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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 2019

Issue#	Rules Due Date	Date of Issue
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3)

Section Numbers:	Proposed Actions:
112.251	Amendment
112.252	Amendment

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

5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 101-103, this rulemaking states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty level guidelines. The rulemaking also states that TANF grant amounts shall be apportioned so that 75% of the grant will be designated for the child or children of the assistance unit and 25% shall be designated for the adult member or members of the assistance unit.

6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.

15) Regulatory Agenda on which this rulemaking was summarized: July 2019

The full text of the Proposed Amendments is identical to that of the Emergency Amendments for this rulemaking, and begins in this issue of the *Illinois Register* on page 11704.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.63 Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Section 5(e)(6)(D) of the Food and Nutrition Act [P.L. 115-334].

5) A Complete Description of the Subjects and Issues Involved: Pursuant to the provisions of Public Law 115-334, this rulemaking adds a standard homeless shelter deduction as an alternative to the excess shelter deduction for homeless households. This rulemaking allows a homeless household with qualifying shelter expenses to use the standard homeless shelter deduction as a shelter deduction from net income in determining SNAP eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the excess shelter deduction or the standard utility allowances. A homeless household may choose to claim actual cost under the excess shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.

6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing 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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because the need for it was not anticipated.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment for this rulemaking, and begins in this issue of the *Illinois Register* on page 11718.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Pre-Licensing and Continuing Education

2) Code Citation: 50 Ill. Adm. Code 3119

3) Section Number: 3119.60 Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401].

5) A Complete Description of the Subjects and Issues Involved: 3119.60(c)(2) specifies that no course can be approved for less than 1 hour of CE credit, but currently there is no formal requirement regarding the maximum course approval for hours. The Part is being amended to specify that 12 hours of CE is the maximum number of hours to be approved for a course filing.

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

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

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

Kathryn Williams Assistant General Counsel Department of Insurance	or	Susan Anders Rules Coordinator Department of Insurance

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

320 West Washington, 4th Floor
Springfield IL 62767-0001

320 West Washington, 4th Floor
Springfield IL 62767-0001

217/557-1416

217/558-0957

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: The Department determined that the rulemaking will not have an adverse impact on small businesses.

15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE REPRESENTATIVES AND BUSINESS ENTITIES

PART 3119
PRE-LICENSING AND CONTINUING EDUCATION

Section
3119.10 Purpose
3119.20 Definitions
3119.30 Provider Responsibilities
3119.40 Responsibilities of Applicant for Insurance Producer Licenses and Licensed Insurance Producers Until 1/1/97 (Repealed)
3119.45 Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers
3119.50 Pre-Licensing – Course of Study Requirements
3119.60 Continuing Education Requirements
3119.65 Course Credit
3119.70 Course and Provider Disqualification
3119.75 Additional Penalties
3119.80 Severability

3119.EXHIBIT A Request for Certification of a Pre-Licensing Course (Repealed)
3119.EXHIBIT B Request for Certification of a Continuing Education Course (Repealed)
3119.EXHIBIT C Provider List – Proof of Completion (Repealed)
3119.EXHIBIT D Provider List – Proof of Completion (Continuing Education) (Repealed)
3119.EXHIBIT E Course of Study – Life
3119.EXHIBIT F Course of Study – Accident/Health
3119.EXHIBIT G Course of Study – Fire
3119.EXHIBIT H Course of Study – Casualty/Motor Vehicle

AUTHORITY: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401].

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985; amended at 15 Ill. Reg. 69, effective January 1, 1991; amended at 16 Ill. Reg. 126, effective January 1, 1992; amended at 18 Ill. Reg. 16568, effective November 1, 1994; amended at 20 Ill. Reg. 10340, effective July 19, 1996; amended at 21 Ill. Reg. 13820, effective October 15, 1997; amended at 25 Ill. Reg. 6480,

effective May 3, 2001; amended at 26 Ill. Reg. 16522, effective October 28, 2002; amended at 29 Ill. Reg. 15515, effective September 29, 2005; amended at 34 Ill. Reg. 5856, effective April 7, 2010; amended at 34 Ill. Reg. 12802, effective August 20, 2010; amended at 43 Ill. Reg. _____, effective _____.

Section 3119.60 Continuing Education Requirements

a) The certification must be received by the Director at least 30 days prior to any course being offered.

b) For purposes of this Section, "full credit" shall mean the reasonable amount of time, as certified by the provider, that is necessary for a student to study for and pass an examination, or in the case of a course with no examination, the number of documented classroom attendance hours.

c) Courses shall be intended to increase the knowledge and understanding of insurance principles and coverages, applicable laws, insurance regulations, agency management, customer service and sales. The following courses shall not be considered for continuing education:

1) Courses used for insurance pre-licensing training or insurance qualifying examination preparation.

2) Courses with less than 1 hour of certified continuing education credit.

3) Courses in excess of 12 hours of certified continuing education credit.

d) For purposes of this Section, the minimum number of hours may be made up of any combination of classroom, seminar, or self-study hours.

e) One credit will be awarded for each 50 minutes of contact instruction.

f) No credit shall be given for a self-study course if the student does not successfully complete the examination. If the student fails an examination and successive examinations are given, the successive examinations must be substantially different from each other. Self-study courses are subject to the following additional requirements:

1) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider;

2) No provider shall furnish the answers to an examination prior to the student completing the examination;

3) Self-study exams must contain at least 25 questions. The number of questions must increase proportionately as the amount of material increases;

4) No more than a third of the questions shall be true/false; and

5) Credit hours shall be determined by the time it may take a student to study the material using 10 8½" by 11" full pages per credit hour (10-12 point font text), single line spacing with 1" margins.

g) Interactive Online Courses
Interactive online is considered to be a type of self-study course. Interactive online courses are, by definition, only presented on the Internet and do not require a proctored final exam. To be eligible for certification under Section 3119.30, an interactive online course must meet the following additional requirements:

1) The course must provide at least 5 questions after each unit or chapter. The questions must be answered prior to proceeding to the next unit or chapter. The material may be reviewed while answering questions;

2) The course must provide clear instructions on how to navigate through the course;

3) The course must provide the ability to go back and review any unit at any time;

4) The course must provide online viewing access to the Department at all times;

5) The course must include a statement that the student information will not be sold or distributed to any third party without prior written consent of the student. Taking the course shall not constitute consent;

6) The course must provide some type of encryption. All personal information, including credit card number, name and address of the student must be encrypted so that the information cannot be read as it passes across the Internet;

7) Students must affirm that they, and only they, completed the course; and

8) The course must include the ability to contact an instructor (i.e., automated e-mail).

h) LTC Training Credit

1) Continuing education credit may be earned based on the criteria established in Section 3119.65.

2) Training credit may be obtained after a failed examination if the provider gives, and the student successfully completes, a substantially different examination.

3) If a student receives training credit only, the provider shall issue a proof of completion certificate to the student but the certificate shall be prominently stamped "NO CON-ED CREDIT".

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Number: 100.2470 — Proposed Action: Amendment

4) Statutory Authority: 35 ILCS 5/203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 100.2470 to reflect the tax exemption for interest from bonds issued under the New Harmony Bridge Authority Act and the New Harmony Bridge Interstate Compact Act, which were enacted in PA 100-981, and the amendment in PA 101-118 to Section 4.10 of the Family Practice Residency Act to allow the Department of Public Health to pay off student loans of certain "health care providers" rather than just those of certain "primary care physicians." Section 4.10 provides that payment of student loans under its provisions will not be taxable to the health care providers.

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) Are there any other rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
100.4100	New Section	43 Ill. Reg. 10387, September 20, 2019
100.2055	Amendment	43 Ill. Reg. 10682, September 27, 2019
100.2160	Amendment	43 Ill. Reg. 10682, September 27, 2019
100.2165	Amendment	43 Ill. Reg. 10682, September 27, 2019
100.2171	Amendment	43 Ill. Reg. 10682, September 27, 2019
100.2180	Amendment	43 Ill. Reg. 10682, September 27, 2019
100.2181	New Section	43 Ill. Reg. 10682, September 27, 2019
100.2185	Amendment	43 Ill. Reg. 10682, September 27, 2019

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.2199	Amendment	43 Ill. Reg. 10682, September 27, 2019

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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

Brian Fliflet
Acting General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson St. MC 5-500
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance for small businesses on changes to types of income that are exempt under the Illinois Income Tax Act.

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)
100.2055 Standard Exemption (IITA Section 204)
100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA Section 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171 Angel Investment Credit (IITA 220)
100.2175 Invest in Kids Credit (IITA 224)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA Section 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) − Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Current Net Operating Losses: Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or

After December 31, 1986
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986 (IITA Section 207)
100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
100.2360 Illinois Net Losses and Illinois Net Loss Deductions for Losses of Cooperatives Occurring On or After December 31, 1986 (IITA Section 203(e)(2)(F))

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623,

effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg.

17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4953, effective February 28, 2018; amended at 42 Ill. Reg. 6451, effective March 21, 2018; recodified Subpart H to Subpart G at 42 Ill. Reg. 7980; amended at 42 Ill. Reg. 17582, effective September 24, 2018; amended at 42 Ill. Reg. 19190, effective October 12, 2018; amended at 43 Ill. Reg. 727, effective December 18, 2018; amended at 43 Ill. Reg. 10124, effective August 27, 2019; amended at 43 Ill. Reg. _____, effective _____.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

a) In calculating base income, taxpayers are entitled to subtract *an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization* (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (see subsection (f)).

b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligations, from state income taxation (see 31 USC 3124(a)).

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1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." Smith v. Davis (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. Society for Savings v. Bowers (1955) 349 U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. Hibernia v. City and County of San Francisco (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

A) Tax-exempt credit instruments possess the following characteristics:

i) they are written documents;

ii) they bear interest;

iii) they are binding promises by the United States to pay specified sums at specified dates;

iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. Smith v. Davis, supra.

B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 USC Section 3124(a). Rockford Life Ins. Co. v. Department of Revenue, 107 S. Ct. 2312 (1987).

2) Based on the above, the following types of income are exempt under 31 USC Section 3124(a):

A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.

B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.

c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

1) Banks for Cooperatives − Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 USC 2134).

2) Commodity Credit Corporation − Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 USC 713a-5).

3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) − Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USC 2278b-10(b)).

4) Federal Deposit Insurance Corporation − Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USC 1825).

5) Federal Farm Credit Banks − Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 USC 2153 by Banks of the Federal Farm Credit System (12 USC 2023; 12 USC 207; 12 USC 2098; and 12 USC 2134).

6) Federal Home Loan Banks − Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan bonds and debentures (12 USC 1433).

7) Federal Intermediate Credit Banks − Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 USC 2079).

8) Federal Land Banks and Federal Land Bank Association − Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USC 2055).

9) Federal Savings and Loan Insurance Corporation − Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 USC 1725(e)).

10) Financing Corporation (FICO) − Income from obligations issued by the Financing Corporation (12 USC 1441(e)(8)).

11) General Insurance Fund

A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USC 1739(d)); or

B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USC 1747g(g)); or

C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 USC Section 1748b(f)).

12) Guam − Interest derived from bonds issued by the government of Guam (48 USC 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

13) Mutual Mortgage Insurance Fund − Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 USC 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

14) National Credit Union Administration Central Liquidity Facility − Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 USC 1795K(b)).

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15) Production Credit Association − Income from notes, debentures, and other obligations issued by Production Credit Association (12 USC 2098).

