which the child reaches the ages of five, 11 and 15.
 - 7) School-age children entering a child care facility shall comply with the immunization requirements in subsections (k)(2), (3) and (4).
- 1) Invasive Pneumococcal Disease

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- 1) Any child under two years of age entering a child care facility or school program below the kindergarten level shall show proof of immunization that complies with the pneumococcal vaccination schedule in Appendix B.
- 2) Children 24 to 59 months of age who have not received the primary series of pneumococcal conjugate vaccine, according to the recommended vaccination schedule, shall show proof of receiving one dose of pneumococcal vaccine.
- 3) Any child who has reached his or her fifth birthday shall not be required to provide proof of immunization with pneumococcal conjugate vaccine.

m) Meningococcal Disease

- 1) Beginning with the school year 2015-2016, any child entering the sixth grade shall show proof of having received one dose of meningococcal conjugate vaccine on or after the 11th birthday.
- 2) Beginning with the school year 2015-2016, any child entering the 12th grade shall show proof of receiving two doses of meningococcal conjugate vaccine prior to entering the 12th grade. The first dose shall have been received on or after the 11th birthday, and the second dose shall have been received at least eight weeks after the first dose. If the first dose is administered when the child is 16 years of age or older, only one dose is required.
- 3) For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of having received one dose of meningococcal conjugate vaccine shall be submitted prior to the school year in which the child reaches age 11 and a second dose prior to the school year in which the child reaches age 15.

n)m) The requirements of this Section also apply to children who transfer into Illinois child care facilities, school programs, and schools from other states, regardless of the age or grade level at which the child transfers.

(Source: Amended at 38 Ill. Reg. 18778, effective August 26, 2014)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE X Peremptory Action: Amendment
- 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 (80 Ill. Adm. Code 310) based on two Memoranda of Understanding between CMS and the American Federation of State, County and Municipal Employees (AFSCME). The Section 310.Appendix A Table X reflects the Memorandum of Understanding (MOU) for the Fire Protection Engineer title positions in the Office of the State Fire Marshal signed July 28, 2014. The MOU assigns the RC-063-22 pay grade to the Fire Protection Engineer title positions in the Office of the State Fire Marshal effective July 10, 2014. On that date, the Illinois Labor Relations Board issued a Certification of Unit Clarification (Case No. S-UC-(S)-14-136) revising the RC-063 bargaining unit to include the bargaining unit's representation of the Fire Protection Engineer title (employed at the Office of State Fire Marshal). Also, Section 310.Appendix A Table X reflects the MOU for the Pharmacy Manager positions in the Department of Human Services signed July 31, 2014. The MOU assigns the RC-063-27 pay grade to the Pharmacy Manager positions in the Department of Human Services effective July 10, 2014. On that date, the Illinois Labor Relations Board issued a Certification of Unit Clarification (Case No. S-UC-(S)-14-118) revising the RC-063 bargaining unit to include the bargaining unit's representation of the Pharmacy Manager title (employed at the Department of Human Services).
- 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)], Section 1-5(d) 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 of Rulemaking: August 26, 2014
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table X, its title code, bargaining unit and pay grade for the Fire Protection engineer title positions in the State Fire Marshal are added to the title table. The Department of Human Services is added next to the Pharmacy Manager title in the title table.

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 26, 2014
- 10) This and other Pay Plan rulemakings 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 rulemakings pending on this Part? Yes

Section Numbers:Proposed Action: *Illinois Register* Citation:

310.410	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE A	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE W	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE AE	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.47	Amendment	38 Ill. Reg. 17823; August 29, 2014
310.260	Amendment	38 Ill. Reg. 17823; August 29, 2014
310.410	Amendment	38 Ill. Reg. 17823; August 29, 2014

- 13) Statement of Statewide Policy Objectives: The amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory 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
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CMS.PayPlan@Illinois.gov

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

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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
310.280	Designated Rate

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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)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)

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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)
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)

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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)

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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;

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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; preemptory 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; preemptory 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; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory 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; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory 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; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory 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; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. 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; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory 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

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18, 1988, for a maximum of 150 days; preemptory 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; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory 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; preemptory 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; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory 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; preemptory 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; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory 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; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory 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; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory 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; preemptory 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.

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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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory 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; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory 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; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory 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; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory 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; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory

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amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory 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; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory 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; preemptory 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.

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Reg. 7151, effective May 25, 2001; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory 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; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory 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; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at

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29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory 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; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory 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; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory 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; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory 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; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory 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; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory 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; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory 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; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory 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

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13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory 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; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory 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; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory 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; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory 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,

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effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory 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; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory 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; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory 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; preemptory 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; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory 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; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38

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Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
<u>Fire Protection Engineer (State Fire Marshal)</u>	<u>15340</u>	<u>RC-063</u>	<u>22</u>

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Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Manager (Department of Human Services)	32025	RC-063	27
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20

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Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6, 6E, 7 Criminal Justice Information Authority, 8A Department of Public Health, 8E, 8N, 8S Departments of Human Services and Veterans' Affairs and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Options 3, 4 Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for

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that day provides that they are scheduled to work and they work $\frac{1}{2}$ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

Option Clarification – The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8S; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated pay grade have the Options 3, 8H and 8P. See the definition of option in Section 310.50.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled (see Section 310.220(f)) above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002 shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

Effective July 1, 2014
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3647	3767	3887	4008	4159	4321	4511	4675	4852	5137	5342
14	Q	3803	3928	4053	4178	4336	4515	4709	4886	5073	5367	5580
14	S	3872	4000	4127	4255	4422	4594	4793	4973	5159	5453	5668
15	B	3792	3917	4042	4167	4351	4530	4706	4898	5082	5388	5601
15	Q	3957	4087	4218	4348	4538	4727	4918	5121	5310	5626	5854
15	S	4029	4163	4295	4428	4623	4810	5004	5208	5396	5715	5943
16	B	3969	4099	4230	4362	4556	4758	4954	5162	5368	5685	5913
16	Q	4141	4278	4415	4550	4758	4975	5182	5395	5610	5944	6184
16	S	4221	4361	4498	4638	4843	5060	5269	5480	5699	6027	6267
17	B	4159	4295	4432	4570	4780	4999	5212	5423	5643	5979	6218
17	Q	4338	4481	4625	4767	4996	5226	5444	5665	5898	6248	6500
17	S	4417	4562	4708	4853	5085	5314	5534	5753	5982	6339	6591
18	B	4377	4522	4665	4809	5041	5274	5516	5740	5971	6326	6581

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

18	Q	4571	4722	4873	5024	5271	5515	5766	6001	6240	6615	6878
18	S	4646	4800	4953	5106	5355	5601	5853	6088	6330	6697	6967
19	B	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	Q	4821	4980	5138	5297	5568	5825	6103	6357	6624	7023	7304
19	S	4901	5062	5224	5387	5656	5915	6189	6445	6711	7109	7393
20	B	4873	5033	5194	5354	5625	5885	6167	6435	6701	7108	7392
20	Q	5092	5259	5427	5596	5877	6155	6447	6724	7003	7432	7729
20	S	5172	5344	5514	5684	5965	6240	6532	6810	7090	7514	7815
21	B	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849
21	Q	5377	5555	5732	5910	6214	6513	6817	7129	7428	7889	8204
21	S	5457	5637	5817	5997	6299	6597	6906	7215	7511	7975	8293
22	B	5441	5619	5799	5978	6290	6595	6908	7228	7529	7998	8318
22	Q	5683	5871	6058	6245	6573	6896	7219	7552	7870	8358	8689
22	S	5766	5957	6146	6336	6656	6982	7304	7641	7960	8445	8783
23	B	5770	5961	6151	6341	6677	7020	7352	7690	8023	8531	8873
23	Q	6033	6233	6432	6630	6980	7337	7682	8040	8387	8912	9268
23	S	6111	6313	6514	6716	7065	7424	7769	8124	8474	9000	9357
24	B	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	Q	6419	6630	6843	7054	7431	7816	8194	8567	8956	9519	9900
24	S	6499	6714	6928	7142	7513	7901	8277	8657	9044	9604	9988
25	B	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	Q	6838	7065	7289	7514	7927	8342	8766	9183	9598	10212	10622
25	S	6919	7147	7376	7603	8014	8430	8849	9266	9681	10299	10714
26	B	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844
26	Q	7323	7563	7805	8047	8482	8931	9382	9822	10259	10924	11361
26	S	7390	7634	7876	8120	8563	9018	9473	9914	10359	11032	11473