16) Puerto Rico − Interest derived from bonds issued by the Government of Puerto Rico (48 USC 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

17) Railroad Retirement Act − Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 USC 231m). Please be sure to use the line specified on your Illinois return for this item.

18) Railroad Unemployment Insurance Act − Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 USC 352(e)).

19) Resolution Funding Corporation − Interest from obligations issued by the Resolution Funding Corporation (12 USC 1441b(f)(7)(A)).

20) Special Food Service Program − Assistance to children under the Special Food Service Program (42 USC 1760(e)).

21) Student Loan Marketing Association − Interest derived from obligations issued by the Student Loan Marketing Association (20 USC 1087-2(h)(221)).

22) Tennessee Valley Authority − Interest derived from bonds issued by the Tennessee Valley Authority (16 USC 831n-4(d).

23) United States Postal Service − Interest derived from obligations issued by the United States Postal Service (39 USC 2005(d)(4)).

24) Virgin Islands − Interest derived from bonds issued by the Government of the Virgin Islands (48 USC 1574(b)(ii)(A)). This income is not presently included in income taxable federally. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

25) American Samoa − Interest on bonds issued by the Government of American Samoa (48 USC 1670(b)).

26) Northern Mariana Islands − Interest on bonds issued by the Government of the Northern Mariana Islands (48 USC 1801 note).

d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c), even if the obligations are owned indirectly through owning shares in a mutual fund.

1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.

2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.

3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.

e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return ~~(IL-1040-X)~~ to claim a refund for any year still within the statute of limitations.

f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].

2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).

3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 through 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61], (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).

4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11 and13 and 70 ILCS 515/11 and 12].

5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7].

6) Bonds issued by the Illinois Sports Facilities Authority [70 ILCS 3205/15].

7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).

8) Bonds issued by the Illinois Development Finance Authority or the Illinois Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].

9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12] (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).

10) Bonds issued pursuant to Sections 7.80 through 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86] (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).

11) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].

12) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].

13) Bonds issued by the Illinois Finance Authority under the Local Government Article and the Financially Distressed City Program in the Illinois Finance Authority Act [20 ILCS 3501/820-60 and 825-55].

14) Illinois Power Agency bonds issued by the Illinois Finance Authority under the Other Powers Article of the Illinois Finance Authority Act [20 ILCS 3501/825-90], if the Authority so determines.

15) Bonds issued by the Central Illinois Economic Development Authority under the Central Illinois Economic Development Authority Act [70 ILCS 504/40~~506/40~~], if the Authority so determines.

16) Bonds issued by the Eastern Illinois Economic Development Authority under the Eastern Illinois Economic Development Authority Act [70 ILCS 506/40], if the Authority so determines.

17) Bonds issued by the Southeastern Illinois Economic Development Authority under the Southeastern Illinois Economic Development Authority Act [70 ILCS 518/40], if the Authority so determines.

18) Bonds issued by the Southern Illinois Economic Development Authority under the Southern Illinois Economic Development Authority Act [70 ILCS 519/5-45], if the Authority so determines.

19) Bonds issued by the Upper Illinois River Valley Development Authority under the Upper Illinois River Valley Development Authority Act [70 ILCS 530/7.1], if the Authority so determines.

20) Bonds issued by the Illinois Urban Development Authority under the Illinois Urban Development Authority Act [70 ILCS 531/11], if the Authority so determines.

21) Bonds issued by the Western Illinois Economic Development Authority under the Western Illinois Economic Development Authority Act [70 ILCS 532/45], if the Authority so determines.

22) Bonds issued by the Downstate Illinois Sports Facilities Authority under the Downstate Illinois Sports Facilities Authority Act [70 ILCS 3210/60], if the Authority so determines.

23) Bonds issued by the Will-Kankakee Regional Development Authority under the Will-Kankakee Regional Development Authority Law [70 ILCS 535/14], if the Authority so determines.

24) Bonds issued by the Tri-County River Valley Development Authority under the Tri-County River Valley Development Authority Law [70 ILCS 525/2007.1], if the Authority so determines.

25) Bonds issued by the New Harmony Bridge Authority under the New Harmony Bridge Authority Act [45 ILCS 185/5-50]. This exemption is subject to sunset under IITA Section 250, and does not apply to taxable years beginning on or after August 19, 2023, the fifth anniversary of the effective date of P.A. 100-981.

26) Bonds issued by the New Harmony Bridge Bi-State Commission under the New Harmony Bridge Interstate Compact Act [45 ILCS 190/10-5]. This exemption is subject to sunset under IITA Section 250, and does not apply to taxable years beginning on or after August 19, 2023, the fifth anniversary of the effective date of P.A. 100-981.

g) Other income exempt from Illinois income taxation by reason of Illinois statute:

1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16] or the Illinois Funeral or Burial Funds Act [225 ILCS 45/4a(c)]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act and Section 4a(c) of the Illinois Funeral or Burial Funds Act provide that: *because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.*

2) Income in the form of education loan repayments made for health care providers~~primary care physicians~~ who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].

3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms *"Decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to* Section 8-508.1(b)(2) of the Public Utilities Act *for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust.* [220 ILCS 5/8-508.1(a)(3)]

4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition program was created in 1997 for the express purpose of allowing savings for higher education to earn tax-exempt returns under IRC section 529~~ of the Internal Revenue Code~~. If a prepaid tuition contract qualifies under IRC section 529, earnings on contributions made to the Illinois Prepaid Tuition Trust Fund under the contract are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under IRC section 529 and there is no guarantee that IRC section 529 will continue in effect. However, Section

55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that *assets of the Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with the provisions of an Illinois prepaid tuition contract.* Under this provision, any undistributed earnings of the Illinois Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition contract does not qualify under IRC section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used in accordance with the Illinois prepaid tuition contract under which the disbursements are made, regardless of whether the prepaid tuition contract qualifies under IRC section 529.

5) Income from the College Savings Pool, other than disbursements to beneficiaries that are not used to pay qualified expenses under the State Treasurer Act [15 ILCS 505/16.5]. Under the State Treasurer Act, distributions from the College Savings Pool must generally be used for *qualified expenses,* which are defined to mean *tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and certain room and board expenses.* Distributions made for qualified expenses must be made *directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor.* The College Savings Pool was created in PA 91-607 for the express purpose of allowing savings for higher education to earn tax-exempt returns under IRC section 529~~ of the Internal Revenue Code~~. If an investment in the College Savings Pool qualifies under IRC section 529, earnings on that investment are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the College Savings Pool does not guarantee that investments will qualify under IRC section 529 and there is no guarantee that IRC section~~Section~~ 529 will continue in effect. However, the State Treasurer Act [15 ILCS 505/16.5], as amended in PA 91-829, provides that *assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its*

subdivisions, so long as they are used for qualified expenses. Under this provision, any undistributed earnings of the College Savings Pool that are included in a taxpayer's federal taxable income or adjusted gross income because a College Savings Pool investment does not qualify under IRC section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used to pay qualified expenses, regardless of whether the College Savings Pool investment qualifies under IRC section 529.

6) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1].

7) Up to $2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under Section 75 of the Higher Education Student Assistance Act [110 ILCS 947/75]. This subtraction is allowed only for taxable years ending prior to August 9, 2013, the effective date of PA 98-0251, which repealed Section 75 of the Higher Education Student Assistance Act.

h) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:

1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities" issued by approved issuers under 12 USC 1721(g) and guaranteed by GNMA under 12 USCA 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E. 2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 USCA 1719(d) and guaranteed by GNMA under 12 USC 1721(g).

2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).

3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.

4) Section 514(a) of the Employee Retirement Income Security Act of 1974 (ERISA, 29 USC 1144(a)) does not preempt the taxation of unrelated business income of an Employee Benefit Plan governed by ERISA. Buono v. NYSA-ILA Medical and Clinical Services Fund, 520 U.S. 806, 808 (1997). Taxpayers that relied upon the Department's letter rulings IT 90-0073, IT 93-0017 and IT 93-0187, prior to July 1, 2002, shall not incur liability for taxes or penalties pursuant to Section 4(c) of the Taxpayers' Bill of Rights Act [20 ILCS 2520].

i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) is in this category.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certificate of Titles, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number: 1010.421 Proposed Action: Amendment

4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: These proposed changes to the administrative rule update the authorization and user agreements for entities approved by the Secretary of State that issue Temporary Registration Permits (TRP's) along with 7-day and 30-day drive away permits. Outlines parameters involving action the Secretary may take if the Secretary determines that fraud and abuse occur within the TRP system. Updates the fee the Secretary may charge for missing and fraudulently issued TRP's to reflect the changes made in statute concerning annual registration fees.

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

11) Statement of Statewide Policy Objective: No expenditures by units of local government.

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

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed vehicles dealers, remittance agents, and currency exchanges

B) Reporting, bookkeeping or other procedures required for compliance: Each must complete a Superuser agreement identifying a single person of contact.

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: This rulemaking sets forth additional penalties for fraudulent use and abuse of the TRP system. In addition, the SOS is introducing a requirement for annual training for users of the TRP system, but said training can be completed online or in person.

A) Types of businesses subject to the proposed rule:

44-45 Retail Trade
48-49 Transportation and Warehousing

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

ii. regulatory requirements;
vii. training requirements;
viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner – Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents − Bond
1010.193 Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195 Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section
1010.200 Homemade Trailers − Title and Registration

1010.210 Application for Registration
1010.220 Vehicles Subject to Registration – Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished by the Secretary of State
1010.245 Electronic Registration and Titling (ERT) Program Provisions
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration – Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Seven Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios

1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.459 Universal Plate Decal
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.465 Requests for General Issuance Specialty License Plates
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Fees
1010.550 Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads

NOTICE OF PROPOSED AMENDMENT

1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg.

4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 43 Ill. Reg. _____, effective _____.

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State

a) All entities authorized to issue Temporary Registration Permits (TRPs) must designate a single individual as the primary individual responsible for issuing, tracking and managing TRPs, 7-day permits, or 30-day permits. This individual shall be referred to as a Superuser and will act as the primary contact on behalf of the authorized entity and the Secretary of State (SOS).

b) All entities authorized to issue a TRP shall be issued a Superuser username by the SOS. The Superuser may designate to SOS additional users; however, only individuals with a valid username may issue a TRP from inventory allocated to each licensed entity. A Superuser, and other identified users of the TRP system, must sign a separate acknowledgment stating that the authorized individual understands the processes and procedures governing TRP issuance, is 18 years of age or older, and understands that a violation of this Part or of any provision of the Illinois Vehicle Code related to issuing registrations may result in the Superuser, the authorized user, and/or the issuing entity receiving a suspension or revocation of TRP privileges.

c) If the SOS determines that a Superuser or authorized entity has permitted an unauthorized individual to issue a TRP on an approved issuer's behalf, then the SOS may suspend, revoke or deny access to the TRP program. Any entity that is

found to have employed one or more Superusers or authorized issuers who have violated this provision on a second violation may have access to the TRP program denied permanently.

d) All Superusers and those designated by a Superuser as an authorized issuer shall complete a yearly, no cost, training session including, but not limited to, the operations of the TRP system, the statutes pertaining to motor vehicle registration, TRPs, and this Part. The SOS may design a training session, which may be presented in person or online, or may approve an authorized Service Provider's program in lieu of SOS training.

e) Prior to receiving a Superuser username, or if the Superuser creates a username for a new authorized issuer, the training certificate must be completed and submitted to SOS within 60 days after issuance of the Superuser's username or prior to issuance of a TRP.

f) A licensed dealer under the Illinois Vehicle Code may void out, within 15 days or 500 miles after the issue date of the TRP, a TRP that has been issued to a vehicle owner and corresponding vehicle, if the vehicle owner determines that the vehicle meets the requirements of Section 2L of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505]. A licensed dealer shall be required to retain documentation that the customer signs stating that he or she is returning the vehicle to the licensed dealer pursuant to Section 2L. This disclosure shall be retained with all other statutorily required documentation pertaining to the licensed dealer's record keeping requirements.

g) A licensed dealer may not void out a TRP for a vehicle owner and corresponding vehicle if the sole reason the vehicle is returned to the licensed dealer is the vehicle purchaser's inability to secure financing for the vehicle. If the vehicle purchaser, at the time the TRP is issued, is unable to secure financing and must return the vehicle, the licensed dealer must still transmit the appropriate title, registration fees, and any applicable taxes to SOS before another TRP may be issued to a new vehicle owner for the same vehicle.

h~~a~~) In addition to the issuance of TRPs ~~Temporary Permits~~ to specific applicants, the SOS~~Secretary of State~~ may supply, upon request, TRP ~~Temporary Permit~~ plates to the following for issuance by them, provided they have the necessary computer hardware, software and communication devices for accessing the SOS~~Secretary of State's~~ Internet site for the registration of TRP ~~Temporary Permit~~ plates and

titling:

1) Licensed vehicle dealers registered and in good standing with SOS~~the Secretary of State~~. Each dealer may issue TRPs~~Temporary Permits~~ only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All dealers receiving TRPs ~~Temporary Permits~~ shall maintain records as required by 92 Ill. Adm. Code 1019.40 reflecting the information required for completion of the receipt form for a TRP ~~Temporary Permit~~ plate. Failure to do so may result in the denial, revocation, or suspension of a dealer's license under IVC Section 5-501.

2) Licensed remittance agents registered and in good standing with the SOS~~Secretary of State~~. Each remittance agent may issue TRPs ~~Temporary Permits~~ only to persons whose applications the remittance agent accepts for transmittal to SOS~~the Secretary of State~~. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All Remittance Agents receiving TRPs ~~Temporary Permits~~ shall maintain records reflecting the information required for completion of the receipt form for a TRP~~Temporary Permit~~. Failure to do so may result in the denial, revocation, or suspension of a Remittance Agent's license under IVC Sections 3-906 and 3-907.

3) Currency exchanges licensed by, and in good standing with, the Department of Financial and Professional Regulation. Currency exchanges shall complete and submit an application in a manner prescribed by the SOS~~Secretary of State~~ to be eligible to receive TRPs~~Temporary Permits~~. Each currency exchange may issue TRPs ~~Temporary Permits~~ only to persons whose applications the currency exchange accepts for transmittal to SOS~~the Secretary of State~~. A TRP ~~Temporary Permit~~ may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All currency exchanges receiving TRPs~~Temporary Permits~~ shall maintain records of

their issuance reflecting the information required for completion of the receipt form for a TRP ~~Temporary Permit~~ plate.

i~~b~~) Authorized Superusers~~Issuers~~ of Temporary Permits must be in compliance with the following:

1) Within two business days after receipt of TRP~~Temporary Permit~~ plates from the SOS~~Secretary of State~~ the issuer shall access the SOS~~Secretary of State's~~ Internet site for the registration of TRP ~~Temporary Permit~~ plates and acknowledge receipt of the plates.

A) The issuer shall store the TRP ~~Temporary Permit~~ plates in a secure location to prevent theft, loss or misuse of the plates. TRPs shall not be accessible to the general public or any individual who has not been issued a Superuser's, or an authorized issuer's, username from the SOS.

B) TRP ~~Temporary Permit~~ plates shall be issued in numerical sequence as received from SOS~~the Secretary of State~~.

C) Holders of TRPs shall be limited to a 90-day inventory based on self-reported annual sales.

D) TRP ~~Temporary Permit~~ plates shall be issued only in conjunction with applications for vehicle registration and all required information regarding the TRP ~~Temporary Permit~~ plate shall be completed on the vehicle registration application form.

E) Any information that is found to be inaccurate in order to circumvent the TRP system shall result in suspension of the TRP system. A second or subsequent violation of this subsection (i)(1)(E) shall result in denial of access to the TRP system.

2) Contemporaneously ~~Contemporaneous~~ with the issuance of a TRP ~~Temporary Permit~~ plate, the Superuser or authorized issuer shall access the SOS~~Secretary of State's~~ Internet site for the registration of TRP ~~Temporary Permit~~ plates and enter all requested information with regard to the vehicle for which the TRP ~~Temporary Permit~~ plate was issued and the individuals or entity to which the TRP ~~Temporary Permit~~ plate was

issued. When accessing the SOS~~Secretary of State's~~ Internet site and entering information, a Superuser or authorized issuer~~issuers~~ shall comply with all protocols provided by the SOS~~Secretary of State~~, including, but not limited to, user identification procedures and passwords.

3) Prior to delivering a TRP ~~Temporary Permit~~ plate to the applicant or attaching a TRP ~~Temporary Permit~~ plate to a vehicle, the Superuser or authorized issuer shall affix the TRP to the corresponding vehicle in the manner described on the TRP.

A) Either:

i) all information required on the TRP must be electronically printed on the TRP; or

ii) if applicable, the month and year the TRP expires shall be indicated on the TRP in permanent black marker.

B) In no circumstances shall the Superuser or an authorized issuer provide or issue a second or subsequent TRP to the same owner and vehicle as the initial issuance.~~lift the clear overlay covering the expiration date area, blacken in with a permanent black marker the month and year during which the Temporary Permit will expire, making certain to blacken in the entire box including the portion of the silver hologram strip running through the box designating the month, and remove the white backing from the overlay and apply the overlay securely over the expiration date area.~~

4) TRP ~~Temporary Permit~~ plates issued for motor driven cycles or motorcycles shall be of the reduced size designed for motor driven cycles or motorcycles.

5) TRP ~~Temporary Permit~~ plates shall be issued only by the Superuser or authorized issuer assigned by the licensed dealer, remittance agent, or currency exchange that received the TRP~~Temporary Permit~~ from the SOS~~Secretary of State~~.

6) TRP ~~Temporary Permit~~ plate receipt forms shall contain all of the information requested, where applicable. The original of the plate receipt

form shall be given to the applicant and the copy shall be maintained by the Superuser or authorized issuer.

7) TRP ~~Temporary Permit~~ plate receipt forms shall bear the name of the Superuser's licensed~~issuing~~ entity and the signature of the Superuser or authorized issuer~~issuing employee~~.

8) The Superuser or authorized issuer~~Issuers~~ of TRPs~~Temporary Permits~~ shall reimburse SOS~~the Secretary of State~~ $175~~$50~~ per TRP ~~Temporary Permit for~~ lost, missing, stolen~~,~~ or destroyed ~~Temporary Permits~~. All TRPs designated as lost, missing, stolen or destroyed, or otherwise unaccounted for, shall be billed automatically on a monthly basis. The SOS~~Secretary of State~~ shall have the discretion to waive this fee upon satisfactory proof that the TRPs ~~Temporary Permits~~ were destroyed by fire or flood, or stolen in connection with ~~to~~ a theft on ~~of~~ the premises. In the decision to waive the fee, the SOS~~Secretary of State~~ shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the authorized licensed entity's~~issuer's~~ loss is the result of fire, flood~~,~~ or theft on~~of~~ the premises.

9) An authorized licensed entity~~Issuers~~ shall maintain for 3 years copies of receipt forms for all TRP ~~Temporary Permit~~ plates issued ~~for a period of 3 years~~.

10) When the authorized licensed entity~~issuer~~ is no longer engaged in the business of issuing TRPs~~Temporary Permits~~, the authorized licensed entity~~issuer~~ shall return all unissued TRP ~~Temporary Permit~~ plates to SOS~~the Secretary of State~~. An authorized licensed entity~~Issuer~~ shall bear risk of loss until all TRPs~~Temporary Permits~~ are received by SOS~~the Secretary of State~~. All TRPs shall be returned to the following address:

Illinois Secretary of State
Attn: TRP Return Unit
501 S. 2nd Street
Springfield IL 62756

j~~e~~) SOS~~The Secretary of State~~ shall have free access to the offices and places of business to examine fully all TRP ~~Temporary Permit~~ books and other business records, documents~~,~~ and files of the licensed entity~~issuer~~ to determine whether the

licensed entity~~such issuer~~ is complying with ~~the provisions of~~ this Section.

k~~d~~) The licensed entity~~issuer~~ is responsible for acts or omissions of its Superuser or authorized issuers~~issuer's employees~~ while engaged in the distribution of TRPs~~Temporary Permits~~.

l~~e~~) Denial or Revocation of the Authority to Issue Temporary Permits

1) SOS~~The Secretary of State~~ may refuse to issue TRPs ~~Temporary Permits~~ to any dealer, remittance agent or currency exchange that has committed any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes. SOS~~The Secretary of State~~ may demand the return of any unused TRPs ~~Temporary Permits~~ from any dealer, remittance agent or currency exchange for any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes, or for any other violation relating to the use or issuance of TRPs~~Temporary Permits~~.

2) If the SOS~~Secretary of State~~ refuses to issue or revokes unused TRPs~~Temporary Permits~~, he or she shall so order in writing and notify the dealer, remittance agent or currency exchange by U.S. Mail~~mail~~. A dealer, remittance agent or currency exchange may request an administrative hearing to review the order.

3) If the SOS~~Secretary of State~~ revokes unused TRPs~~Temporary Permits~~, the affected dealer, remittance agent or currency exchange shall not be entitled to apply for or issue any TRPs~~Temporary Permits~~ for a period of 90 days following receipt of the revocation order. A second or subsequent offense resulting in the revocation of TRPs~~Temporary Permits~~ may result in the dealer, remittance agent or currency exchange being prohibited from receiving any TRPs~~Temporary Permits~~ from SOS~~the Secretary of State~~.

4) SOS~~Secretary of State~~ personnel may initiate an action against a dealer, remittance agent or currency exchange by filing a complaint with the SOS~~Secretary of State's~~ Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer, remittance agent or currency exchange specifying the alleged violation. The dealer, remittance agent or currency exchange shall be entitled to an

administrative hearing pursuant to IVC Section 2-118 and regulations promulgated under that Section.

m) Violations of Entering Temporary Permit Required Information

1) Any entity that issues a TRP without a corresponding application for a certificate of title shall be assessed the appropriate certificate of title fee for the vehicle that was issued the TRP.

2) The penalty for entering false, misleading or deceptive information, whether the information pertains to the vehicle owner or the vehicle, shall include a 90-day suspension of access to the TRP system.

3) The penalty for issuing a TRP without following the proper SOS procedures is as follows:

Offense	Penalty
1st Offense, single violation	Written warning, $175 fine
1st Offense, 2-5 violations	7-day suspension, $175 fine per violation
1st Offense, 5-10 violations	30-day suspension, $175 fine per violation
1st Offense, 10+ violations	90-day suspension, $175 fine per violation
2nd Offense	30-day suspension, $175 fine per violation
2nd Offense, 10+ violations	90-day suspension, $175 fine per violation
3rd Offense	90-day suspension, $175 fine per violation

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Numbers:	Proposed Actions:
1030.84	Amendment
1030.150	Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: The Secretary wishes to update the Administrative Code related to the most recent statutory language regarding vehicles used in a road test, pursuant to PA 100-189. In addition, PA 100-106 eliminates the requirement that an applicant for a driver's license or identification card visit the Illinois Department of Veterans Affairs prior to having a veteran designation placed on the driver's license or identification card. Makes additional changes to the verification process.