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

27	B	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	Q	7794	8051	8308	8565	9031	9506	9992	10459	10928	11634	12100
28	B	7823	8081	8340	8598	9063	9544	10029	10499	10969	11679	12148
29	B	8211	8481	8752	9022	9513	10016	10523	11017	11511	12256	12745

(Source: Amended by peremptory rulemaking at 38 Ill. Reg. 18791, effective August 26, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF RESPONSE TO RECOMMENDATION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Specialized Mental Health Rehabilitation Facilities Code

2) Code Citation: 77 Ill. Adm. Code 380

3) Section Numbers:

380.100	380.200	380.430	380.570	380.700
380.110	380.210	380.440	380.580	380.710
380.120	380.220	380.500	380.600	380.720
380.130	380.300	380.510	380.610	380.730
380.140	380.310	380.515	380.620	380.740
380.150	380.320	380.520	380.630	380.750
380.160	380.330	380.530	380.640	380.760
380.170	380.400	380.540	380.650	380.770
380.180	380.410	380.550	380.660	380.780
380.190	380.420	380.560	380.670	

4) Date Notice of Emergency Rules published in the *Illinois Register*: June 6, 2014; 38 Ill. Reg. 11819

5) Date JCAR Statement of Recommendation published in the *Illinois Register*: August 1, 2014; 38 Ill. Reg. 16452

6) Summary of Action Taken by the Agency: In a recommendation issued by the Joint Committee of Administrative Rules on July 15, 2014, to emergency rules published at 38 Ill. Reg. 11819, the Joint Committee recommended that the Department of Public Health be more timely in implementing statute in rules. The Department missed the statutory deadline for implementation of PA 98-104 by almost six months.

The Department acknowledges missing the statutory deadline for filing emergency rules. Intense negotiations involving numerous stakeholders prevented the Department from meeting that goal. However, the Department remains committed to getting the rules in place as soon as possible, and it will be more timely in the future in implementing statute in rules.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
SEPTEMBER 16, 2014
11:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAttorney General

1. Hospital Financial Assistance under the Fair Patient Billing Act (77 Ill. Adm. Code 4500)
 - First Notice Published: 38 Ill. Reg. 12673 – 6/20/14
 - Expiration of Second Notice – 9/27/14

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 38 Ill. Reg. 13489 – 7/7/14
 - Expiration of Second Notice – 10/11/14

Chief Procurement Officer – General Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

3. Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 38 Ill. Reg. 10327 – 5/16/14
 - Expiration of Second Notice – 10/3/14

Children and Family Services

4. Use of Department Facilities and Grounds (89 Ill. Adm. Code 433)
 - First Notice Published: 38 Ill. Reg. 610 – 1/10/14
 - Expiration of Second Notice – 9/17/14