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

11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested

persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Pamela Wright
Office of the Secretary of State
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of Professional skills necessary for compliance: None

14) Small Business Impact Analysis: No impact on small business.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two recent agendas as the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be~~be~~ Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate − CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Person with a Disability Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Endorsement or Learner's Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.150 Veteran Designation on Driver's License or Identification Card

1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)
1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22

Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23,

2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 43 Ill. Reg. _____, effective _____.

Section 1030.84 Vehicle Inspection

a) An applicant, who is required to take the road test, as defined in Section 1030.85, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle that is not properly equipped or that does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for the type of representative vehicles being used to administer the road test:

1) Registration plates shall be attached or affixed to the motor vehicle pursuant to IVC Section 3-413. The owner of a vehicle who does not have registration plates and/or a registration sticker shall present proper documentation, pursuant to IVC Section 3-407, showing that proper registration has been applied for, prior to use of the vehicle for road test.

2) When lighted lamps are required pursuant to IVC Section 12-201(b) for the road test, motor vehicles shall have mounted, exhibit and operate such

lamps pursuant to IVC Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215. A motorized pedalcycle must have mounted and display a lamp and reflector as required in IVC Section 11-1507.1.

3) When windshield wipers are required pursuant to IVC Section 12-503(d), they must be in proper operating condition.

4) The horn must be in proper working order pursuant to IVC Section 12-601. Horns do not include a siren, whistle or bell.

5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sidewings or side windows immediately adjacent to each side of the driver that materially obstructs, obscures or impairs the view from within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window that materially obstruct the driver's view. No person shall drive a motor vehicle when the windshield or side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rearview mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured (see IVC Section 12-503).

6) No vehicle may be used for the road test if one or more tires are unsafe as defined in IVC Section 12-405. A vehicle equipped with metal studded tires may not be used for the road test.

7) The service brakes, foot or hand operated, must be in a condition that allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motorcycle shall have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.

8) Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt pursuant to IVC Section 12-603.1.

Such requirements shall not apply to a driver possessing a written statement from a physician that the person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles that are not required to be equipped with seat safety belts under 49 CFR 393.93. A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated, as required by IVC Section 12-807.

9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of 10 inches.

10) The seat for the person giving the test must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test pursuant to Section 1030.85. The seat must be free from excessive soil or grease and should have no protruding springs. Vehicles must not have loose objects on the seats or floors that could pose a danger to the driver or examiner.

11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles that have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement the steering wheel must have before the front wheels move.

12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.

13) Every motor vehicle of a width or design that would not allow hand signals to be adequately visible from the front and rear shall be equipped with an electric turn signal device that indicates the intention of the driver to turn to the right or to the left. The signaling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, mounted on the same level and as

widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

14) Any motor vehicle or combination vehicle that operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges that may prevent or hinder the safe operation of the vehicle braking system. Any motor vehicle or combination vehicle that operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading fails to maintain 95 pounds per square inch pressure during normal pressure buildup.

15) Three safety flags, flares, fuses or reflectors shall be provided in all Second Division vehicles as described in IVC Section 12-702.

16) An operating speedometer shall be mounted in all vehicles designated as a school bus in a manner that it is readable to the seated driver.

17) The emergency doors at the front and the rear of a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.

18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus pursuant to IVC Section 12-808.

19) A school bus shall carry a removable and readily identifiable first aid and bodily fluid kit, mounted in full view of and readily accessible to the driver as required by IVC Section 12-809.

20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as required by IVC Section 12-805. Each signal lamp shall be a sealed beam at least 5½ inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

21) All Second Division vehicles, as required by IVC Section 12-202, shall

have mounted and properly display clearance, identification and side marker lamps. The lamps shall be illuminated for the road test, during periods when headlamps are required by IVC Section 12-201.

22) A stop arm shall be placed on the driver's side of each Second Division school bus and may be operated either manually or mechanically. The design of this stop arm shall comply with IVC Section 12-803.

23) The tailpipes of each Second Division school bus should extend beyond the rear end of the chassis frame at least one inch, but not beyond the rear of the bumper.

24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses pursuant to IVC Sections 12-801, 12-802, 12-804 and 12-806. A road test, for a religious organization bus or senior citizen transportation vehicle restriction, may be administered in any vehicle of the proper representative type for the license restriction (see Section 1030.92).

25) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

26) The operator of a motorcycle, motor-driven cycle or pedalcycle used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to IVC Section 11-1404.

27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to IVC Sections 13-111 and 13-114, except that those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not require the certificate.

28) No vehicle may be used for a road test that has any lighting or combination of lighting with a smoked or tinted lens or cover per IVC Section 12-212.

b) Prior to taking a road test, as defined in Section 1030.85, each applicant shall

execute an affirmation stating that the vehicle to be used for the road test:

1) Is insured pursuant to, and in compliance with, IVC Chapter 7, Article VI (the applicant shall provide proof of insurance); or

2) Falls within one of the stated exempted categories.

c) If the applicant refuses to execute or fails to comply with this Section, then no road test shall be given to the applicant in that vehicle until such time as the applicant complies.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1030.150 Veteran Designation on Driver's License or Identification Card

a) Definitions. For the purposes of this Section, the following terms shall have the meanings set forth in this subsection (a):

"Active duty" – means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the governor of any U.S. state or territory.

"Armed Forces" – means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"DVA" – means the Illinois Department of Veterans' Affairs.

"Veteran" – means a person who has served on active duty in the Armed Forces and was discharged or separated under honorable conditions. [15 ILCS 335/5(b)]

b) Effective July 1, 2015, for each original or renewal driver's license or identification card (ID) application, the Secretary shall inquire as to whether the applicant is an honorably discharged veteran. If the applicant is an honorably discharged veteran, the applicant shall be informed that he or she is entitled to have the designation "Veteran" on the face of his or her driver's license or ID card.

~~c) In order to obtain a driver's license or ID with the "Veteran" designation, an applicant must first contact the Department by personally going to any of DVA's~~

~~field offices across Illinois to request Confirmation of Status as an Honorably Discharged Veteran.~~

~~d)~~ ~~If DVA can confirm status as an honorably discharged veteran, the Department shall affix a stamp to the veteran's DD214, Certification of Military Service (NA Form 13038), identification card issued under the Federal Veterans Identification Card Act of 2015, or other official Department of Defense discharge document if a DD214 was not issued or is unavailable. If the document proving honorable discharge status cannot be stamped, DVA shall provide a certificate to the veteran to provide to the Secretary of State.~~

c~~e~~) The Secretary shall issue an original, renewal, corrected or duplicate driver's license or ID with the "Veteran" designation to applicants who present a DD214 Form 13038, Department of Defense Form DD-2 9 retired), and identification card issued under the federal Veterans Identification Card Act of 2015, and United States Department of Veterans Affairs summary of benefits letter or other official Department of Defense discharge document that indicates the applicant was honorably discharged~~bearing the Department's fully executed stamp~~. The applicant shall pay the statutory fee ~~(see 15 ILCS 335/12), as~~ required by IVC Section 6-118, to have a "Veteran" designation added to a duplicate or corrected driver's license, and by Section 12 of the Illinois Identification Card Act [15 ILCS 335~~625 ILCS 5/6-118~~] to have the designation added to a duplicate or corrected ID.

d~~f~~) On a nightly basis~~No less often than once per month~~, the Secretary shall provide DVA with an electronic file~~a list~~ of the applicants who were issued a driver's license or ID card with the "Veteran" designation during that business day~~since the last list was provided~~. The file~~list~~ shall contain the full name, address, driver's license or ID card number, date of birth, gender and full social security number of the applicant. DVA shall compare that file~~list~~ to its records to determine if the applicant is a honorably discharged veteran~~of veterans to whom a confirmation form has been issued~~. DVA shall notify the Secretary if it determines, after due diligence, that it cannot verify an applicant's veteran status~~the Secretary has issued a "Veteran" driver's license or ID to an applicant whose DD214, NA Form 13038 or other official Department of Defense discharge document was not certified by DVA~~.

e~~g~~) Upon being notified by DVA that it cannot verify the applicant is~~that an applicant has been issued a "Veteran" driver's license or ID without first being confirmed as~~

an honorably discharged veteran~~ by DVA~~, the Secretary shall notify the applicant in writing~~ that DVA has no record of confirming the applicant's status as an honorably discharged veteran, and shall inform the applicant~~ that he or she has 30 days to appear in person at a DVA office and provide proof of his or her ~~veteran~~ status as an honorably discharged veteran to ~~the~~ DVA. If, within that 30 day period, DVA notifies the Secretary that, upon further review, it has determined that the ~~DD214, DVA NA Form 13038 or other official Department of Defense discharge document submitted to the Secretary by the~~ applicant is an honorably discharged veteran~~was in fact issued by DVA~~, the Secretary will take no further action regarding the matter.

f~~h~~) If the Secretary does not receive notification from DVA within the 30 day period specified in subsection (e~~g~~) confirming the applicant's status as an honorably discharged veteran, the Secretary shall cite the applicant to appear at a Secretary of State facility within 15 days after the date of the citation to surrender the driver's license or ID card with the "Veteran" designation and be issued a new card without the "Veteran" designation. If the applicant does not appear pursuant to the citation, the applicant's driver's license or ID card shall be canceled.

g~~i~~) An applicant whose driver's license or ID has been cancelled pursuant to this Section may apply for a driver's license or ID without the "Veteran" designation.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of Part: Personnel

2) Code Citation: 26 Ill. Adm. Code 212

3) Section Number: 212.286 Proposed Action: Amendment

4) Statutory Authority: Implements changes made to the agency's Policy Manual, applicable to all agency employees, as authorized by Section 1A-8 (9) of the Illinois Election Code [10 ILCS 5/1A-8(9)].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes the Agency's maternity, paternity, and adoption leave policy to match the recent maternity, paternity and adoption leave policy changes applicable to most other State employees.

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

11) Statement of Statewide Policy Objective: None

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Kenneth R. Menzel, General Counsel
Illinois State Board of Elections
2329 S MacArthur Blvd.
Springfield IL 62704

217/782-4141

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

fax: 217/782-5959
kmenzel@elections.il.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because at the time the regulatory agenda was required to be filed, this rulemaking was not anticipated.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 212
PERSONNEL

Section
212.210 Introduction
212.214 Position Classification and Compensation
212.218 Application and Appointment
212.222 Work Schedule and Attendance
212.226 Continuous Service
212.230 Personnel Records and Performance Reviews
212.234 Probationary Status
212.238 Promotion
212.242 Employee Transfer
212.246 Demotion
212.250 Layoff
212.254 Voluntary Reduction
212.258 Resignation and Reinstatement
212.262 Employee Conduct
212.266 Discipline and Discharge
212.270 Grievance Procedure
212.274 Sick Leave
212.278 Vacation Leave
212.282 Leave for Personal Business
212.286 Leaves of Absence
212.290 Holidays
212.294 Overtime
212.298 Interpretation and Application of Rules
212.299 Savings Clause

AUTHORITY: Implementing Section 1A-12 of the Election Code [10 ILCS 5] and authorized by Section 1A-8(9) of the Election Code.

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 5534, effective March 31, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 13754, effective August 25, 2005; amended at 36 Ill. Reg. 16785, effective November 16, 2012; amended at 39 Ill. Reg. 6712, effective April

22, 2015; amended at 42 Ill. Reg. 5024, effective February 28, 2018; amended at 43 Ill. Reg. _____, effective _____.

Section 212.286 Leaves of Absence

a) Types

1) Illness: An employee who has expended his or her accumulated sick leave may be granted a leave without pay, provided that he or she submits a required statement from an appropriate health care provider setting forth the reasons for the employee's inability to work. The leave may continue for an appropriate period approved by the Executive Director provided that an appropriate health care provider's statement is submitted within the first 10 calendar days of each month during the leave. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on illness leave until expiration of authorized leave and return to active service, but not to exceed 24 months. Failure to submit a statement from an appropriate health care provider within the first 10 days of each month during the leave could result in termination of the leave.

2) On-the-Job Injury and Service-Connected Disease: An employee who suffers an on-the-job injury or contracts a service-connected disease shall provide notice to the Director and the Director of Administrative Services and be allowed full pay during the first five working days of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefits unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to the Workers' Compensation Act [820 ILCS 305] or through the State's self-insurance program. In the event the service-connected illness or on-the-job injury becomes the subject of payment benefits provided in the Workers' Compensation Act by the Illinois Workers' Compensation Commission, the courts, the State self-insurance program or other appropriate authority, the employee shall restore to the State the dollar equivalent that duplicates payments made as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents. Employees whose compensable service-connected injury or illness requires appointments with a doctor,

dentist or other professional medical practitioner shall, with supervisor approval, be allowed to go to such appointments without loss of pay and without utilization of sick leave.

3) Family and Medical Leave:

A) Eligibility:

i) Employees who have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the federal Family Medical Leave Act of 1993 (FMLA) (29 USC 2601) leave are entitled to up to 12 workweeks leave in any 12-month period for one or more of the following reasons:

- because of the birth of a son or daughter of the employee and in order to care for the child;
- because of the placement of a son or daughter with the employee for adoption or foster care;
- to care for the spouse, or a son, daughter, or parent of the employee, if the spouse, son, daughter or parent has a serious health condition;
- because of a serious health condition that makes the employee unable to perform the function of the position of the employee.

ii) Spouses employed by the Office may be limited to a combined total of 12 workweeks of family leave for the birth and care of a child, placement of a child for adoption or foster care, or to care for an employee's parent who has a serious health condition.

B) Use: The entitlement to leave under subsections (a)(3)(A)(i) and (iii) expires at the end of the 12-month period beginning on the date of the birth or placement of a son or daughter. The entitlement to leave under subsections (a)(3)(A)(iii) and (iv) may

be taken intermittently when medically necessary and when scheduled, so as to not unduly disrupt the Office's operations.

C) Benefits: Family and medical leave shall be unpaid. All accrued paid sick time must be exhausted before any unpaid FMLA leave time may be utilized. The employee may choose to substitute accrued paid vacation, personal and/or compensatory time for unpaid FMLA leave. If the employee elects not to substitute his or her accrued paid vacation, personal or compensatory time for unpaid FMLA leave, the employee remains entitled to previously accrued or earned paid vacation, personal or compensatory time. Paid benefit time utilized for FMLA purposes will be counted toward the 12-week FMLA entitlement. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on family and medical leave.

D) Restoration: Employees who take leave under this subsection (a)(3) shall be returned to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment as held by the employee when the leave commenced.

E) Optional Extension: Family and medical leave may be extended up to a total of six months in any 12-month period at the discretion of the Executive Director.

F) Notice and Certification: An employee shall provide the Office with not less than 30 days' notice of the employee's intent to take family and medical leave, or other notice as is practical under the circumstances. Documentation supporting the reasons for taking a leave may be required. The Office may obtain a second opinion from a health care provider of its choosing. Authorization from an appropriate health care provider to return to work may be required.

G) The terms and conditions of family and medical leave shall be governed by the Federal Family and Medical Leave Act of 1993.

H) In determining whether a veteran meets the FMLA eligibility requirement, the months employed and the hours that were actually worked for the Office shall be combined with the months and

hours that would have been worked during the 12 months prior to the start of the leave requested but for the military service.

4) Administrative Leave: The Executive Director may grant administrative leaves of absence to employees for purposes deemed appropriate. The Executive Director shall determine the duration of the leave and whether the leave shall be with or without pay, full or partial, and with or without State-paid benefits.

5) Excused Absence: An employee may be granted an excused absence with pay upon the approval of the Director to whom the employee reports.

6) Military, Job Corps and Peace Corps Leaves: Leaves of absence shall be allowed employees who enter military service, the Peace Corps or the Job Corps as provided below and as may be required by law.

A) Military Service Leave: Leave of absence without pay shall be granted to all employees who leave their positions and enter military service for four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making application to the Executive Director within 90 days after separation from active duty or from hospitalization continuing after discharge for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application for reinstatement and be qualified to perform the duties of the position. Continuous service and reemployment rights for veterans subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301 et seq.).

B) Military Reserve Training Leave:

i) Any full-time employee of the Office, other than an independent contractor, who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia, shall be granted leave from Office employment for any period actively spent in military service, including:

- basic training;
- special or advanced training, whether or not within the State and whether or not voluntary; and
- annual training.

ii) During the leaves, the employee's seniority and other benefits shall continue to accrue. During leaves for annual training, the employee shall continue to receive his or her regular compensation as a State employee. During leaves for basic training and for up to 60 days of special or advanced training, if an employee's compensation for military activities is less than his or her regular compensation as a State employee, he or she shall receive his or her regular compensation as a State employee minus amount of his or her base pay for military activities.

C) Federal or State Active Duty/Emergency Call Up: Any member of the National Guard employed by the Office whose absence from a position of employment is necessitated by reason of being called to State Active Duty, whether or not voluntary, shall be entitled to reemployment rights and benefits and other employment benefits as provided under the Illinois National Guard Employment Rights Law [20 ILCS 1805/Art. V] or the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301) any other applicable State law, regulation or policy. Except as otherwise provided by law, a member entitled to reemployment upon completion of a period of Federal or State Active Duty shall be promptly reemployed in the position of employment that he or she left with the same increases in status, seniority and wages that were earned during the period of Federal or State Active Duty by employees in like positions who are on the job at the time the returning member entered Federal or State Active Duty, or to a position of like seniority, status and pay, unless the Office's circumstances have so changed as to make it impossible or unreasonable to do so. Any member of the National Guard who is reemployed or seeks reemployment to a position of employment

under this subsection (a)(6)(C) shall be considered as having been on furlough or leave of absence during Federal or State Active Duty and shall be reemployed without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices related to employees on furlough or leave of absence in effect at the time the member entered Federal or State Active Duty.

D) Active Duty Pay: Any full-time employee of the State of Illinois, other than an independent contractor, who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive benefits and regular compensation as a State employee, minus an amount equal to his or her military active duty base pay. The terms and conditions of active duty leave shall be as determined by the Department of Central Management Services and the State Comptroller. Employees on active duty leave retain all rights to reemployment benefits, including insurance.

E) Certification of Leave: To be eligible for military leave or emergency call-up pay, the employee must provide certification from the commanding officer of his or her unit that the leave taken was for either such purpose.

F) Leave for Military Physical Examinations: Any employee drafted into military service shall be allowed up to three days leave with pay to take a physical examination required by the draft. Upon request, the employee must provide the Office with certification by a responsible authority that the period of leave was actually used for that purpose.

G) Peace Corps or Job Corps Enrollees Continuous Service: Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from State employment for the duration of the initial period of service. The employee shall be restored to the same or similar position provided that the employee returns to employment within 90 days after the termination of service or

release from hospitalization for a Peace Corps or Job Corps service-connected disability, in which case a physician's statement shall be provided to the Office.

H) Veterans Hospital Leave: An employee who is also a veteran shall be permitted two days with pay per year to visit a veteran's hospital for examination of a military service-connected disability. The two days shall not be charged against any sick leave currently available to the employee.

7) Disaster Service Volunteer Leave: Any employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules may be granted leave from work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and, upon the Executive Director's approval, the employee shall be granted disaster service volunteer leave without loss of seniority, pay, vacation time or any other employee benefit.

8) Attendance in Court: Any employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal shall be allowed time away from work with pay for these purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent minus the amount paid for mileage, to the Fiscal Office to be returned to the fund in the State Treasury from which the original payroll warrant was drawn; provided, however, an employee may elect to fulfill the call or subpoena on accrued time off and retain the full amount received for the service.

9) Maternity/Paternity and Adoption Leave

A) All female employees who show proof that they have received prenatal care in the first 20 weeks shall be eligible for 10~~four~~ weeks (50~~20~~ work days) paid maternity leave. Proof shall be

provided to the Office no later than the 24th week of pregnancy. All male employees who show proof that their spouses have received prenatal care in the first 20 weeks, with notification to the Office within 24 weeks, shall be eligible for 10~~four~~ weeks (50~~20~~ work days) of paid paternity leave. The Office may require proof of the birth and marriage for a non-covered spouse. ~~Maternity and/or paternity leave shall be limited to one leave per family for each birth. If both spouses are employed by the State, they are limited to one Maternity/Paternity Leave per birth and care of a child and/or placement of a child for adoption or foster care.~~

B) All employees are eligible for 10~~three~~ weeks (50~~15~~ work days) of paid leave per 12-month period with a new adoption~~, with the leave to commence when physical custody of the child has been granted to the employee, provided that the employee can show that the formal adoption process is underway~~. The Office must be notified, and the employee must submit proof that the adoption has been initiated. If the adoption occurs after foster placement, the leave is permitted only if the child or children has/have not resided with the employee for more than three years. The 12-month leave period begins either:~~Adoption leave shall be limited to one leave per family per year.~~

i) when physical custody of the child or children has been granted to the employee, provided that the employee can show that the formal adoption process is underway; or

ii) in cases of adoption following foster placement, upon filing of the Petition for Adoption.

C) Maternity/paternity or adoption leave must be exhausted no later than six months after the birth or adoption of the child.

10) Educational Leave: The Executive Director may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless, in the Executive Director's judgment, the training course would benefit the Office by improving the employee's qualifications to perform the duties of the employee's position in Office service. During a period of educational

leave, only State-paid health benefits and life insurance benefits shall continue as provided under Section 10(c) of the State Group Insurance Act [5 ILCS 375].

11) Organ Donor/Blood Donor Leave:

A) Upon request and approval by the Office, an employee may be entitled to organ donor and/or blood donor leave with pay as follows:

i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow or organ donor. Medical documentation of the proposed organ or bone marrow donation shall be required before the leave is approved by the Director;

ii) up to one hour to donate blood every 56 days. Medical documentation to substantiate the use of leave time for this purpose may be required;

iii) up to two hours to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards. Leave to donate blood platelets may not be granted more than 24 times in a 12-month period.

B) An employee may not be required to use accumulated sick or vacation leave time before being eligible for leave under this subsection (a)(11). Medical documentation to substantiate the use of leave time for these purposes may be required.

12) Leave Due to Domestic or Sexual Violence: An employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may be entitled to take up to 12 workweeks of unpaid leave during any 12-month period for the purposes and under the terms and conditions provided in the Victims' Economic Security and Safety Act [820 ILCS 180] and implementing regulations (56 Ill. Adm. Code 280).