Commerce Commission

5. Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (Repealer) (83 Ill. Adm. Code 280)
 - First Notice Published: 38 Ill. Reg. 1452 – 1/17/14
 - Expiration of Second Notice: 10/5/14
6. Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Billing, Payments, Refunds and Disconnection of Service (83 Ill. Adm. Code 280)
 - First Notice Published: 38 Ill. Reg. 1497 – 1/17/14
 - Expiration of Second Notice: 10/5/14
7. Uniform System of Accounts for Electric Utilities (83 Ill. Adm. Code 415)
 - First Notice Published: 38 Ill. Reg. 7691 – 4/11/14
 - Expiration of Second Notice: 10/3/14
8. Governmental Electric Aggregation (83 Ill. Adm. Code 470)
 - First Notice Published: 37 Ill. Reg. 20544 – 12/27/13
 - Expiration of Second Notice: 9/6/14
9. Standards of Service and Customer Credits for Electing Providers (83 Ill. Adm. Code 737)
 - First Notice Published: 38 Ill. Reg. 5475 – 2/28/14
 - Expiration of Second Notice: 10/3/14
10. Approval of Negotiated Agreements (83 Ill. Adm. Code 763)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

-First Notice Published: 38 Ill. Reg. 5682 – 3/7/14

-Expiration of Second Notice: 10/3/14

Education

11. Evaluation of Certified Employees under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50)

-First Notice Published: 38 Ill. Reg. 8682 – 4/25/14

-Expiration of Second Notice: 10/4/14

12. Transitional Bilingual Education (23 Ill. Adm. Code 228)

-First Notice Published: 38 Ill. Reg. 11459 – 5/30/14

-Expiration of Second Notice: 10/4/14

Emergency Management Agency

13. General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

-First Notice Published: 38 Ill. Reg. 10730 – 5/23/14

-Expiration of Second Notice: 8/30/14

14. Licensing of Radioactive Material (32 Ill. Adm. Code 330)

-First Notice Published: 38 Ill. Reg. 10752 – 5/23/14

-Expiration of Second Notice: 8/30/14

15. Licensing Requirements for Source Material Milling Facilities (32 Ill. Adm. Code 332)

-First Notice Published: 38 Ill. Reg. 10760 – 5/23/14

-Expiration of Second Notice: 8/30/14

16. Licensing and Radiation Safety Requirements for Irradiators (32 Ill. Adm. Code 346)

-First Notice Published: 38 Ill. Reg. 10768 – 5/23/14

-Expiration of Second Notice: 8/30/14

Financial and Professional Regulation

17. Illinois Credit Union Act (38 Ill. Adm. Code 190)

-First Notice Published: 38 Ill. Reg. 13122 – 6/27/14

-Expiration of Second Notice: 10/11/14

18. Licensing and Regulation of Pawn Brokers (38 Ill. Adm. Code 360)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

-First Notice Published: 38 Ill. Reg. 10502 – 5/16/14

-Expiration of Second Notice: 9/27/14

19. Illinois Certified Shorthand Reporters Act of 1984 (68 Ill. Adm. Code 1200)

-First Notice Published: 38 Ill. Reg. 10510 – 5/16/14

-Expiration of Second Notice: 9/28/14

20. Physical Therapy Act (68 Ill. Adm. Code 1340)

-First Notice Published: 37 Ill. Reg. 19767 – 12/13/13

-Expiration of Second Notice: 9/28/14

Gaming Board

21. Video Gaming (General) (11 Ill. Adm. Code 1800)

-First Notice Published: 38 Ill. Reg. 12655 – 6/20/14

-Expiration of Second Notice: 10/4/14

Insurance

22. Administrative Hearing Procedures (50 Ill. Adm. Code 2402)

-First Notice Published: 38 Ill. Reg. 7731 – 4/11/14

-Expiration of Second Notice: 10/12/14

23. Notice of Eligibility (Repealer) (50 Ill. Adm. Code 5301)

-First Notice Published: 38 Ill. Reg. 12669 – 6/20/14

-Expiration of Second Notice: 10/12/14

Labor

24. Health and Safety (56 Ill. Adm. Code 350)

-First Notice Published: 38 Ill. Reg. 13728 – 7/7/14

-Expiration of Second Notice: 10/12/14

Natural Resources

25. The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)

-First Notice Published: 37 Ill. Reg. 18081 – 11/15/13

-Expiration of Second Notice: 10/12/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

26. Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245)
-First Notice Published: 37 Ill. Reg. 18097 – 11/15/13
-Expiration of Second Notice: 10/12/14

Public Health

27. Plumbers Licensing Code (68 Ill. Adm. Code 750)
-First Notice Published: 38 Ill. Reg. 8700 – 4/25/14
-Expiration of Second Notice: 9/28/14
28. Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
-First Notice Published: 37 Ill. Reg. 15608 – 10/4/13
-Expiration of Second Notice: 9/4/14
29. Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)
-First Notice Published: 38 Ill. Reg. 11713 – 6/6/14
-Expiration of Second Notice: 10/11/14
30. Laboratory Service Fees (77 Ill. Adm. Code 475)
-First Notice Published: 38 Ill. Reg. 12007 – 6/13/14
-Expiration of Second Notice: 9/28/14
31. Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
-First Notice Published: 38 Ill. Reg. 7785 – 4/11/14
-Expiration of Second Notice: 9/28/14
32. HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
-First Notice Published: 38 Ill. Reg. 7808 – 4/11/14
-Expiration of Second Notice: 9/28/14

Revenue

33. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
-First Notice Published: 38 Ill. Reg. 13161 – 6/27/14
-Expiration of Second Notice: 10/1/14
34. Use Tax (86 Ill. Adm. Code 150)
-First Notice Published: 38 Ill. Reg. 13186 – 6/27/14
-Expiration of Second Notice: 10/1/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

35. Service Use Tax (86 Ill. Adm. Code 160)
-First Notice Published: 38 Ill. Reg. 13198 – 6/27/14
-Expiration of Second Notice: 10/1/14

Secretary of State

36. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 38 Ill. Reg. 13734 – 7/7/14
-Expiration of Second Notice: 10/5/14
37. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 38 Ill. Reg. 12826 – 6/20/14
-Expiration of Second Notice: 9/25/14

State Toll Highway Authority

38. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 38 Ill. Reg. 13843 – 7/7/14
-Expiration of Second Notice: 10/12/14

Transportation

39. Aviation Safety (92 Ill. Adm. Code 14)
-First Notice Published: 38 Ill. Reg. 12836 – 6/20/14
-Expiration of Second Notice: 10/11/14

INTERNAL RULEMAKINGsJuvenile Justice

40. Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 1000)
-First Notice Published: 38 Ill. Reg. 15627 – 8/18/14

Liquor Control Commission

41. Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 2075)
-First Notice Published: 38 Ill. Reg. 16997 – 8/8/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

EMERGENCY RULEMAKINGSAgriculture

42. Compassionate Use of Medical Cannabis Pilot Program (8 Ill. Adm. Code 1000)
-First Notice Published: 38 Ill. Reg. 17772 – 8/22/14

Central Management Services

43. State Employees Group Insurance Program Retiree Premium Contributions (Repealer)
(80 Ill. Adm. Code 2200)
-First Notice Published: 38 Ill. Reg. 17793 – 8/22/14

Financial and Professional Regulation

44. Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program
(68 Ill. Adm. Code 1290)
-First Notice Published: 38 Ill. Reg. 17798 – 8/22/14

Healthcare and Family Services

45. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 38 Ill. Reg. 18216 – 8/29/14

Human Services

46. Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated
Facilities and Community Agencies (59 Ill. Adm. Code 50)
-First Notice Published: 38 Ill. Reg. 18242 – 8/29/14
47. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-First Notice Published: 38 Ill. Reg. 17470 – 8/15/14

Natural Resources

48. Open Space Lands Acquisition and Development Grant Program (17 Ill. Adm. Code
3025)
-First Notice Published: 38 Ill. Reg. 16400 – 8/1/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