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

b) Employee Rights After Leave: When an employee returns from a leave of absence of six months or less, the Office shall return the employee to the same or similar position in which the employee was incumbent prior to the commencement of leave, provided that all requirements for substantiation of use of leave or physical fitness have been furnished and that application for reassignment is made within the specified time limit of the leave. When an employee returns from a leave of absence exceeding six months in duration, other than leave of absence granted under subsection (a)(6), and there is no vacant position in the same position classification in which the employee was incumbent prior to the commencement of leave, the employee may be laid off. An employee returning from a leave of absence under subsection (a)(6) shall be returned to the same or similar position in which the employee was incumbent prior to the commencement of leave, provided that all requirements for substantiation of use of leave or physical fitness have been furnished, that application for reassignment is made within the specified time limits of the leave, and that the Office's circumstances have not changed so as to make reassignments impossible or unreasonable.

c) Failure to Return: Failure of an employee to return from leave within five working days after the expiration or termination date of a leave, whichever is applicable, may be cause for discharge. Leave shall automatically terminate upon the employee's securing other employment during the leave period. It shall be the employee's responsibility to notify the Director and the Director of Administrative Services of other employment.

d) Accrual and Retention of Continuous Service during Certain Leaves: During the following leaves, an employee shall retain and accrue continuous service, provided appropriate application and return is made as required by this Section: family and medical leave; educational leave; administrative leave; military leave; Peace Corps or Job Corps leave; disaster service volunteer leave; or service-connected disability leave.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures for Issuing Loans From the Water Pollution Control Loan Program

2) Code Citation: 35 Ill. Adm. Code 365

3)

Section Numbers:	Adopted Actions:
365.110	Amendment
365.120	Amendment
365.130	Amendment
365.140	Amendment
365.150	Repealed
365.160	Amendment
365.170	Amendment
365.210	Amendment
365.240	Amendment
365.310	Amendment
365.340	Amendment
365.345	New Section
365.350	Amendment
365.355	New Section
365.410	Amendment
365.420	Amendment
365.440	Amendment
365.460	Amendment
365.470	Amendment
365.540	Amendment
365.610	Amendment
365.620	Amendment
365.630	Amendment

4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.10 of the Environmental Protection Act [415 ILCS 5].

5) Effective Date of Rules: October 1, 2019

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

7) Does this rulemaking contain incorporations by reference? No

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

8) A copy of the adopted rules is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 24383, December 28, 2018; Notice of Publication Error at 43 Ill. Reg. 2185, February 8, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Minor revisions

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: The Illinois EPA is adopting new rules pursuant to the Public Water Supply Operations Act in Part 365, and therefore now repeals the existing rules in Part 366.

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

Sara Terranova
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544
Sara.Terranova@Illinois.gov

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 365
PROCEDURES FOR ISSUING LOANS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM

SUBPART A: INTRODUCTION

Section
365.105 Purpose
365.110 Definitions
365.120 Clean Water Act Requirements~~Administration~~
365.130 Projects and Activities Eligible~~Available~~ for Assistance
365.140 Uses of the Water Pollution Control Loan Program~~Types of Assistance~~
365.150 Other Federal Requirements (Repealed)
365.160 Application Process
365.170 Waiver of Procedures

SUBPART B: FINANCING TERMS

Section
365.210 Fixed Loan Rate
365.220 Loan Repayment Period
365.240 Restructuring
365.250 Additional Subsidization
365.260 Limitations on Loan Assistance

SUBPART C: LOAN APPLICATION PROCESS

Section
365.310 Funding Nomination Form
365.320 Project Plan
365.330 State Environmental Review
365.340 Project Priority List
365.345 Loan Priority Score
365.350 Loan Application and Other Documentation~~Securing the Loan Agreement~~
365.355 Letter of Commitment

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

Section
365.410 Loan Issuance
365.420 Post-Loan Issuance Construction Contract Requirements
365.430 Loan Eligible Costs
365.440 Disbursement and Use of Loan Funds
365.450 Initiation of Loan Repayment
365.460 Loan Closing and Issuance of Final Loan Amendment
365.470 Ongoing Auditing and Monitoring of Financial Capability

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section
365.510 Delinquent Loan Repayments
365.520 Noncompliance with Loan Procedures
365.530 Stop-Work Order
365.540 Termination

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section
365.610 Requirements for Subagreements
365.620 Construction Contracts
365.630 Contracts for Personal and Professional Services
365.640 Compliance with Procurement Requirements for Construction Contracts
365.650 Disputes
365.660 Indemnity
365.670 Covenant Against Contingent Fees

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 13 Ill. Reg. 7351, effective May 1, 1989; amended at 16 Ill. Reg. 15073, effective September 21, 1992; recodified at 19 Ill. Reg. 11450, effective August 11, 1995; amended at 20 Ill. Reg. 788, effective January 1, 1996; amended at 30 Ill. Reg. 15590, effective September 18, 2006; emergency amendment at 33 Ill. Reg. 8546, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15450, effective October 28, 2009; emergency

amendment at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6, 2010; amended at 34 Ill. Reg. 17582, effective November 8, 2010; amended at 40 Ill. Reg. 6577, effective April 1, 2016; former Part repealed at 41 Ill. Reg. 7980 and new Part adopted at 41 Ill. Reg. 7983, effective July 1, 2017; amended at 42 Ill. Reg. 14442, effective July 20, 2018; amended at 43 Ill. Reg. 11141, effective October 1, 2019.

SUBPART A: INTRODUCTION

Section 365.110 Definitions

a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle C) and the federal Clean Water Act (CWA), as amended (33 USC 1251 et seq.).

b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Asset Management Plan – Any system-wide plan that contains the information on asset conditions, service levels, customer needs, and financial resources to ensure the loan applicant can conduct planned maintenance and repair and replace and upgrade capital assets to reliably provide quality service for the foreseeable future.

Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the WPCLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the WPCLP as a result of the capitalization grant agreement with USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the WPCLP and enable the Agency to provide assistance for WPCLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA, respectively.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

CWA – The Clean Water Act, as amended (33 USC 1251 et seq.).

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following:

surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Energy Efficiency − The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects − Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities − Equipment or operating systems that are constructed, installed or established to serve the particular purpose of mitigating the impacts of sewerage, industrial waste or non-point sources of pollution in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of treatment works. Facilities in the context of the Green Project Reserve will address green infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 365.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the WPCLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

Fund – The Water Revolving Fund as authorized by Section 19.3 of the Act, *consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program*. [415 ILCS 5/19.2(b)]

Green Infrastructure − Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve − The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow – Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Water Pollution Control Loan Program, project categories, discharge requirements, terms of financial assistance and the loan applicants to be served. [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – *A loan made from the Water Pollution Control Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant*. [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the WPCLP.

Loan Applicant – The person that has applied for a loan from the WPCLP under this Part.

Loan Procedures – The procedures for issuing loans from the WPCLP as set out in this Part.

Loan Recipient – The person that has been provided a loan from the WPCLP under this Part.

Loan Support Rate – The loan support rate is a portion of the fixed loan rate and shall not exceed one-half of the fixed loan rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the fixed loan rate shall be deposited in the Loan Support Program receipt account within the Fund.

Local Government Unit − A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement

authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm water treatment systems, or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the United States Department of Commerce, Bureau of the Census.

Municipality – A city, town, county, village, district, utility authority, sanitary district, public water district, not-for-profit association or other political subdivision whose responsibilities include construction, operation and maintenance of treatment works~~A municipality as defined in section 502 of the federal Clean Water Act (33 USC 1362(4))~~.

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the WPCLP.

Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 366 that the Agency has determined are eligible to receive financial assistance from the WPCLP.

Public Loan Applicant – A loan applicant that is a municipality, intermunicipal agency, interstate agency, or local government unit that has applied for a loan under the WPCLP.

Public Loan Recipient – A loan recipient that is a municipality, intermunicipal agency, interstate agency, or local government unit that has been provided a loan under the WPCLP.

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

Service Population – The number of people served by the public loan applicant.

Subagreement – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

Treatment Works – Treatment works, as defined in section 212 of the federal Water Pollution Control Act (33 USC 1292)*, including, but not limited to, the following:*

> *any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances;*

extensions, improvements, remodeling, additions, and alterations thereof;

elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities;

any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities; and

any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems as those terms are defined in the Federal Water Pollution Control Act. [415 ILCS 5/19.2(f)]

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a treatment works is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

WPCLP – The Water Pollution Control Loan Program as authorized by Section 19.3~~19.2~~ of the Act.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.120 Clean Water Act Requirements~~Administration~~

a) The Water Pollution Control Loan Program~~State Water Revolving Fund, an interest-bearing special fund,~~ is administered by the Agency ~~as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA~~ in accordance with the Clean Water Act and the Illinois Environmental Protection Act~~State and federal laws~~.

b) The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:

1) the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the WPCLP that are not expected to change annually;

2) the Agency's Intended Use Plan;

3) an agreed upon payment schedule between USEPA and the Agency;

4) the Green Project Reserve requirements;

5) the Agency's State environmental review process; and

6) the Agency's agreement to the following:

A) to accept grant payments in accordance with a negotiated payment schedule;

B) to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;

C) to make binding commitments in an amount equal to 120% of each quarterly federal grant payment within one year after the receipt of each quarterly grant payment;

D) to expend all funds in an expeditious and timely manner;

E) to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline;

F) treatment works that will be constructed in whole or in part with assistance from the State Water Revolving Fund will meet the requirements of 33 USC 1371(c)(1) and 1372;

G) to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;

H) to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

I) to require recipients under WPCLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;

J) to make annual reports to the USEPA on the actual use of funds;

K) to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the CWA;

L) to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing of the cost of administering the WPCLP or financing projects or activities eligible for assistance under this Part;

M) to an annual audit of the WPCLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);

N) to require public loan recipients to study the cost and effectiveness of the process, materials, techniques, and technologies for carrying out the proposed project or activity and to select, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture and conservation, and energy conservation; and

O) to require that contracts carried out with funds directly made available under this Part for program management, construction

management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services are negotiated in the same manner as a contract for architectural and engineering services are negotiated under 40 USC 1101.

c) Intended Use Plan

1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.

2) The Intended Use Plan must include:

A) the uses of the State Water Revolving Fund under the WPCLP and describe how these uses support the goals of the WPCLP;

B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;

C) the short and long term goals and objectives of the WPCLP;

D) information on the types of activities including eligible categories of costs to receive assistance, types of assistance to be provided, and the WPCLP policies on setting the terms for various types of assistance provided by the State Water Revolving Fund under this Part;

E) the criteria and the method for distribution of the State Water Revolving Fund funds under this Part; and

F) assurances and specific proposals on the manner by which the Agency intends to comply with 40 CFR 35.3135(c), (d), (e) and (f), and 35.3140.

d) Loan projects must be consistent with any plans developed under Sections 205(j), 208, 303(e), and 319 of the CWA.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.130 Projects and Activities Eligible~~Available~~ for Assistance

Funds available under the WPCLP and this Part shall be used only for providing financial assistance for the following projects or activities:

a) to any public loan applicant for construction of publicly owned treatment works;

b) for the implementation of a management program established under 33 USC 1329;

c) for development and implementation of a conservation and management plan under 33 USC 1330;

d) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;

e) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;

f) to any public loan applicant for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;

g) for the development and implementation of watershed projects meeting the criteria set forth in 33 USC 1274;

h) to any public loan applicant for measures to reduce the energy consumption needs for publicly owned treatment works;

i) for reusing or recycling wastewater, stormwater, or subsurface drainage water;

j) for measures to increase the security of publicly owned treatment works;

k) to any qualified nonprofit entity, as determined by USEPA, to provide assistance to owners and operators of small and medium publicly owned treatment works:

1) to plan, develop, and obtain financing for eligible projects under this subsection (k), including planning, design, and associated preconstruction activities; and

2) to assist the treatment works in achieving compliance with the CWA.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.140 Uses of the Water Pollution Control Loan Program~~Types of Assistance~~

The Water Pollution Control Loan Program shall be used and administered by the Agency for the following purposes.~~Funds distributed from the State Water Revolving Fund under the WPCLP and this Part may only be used as follows~~:

a) to make loans, on the condition that:

1) the loans are made at or below market interest rates~~, including interest free loans,~~ at terms not to exceed the lesser of 30 years and the projected useful life of the project to be financed with the proceeds of the loan pursuant to Section 365.220;

2) annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized upon the expiration of the term of the loan;

3) the recipient of a loan will establish a dedicated source of revenue for repayment of loans;

4) the fund will be credited with all payments of principal and interest on all loans; and

5) for a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a):

A) the recipient of a loan shall develop and implement a fiscal sustainability plan that includes the elements listed in Section 365.350(a)(7).~~:~~

~~i) an inventory of critical assets that are a part of the treatment works;~~

~~ii) an evaluation of the condition and performance of inventoried assets or asset groupings;~~

~~iii)~~ ~~a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and~~

~~iv)~~ ~~a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities; or~~

B) the loan recipient shall certify that the recipient has developed and implemented a fiscal sustainability plan pursuant to Section 365.460(a)(5)~~that meets the requirements under subsection (a)(5)(A)~~;

b) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, when the debt obligations were incurred after March 7, 1985;

c) *to make loans, including, but not limited to, loans through a linked deposit program, at or below market interest rates for the implementation of a management program established under Section 319 of the CWA* [415 ILCS 5/19.3(b)(3.5)];

d) *to guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates* [415 ILCS 5/19.3(b)(4)];

e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Water Revolving Fund* [415 ILCS 5/19.3(b)(5)];

f) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

g) to earn interest on fund accounts;~~ and~~

h) *for the reasonable costs of administering the Water Revolving Fund* [415 ILCS 5/19.3(b)(6)];

i) *to transfer funds to the Public Water Supply Loan Program* [415 ILCS 5/19.3(b)(7)]; *and*

j) *to provide any other financial assistance that may be provided under Section 603 of the CWA for any other projects or activities eligible for assistance under that Section or federal rules adopted to implement that section* [415 ILCS 5/19.3(b)(8)].

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.150 Other Federal Requirements (Repealed)

~~a) Loan projects must be consistent with any plans developed under Sections 205(j), 208, 303(e), and 319 of the CWA.~~

~~b) Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.~~

~~c) If a loan recipient receives a loan from the Agency that will finance the cost of project planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, and receives a grant under 33 USC 1281(g) for construction of those treatment works and an allowance under 33 USC 1281(l)(1) for non-federal funds expended for that planning and preparation, the loan recipient must promptly repay the loan to the extent of the allowance.~~

~~d) The Agency may provide assistance (other than under Section 365.140(a)) to a public loan recipient with respect to the non-federal share of the costs of a treatment works project for which the public loan recipient is receiving assistance from USEPA under any other authority only if that assistance is necessary to allow the project to proceed.~~

~~e) Loan projects must meet the applicable requirements of any other federal laws and authorities.~~

(Source: Repealed at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.160 Application Process

a) In order to receive a loan under the WPCLP, loan applicants must apply to~~with~~ the Agency using the loan application process outlined in Subpart C. The process requires that:

1) the loan applicant submits a Funding Nomination Form pursuant to Section 365.310;

2) the loan applicant submits a Project Plan pursuant to Section 365.320;

3) the project undergoes State environmental review under Section 365.330;

4) the project be placed on the Project Priority List pursuant to Section 365.340; and

5) the loan applicant submits the following information:~~secures the loan agreement pursuant to Section 365.350.~~

A) a loan application as required by Section 365.350(a);

B) contracts for personal or professional services as required by Section 365.350(b);

C) a construction permit application, if necessary, as required by Section 365.350(c);

D) pre-bidding plans and specifications with certification form, as required by Section 365.350(d); and

E) bidding evaluation and certification forms as required by Section 365.350(e).

b) Loan applicants shall not execute a notice to proceed authorizing the initiation of construction until the loan agreement has been fully secured and executed.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.170 Waiver of Procedures

a) Except as provided in subsection (b) or otherwise required by law, the Director

may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the WPCLP. The waiver may be subject to such additional conditions as the Director deems necessary.

b) In addition to all federal requirements, these procedures will not be waived:

~~1) Section 365.150 (Other Federal Requirements);~~

1)~~2)~~ Section 365.210 (Fixed Loan Rate);

2)~~3)~~ Section 365.240 (Restructuring);

3)~~4)~~ Section 365.320 (Project Plan);

4)~~5)~~ Section 365.330 (State Environmental Review);

5)~~6)~~ Section 365.340 (Project Priority List);

6)~~7)~~ Section 365.350(a)(10) (Ability to Repay);

7)~~8)~~ Section 365.460(a)(3) (Operation and Maintenance of the Project);

8)~~9)~~ Section 365.470 (Ongoing Auditing and Monitoring of Financial Capability);

9)~~10)~~ Section 365.620(f)(3)~~365.620(a)(3)~~ (Wage Provisions);

10)~~11)~~ Section 365.620(f)(4)~~365.620(a)(4)~~ (Disadvantaged Business Enterprise Requirements);

11)~~12)~~ Section 365.620(f)(5)~~365.620(a)(5)~~ (Debarment and Suspension Certification);

12)~~13)~~ Section 365.630(a)(1) (Disadvantaged Business Enterprise Requirements); and

13)~~14)~~ Section 365.630(a)(4) (Debarment and Suspension Certification).

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

SUBPART B: FINANCING TERMS

Section 365.210 Fixed Loan Rate

The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).

b) Small Community Rate – Public loan applicants with a service population less than 25,000 that also meet any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:

1) The median household income of the public loan applicant's service population is less than the statewide average.

2) The unemployment rate of the public loan applicant's service population is greater than the statewide average.

3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.0% of the median household income of the public loan applicant's service population.

c) Hardship Rate – Public loan applicants with a service population less than 10,000 that also meet any one of the following three criteria qualify for a fixed loan rate of 1.0%:

1) The median household income of the public loan applicant's service population is below 70% of the statewide average.

2) The unemployment rate of the public loan applicant's service population is at least 3.0 percentage points~~%~~ greater than the statewide average.

3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.5% of the median household income of the public loan applicant's service population.

d) Environmental Impact Discount − When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):

1) new projects for the collection or treatment of unsewered communities;

2) projects involving nutrient removal or nutrient loss reduction;

3) green infrastructure projects;

4) projects lowering water demand; or

5) projects reducing energy demands at a wastewater treatment facility.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.240 Restructuring

All restructuring shall be consistent with the objectives of the CWA and shall meet the requirements of this Part.

a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:

1) The name of the applicant and the Agency loan number;

2) A statement explaining when it was determined that restructuring was needed;

3) A statement explaining all remedial measures taken prior to the

determination that restructuring was needed;

4) A statement explaining why restructuring is in the best interest of the State and the applicant;

5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and

6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 365.350(a)(9) through (a)(13).

~~b) The applicant must resubmit all financial and managerial capability documentation required under Section 365.350(a)(9) through (a)(13), and the restructured loan must further meet all other requirements of this Part.~~

b)~~c)~~ The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:

1) the loan recipient's ability to repay the loan~~good cause~~;

2) circumstances beyond the control of the applicant; and

3) the financial hardship the existing loan imposes on the loan recipient.

c)~~d)~~ Restructured loan agreements shall have a fixed loan rate equal to the lesser of the fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 365.210.

d)~~e)~~ Except as provided in subsection (e)~~(f)~~, the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

e)~~f)~~ For public loan applicants that qualify for the Small Community Rate or Hardship Rate as provided in Section 365.210, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the

original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

SUBPART C: LOAN APPLICATION PROCESS

Section 365.310 Funding Nomination Form

a) Every loan applicant must submit to the Agency a signed and dated Funding Nomination Form~~funding nomination on Agency prescribed forms~~ that includes~~include~~, at a minimum, the following items:

1) Loan applicant information

A) name;

B) contact information; and

C) authorized representative – name and title;

2) Project Information

A) project description, including location;

B) project justification;

C) cost; and

D)~~C)~~ project implementation schedule.

3) Information necessary to score the loan applicant's project in accordance with Section 365.345.

b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding March~~January~~ 31.

c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 365.320.

d) When a loan applicant is seeking more than one loan in a single fiscal year, a separate funding nomination form must be submitted for each loan requested.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.340 Project Priority List

a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.

b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1. Only loan applicants who have submitted a Funding Nomination Form will be placed on the Project Priority List. Loan applicants who have received project planning approval pursuant to Sections 365.320 and 365.330 before March 31 of the previous fiscal year will be scored, ranked and placed on the project priority list according to Section 365.345. Loan applicants who have not received project planning approval before March 31 of the previous fiscal year will be placed at the bottom of the Project Priority List in alphabetical order. ~~as follows:~~

~~1) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320, and obtained Project Plan approval pursuant to Section 365.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List according to 35 Ill. Adm. Code 366.~~

~~2) Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).~~

~~3) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 365.330, but will not be placed on the Intended Funding List.~~

c) The Agency shall publish the Project Priority List in the Intended Use Plan.

d) Intended Funding List

1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List that have been scored and ranked pursuant to subsection (b) and are scheduled to initiate construction prior to March 31 of the current fiscal year. The~~, with the~~ total costs of all projects on the intended funding list shall not exceed~~equaling~~ the total amount of funds available.

2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.

3) Projects on the Intended Funding List are not guaranteed funding or additional subsidization.

4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List according to the process set forth in subsection (e)~~when the bypass process criteria are met (see subsection (e))~~.

~~5) From July 1 through December 31, only projects on the Intended Funding List will be given a loan.~~

e) Bypass Process and Surplus Funding

1) From January 1 through June 30 of each year, a project on the Intended Funding List may be bypassed, releasing any reserved funds when the loan applicant has not:

A) submitted a loan application as required by Section 365.350(a);

~~B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 365.350(a)(9) through (a)(13);~~

B)~~C)~~ obtained all necessary construction permits; and

C)~~D)~~ established a bid opening date prior to March 31 of the current fiscal year~~1~~.

2) A project on the Intended Funding List may be bypassed at anytime, releasing any reserved funds, when the loan applicant notifies the Agency in writing that it does not intend to pursue funding during the current fiscal year.

3) When a project is bypassed, the Agency will make the bypassed funds available for projects on the Project Priority List in the order in which the requirements of Section 365.410~~(a)~~ are satisfied by the loan applicant.

f) Surplus funding. When the total costs of projects on the Intended Funding List is less than the total amount of funds available, the Agency may make surplus funds available for projects on the Project Priority List by issuing a Letter of Commitment pursuant to Section 365.355.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.345 Loan Priority Score

a) Projects will be scored and ranked for inclusion on the Project Priority List using the loan priority score methodology set forth in this Section.

b) The Agency will calculate the loan priority score by totaling the points awarded in subsections (e) through (l).

c) Applicants with a higher loan priority score will be ranked above applicants with a lower loan priority score on the Project Priority List.

d) Only projects that have submitted a Funding Nomination Form and have a project plan approved by the Agency will be scored pursuant to this Section.

e) Violations and Enforcement Compliance

1) A maximum of 650 points may be awarded under this subsection (e).