PEREMPTORY RULEMAKINGCentral Management Services

49. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 38 Ill. Reg. 17481 – 8/15/14

AGENCY RESPONSEInsurance

50. License, Documents Necessary to Engage in Activities and Examinations (50 Ill. Adm. Code 752)
-First Notice Published: 38 Ill. Reg. 7715 – 4/11/14
-Agency Response: Agreement

Labor

51. Payment and Collection of Wages or Final Compensation (56 Ill. Adm. Code 300)
-First Notice Published: 38 Ill. Reg. 7052 – 3/28/14
-Agency Response: Agreement

Public Health

52. Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)
-First Notice Published: 38 Ill. Reg. 11819 – 6/6/14
-Agency Response: Agreement

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: James W. Roth, Vice President, Hurst-Roche, Inc. and Design Architects, Inc.
3. Date of Violation: March 18, 2014
4. Description of Violation: James W. Roth, an affiliated person of the business entities Hurst-Roche Engineers, Inc. and Design Architects, Inc., made a contribution of \$1,000.00 to Taxpayers for Quinn, a campaign committee established to support the election of Patrick Quinn to Governor. At the time of the contribution, Patrick Quinn was the governor and was a declared candidate for re-election to the office of Governor, and both Hurst-Roche Engineers, Inc. and Design Architects, Inc. had in place active contracts with the State, the total annual combined value of which was in excess of \$50,000 for each entity.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Capital Development Board has notified the entities of the apparent violation, reviewed responsive material provided by their counsel, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by the entities of the violation and their understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

As required by Section 50-37(e) of the Procurement Code, Taxpayers for Quinn, is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 26, 2014 through September 1, 2014. The rulemakings are scheduled for review at the Committee's September 16, 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/11/14	<u>Department of Transportation, Aviation Safety</u> (92 Ill. Adm. Code 14)	6/20/14 38 Ill. Reg. 12836	9/16/14
10/11/14	<u>Department of Financial and Professional Regulation, Illinois Credit Union Act</u> (38 Ill. Adm. Code 190)	6/27/14 38 Ill. Reg. 13122	9/16/14
10/11/14	<u>Department of Public Health, Specialized Mental Health Rehabilitation Facilities Code</u> (77 Ill. Adm. Code 380)	6/6/14 38 Ill. Reg. 11713	9/16/14
10/11/14	<u>Department of Central Management Services, Pay Plan</u> (80 Ill. Adm. Code 310)	7/7/14 38 Ill. Reg. 13489	9/16/14
10/12/14	<u>Illinois State Toll Highway Authority, State Toll Highway Rules</u> (92 Ill. Adm. Code 2520)	7/7/14 38 Ill. Reg. 13843	9/16/14
10/12/14	<u>Department of Labor, Health and Safety</u> (56 Ill. Adm. Code 350)	7/7/14 38 Ill. Reg. 13728	9/16/14
10/12/14	<u>Department of Insurance, Notice of Eligibility (Repealer)</u> (50 Ill. Adm. Code 5301)	6/20/14 38 Ill. Reg. 12669	9/16/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/12/14	<u>Department of Natural Resources, Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245)</u>	11/15/13 38 Ill. Reg. 18097	9/16/14
10/12/14	<u>Department of Natural Resources, The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)</u>	11/15/13 38 Ill. Reg. 18081	9/16/14

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

35 - 810	18608
35 - 814	18617

ADOPTED RULES

35 - 186	9/1/2014	18627
89 - 112	8/29/2014	18646
89 - 117	8/29/2014	18659
50 - 1451	8/27/2014	18664
56 - 6000	8/26/2014	18668
62 - 140	8/29/2014	18711
62 - 240	8/29/2014	18717
77 - 665	8/26/2014	18766
77 - 695	8/26/2014	18778

PEREMPTORY RULES

80 - 310	8/26/2014	18791
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**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

77 - 380	18815
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ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2012-2013 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
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