2) 200 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting, that has resulted in any of the following:

A) referral to the Illinois Attorney General's Office;

B) referral to USEPA;

C) a court order directing the loan applicant to remedy the violation;

D) a Pollution Control Board order directing the loan applicant to remedy the violation; or

E) an administrative order from USEPA directing the loan applicant to remedy the violation.

3) 150 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting.

4) 150 points will be awarded if the project improves or replaces infrastructure that requires a construction permit or National Pollution Discharge Elimination System (NPDES) permit.

5) 75 points will be awarded if the completed project will result in the applicant's removal from the Agency's Critical Review or Restricted Status list.

6) 75 points will be awarded if the completed project corrects sanitary sewer overflows (SSOs), combined sewer overflows (CSOs), or basement backups.

f) Unsewered Communities and Consolidation

1) A maximum of 200 points may be awarded under this subsection (f).

2) Points will be awarded if the project provides wastewater collection and treatment service to a municipality as follows:

A) 200 points will be awarded if the loan applicant does not have centralized waste water treatment and discharges to surface waters;

B) 100 points will be awarded if the loan applicant does not have centralized waste water treatment; or

C) 50 points will be awarded if the loan applicant has centralized waste water treatment and greater than 50% of the project's costs is to provide sewer service to an unsewered area.

3) 100 points will be awarded if the project consolidates one or more treatment works and eliminates a discharge to a water of the United States.

g) Water Quality Improvement

1) A maximum of 150 points may be awarded under this subsection (g).

2) Points will be awarded if the project improves a named cause of impairment for a receiving water body identified as a high priority pursuant to section 303(d) of the CWA.

A) 50 points will be awarded if the project improves two or more causes of impairments; or

B) 25 points will be awarded if the project improves one cause of impairment.

3) Points will be awarded if the project improves a named cause of impairment for a receiving water body designated as medium priority pursuant to section 303(d) of the CWA.

A) 25 points will be awarded if the project improves two or more causes of impairments; or

B) 15 points will be awarded if the project improves one cause of impairment.

4) Points will be awarded if the project improves a receiving water body that has an approved total maximum daily load (TMDL) pursuant to section 303(d)(1)(C) of the CWA.

A) 75 points will be awarded if the project improves a receiving water body with an approved TMDL for two or more causes of impairments.

B) 50 points will be awarded if the project improves a receiving water body with an approved TMDL for one cause of impairment.

5) Points will be awarded if the project will result in a reduction of phosphorous or nitrogen in the receiving water body.

A) 75 points will be awarded if the project will reduce both nitrogen and phosphorous.

B) 50 points will be awarded if the project will reduce nitrogen or phosphorous.

h) Protection of Assets

1) A maximum of 75 points may be awarded under this subsection (h).

2) Points will be awarded if the applicant is implementing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.

A) 75 points will be awarded if the facility has a design average flow of less than 1 million gallons per day.

B) 25 points will be awarded if the facility has a design average flow of equal to or greater than 1 million gallons per day.

3) 25 points will be awarded if the applicant has a design average flow of less than 1 million gallons per day and the applicant is developing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.

i) Conservation and Green Infrastructure

1) A maximum of 75 points may be awarded under this subsection (i).

2) 25 points will be awarded if the project will achieve 20% or greater reduction in water or energy use of the loan applicant.

3) 20 points will be awarded if the project contains resiliency components, including facilities built for redundancy, or if the project assists a loan applicant with planning for potential service disruptions, natural or manmade.

4) 15 points will be awarded if the project implements green infrastructure, including, but not limited to, green roofs, pervious pavement, rainwater harvesting or cisterns, sustainable landscaping, stormwater control, constructed wetlands, LEED certified buildings, and riparian buffers.

5) 15 points will be awarded if the project implements one or more agricultural BMPs.

j) Readiness to Proceed

1) A maximum of 120 points may be awarded under this subsection (j).

2) 20 points will be awarded if the loan application required by Section 365.350(a) has been submitted to the Agency.

3) 20 points will be awarded if the applicant has obtained necessary permits to begin construction of the project or the Agency determines that no permit is required for the project.

4) 40 points will be awarded if the requirements of Section 365.350(a) through (d) have been satisfied.

5) 40 points will be awarded if the requirement of Section 365.350(e) has been satisfied.

k) Economic Factors

1) A maximum of 135 points may be awarded under this subsection (k).

2) Median Household Income (MHI). The following points will be awarded based on the MHI of the applicant's service population as a percentage of the statewide average MHI:

Points	MHI as % of Statewide MHI
50	Below 70%
40	70 - 79.99%
30	80 - 89.99%
20	90 - 99.99%
0	At or Above 100%

3) User Rates. The following points will be awarded based on the average annual residential user fees after the project is constructed as a percentage of MHI of the applicant's service population (i.e., average annual user fees/MHI) x 100).

Points	Rate as % of MHI
50	At or Above 2%
25	1 - 1.99%
0	Below 1%

4) Unemployment Rate. The following points will be awarded when the applicant's unemployment rate is greater than the statewide average:

Points	Unemployment Rate Percentage Points Greater than Statewide Average
35	3 percentage points or more
25	1.5 - 2.99 percentage points
15	0.1 - 1.49 percentage points

l) Population

1) A maximum of 50 points may be awarded under this subsection (l).

2) The following points will be awarded based on applicant's service population.

Points	Service Population
50	Less than 10,000
25	10,000 - 34,999
10	35,000 - 74,999
0	At or Above 75,000

(Source: Added at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.350 Loan Application and Other Documentation~~Securing the Loan Agreement~~

Before the Agency will issue a loan agreement~~After the Agency has approved the loan applicant's Project Plan~~, the loan applicant must~~shall~~ submit the following documents:

a) An application, on forms prescribed by the Agency, which must include the following documents:

1) Loan Program Certifications;

2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;

3) Certification of Intent Regarding National Flood Insurance;

4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;

5) Authorization of a Representative to Sign Loan Documents;

6) An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services were negotiated in the same manner as a

contract for architectural and engineering services under 40 USC 1101 et seq.;

7) For a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient will develop and implement a fiscal sustainability plan that includes:

A) an inventory of critical assets that are a part of the treatment works;

B) an evaluation of the condition and performance of inventoried assets or asset groupings;

C) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

D) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding the activities;

8) Any other executed legal agreements, including, but not limited to, intergovernmental agreements necessary for project implementation;

9) Proof of authority to incur debt for:

A) Public loan applicants: a certified copy of the enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or

B) Loan applicants that are not public loan applicants: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;

10) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:

A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:

i) detailed project costs;

ii) 5 year projected estimates of revenues;

iii) 5 year projected estimates of operation and maintenance costs;

iv) 5 year projected estimates of local capital costs; and

v) the most recent completed annual audited financial statements of the loan applicant;

B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:

i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate increase by the Illinois Commerce Commission will be required);

ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;

iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations. If the project is for a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. The user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental or service agreements or other appropriate authorizations; and

iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer, or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, provide the number of billed residential and industrial or commercial accounts;

C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;

D) For nonpublic loan applicants, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];

E) For nonpublic loan applicants, approval from the Illinois Commerce Commission to incur debt, if applicable;

F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan including, but not limited to, a credit report;

11) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;

12) A Tax Exemption Certificate and Agreement; ~~and~~

13) A project completion schedule;~~.~~

14) An active Data Universal Number System Identification (DUNS No.) registered in the federal System for Award Management Systems; and

15) Certification that the loan applicant will comply with the American iron and steel requirements as required by USEPA.

b) Any contract or contract amendments for personal or professional services~~An executed contract for design and construction related work~~ in accordance with Section 365.630 if financing is being requested for these specific costs.

c) A~~Design documents, including plans and specifications, for purposes of obtaining a~~ construction permit~~,~~ or "authorization to construct"~~,~~ from the Agency, pursuant to 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable, whenever such permit is necessary to comply with the Act.

d) Pre-bidding plans and specifications with certification form prescribed by the Agency, which includes a draft of all documents required by Section 365.620.~~A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:~~

~~1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);~~

~~2) The terms and conditions of the contract to be awarded;~~

~~3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;~~

~~4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;~~

~~5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;~~

~~6) A proposal form, to be used by all bidders, that includes the following language:~~

~~A) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:~~

~~i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;~~

~~ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and~~

~~iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];~~

~~B) Each person signing the bid shall certify that:~~

~~i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); or~~

~~ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not~~

~~participated, and will not participate, in any action contrary to subsection (d)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); and~~

~~7) A requirement that the project will be awarded to the lowest, responsive, responsible bidder in accordance with the following:~~

~~A) after bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval;~~

~~B) the loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency; and~~

~~C) if the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.~~

e) After the bids are opened and evaluated by the loan applicant~~ in accordance with the methods and criteria set out in the bidding documents~~, a bidding evaluation and certification, on forms prescribed by the Agency, including documentation showing compliance with Section 365.620.~~and all supporting information from the selected bidder, including, but not limited to, the following:~~

~~1) A copy of the published bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the following:~~

~~A) procedures in this Part;~~

~~B) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;~~

~~C) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];~~

~~D) the use of American Iron and Steel, if required by USEPA for that fiscal year;~~

~~E) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and~~

~~F) all controlling federal and State executive orders;~~

~~The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;~~

~~3) An analysis of the bids and recommendations for the award of the bids;~~

~~4) A copy of the applicant's notice of intent to award;~~

~~5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~

~~6) A copy of the selected bidder's certification that no funds made available by the WPCLP will be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:~~

~~A) applying subsection (e)(6) would be inconsistent with the public interest;~~

~~B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or~~

~~C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent; and~~

~~7) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.~~

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.355 Letter of Commitment

a) Anytime during the fiscal year, the Agency may issue a letter of commitment reserving funds for a project, provided funds are available, if the following conditions have been met:

1) project is on the Project Priority List;

2) project is not on the intended funding list;

3) the Agency has approved the loan applicant's Project Plan pursuant to Sections 365.320 and 365.330; and

4) the Agency has approved the documents submitted pursuant to Section 365.350(a) through (d), including the issuance of any necessary construction permits.

b) The Agency may include conditions in the letters of commitment that must be met to prevent the release of the funds. The conditions may include, but are not limited to, a schedule for bidding the project and beginning construction.

c) Any funds reserved by a letter of commitment will be released at the end of the fiscal year or when conditions within a letter of commitment are not satisfied.

(Source: Added at 43 Ill. Reg. 11141, effective October 1, 2019)

SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

Section 365.410 Loan Issuance

~~a)~~The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 365.130 when:~~1) the loan applicant has demonstrated it will comply with the conditions listed in Section 365.140(a);~~

a)~~2)~~ the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;

b)~~3)~~ the Agency has approved the loan applicant's Project Plan pursuant to Sections~~Section~~ 365.320 and 365.330; and

c)~~4)~~ the documents required by Section 365.350 have been submitted and approved by the Agency.

~~b) Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.~~

~~c) Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (c), the completion date is the same as the initiation of operation date.~~

~~d) The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the WPCLP loan was provided is being performed.~~

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.420 Post-Loan Issuance Construction Contract Requirements

a) The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms to the approved plans and specifications.

b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

1) Executed Contract ~~Certification~~. For each construction contract awarded, the loan recipient shall submit an executed contract, performance and payment bond for the bid amount, certificate of insurance with the loan recipient added as additional insured, and the notice to proceed ~~certification on forms provided by the Agency~~.

2) Change Orders

A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.

B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:

i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and

ii) a description of any changes, with justification for the changes.

C) Prior approval by the Agency of a change order is required when a change order results in:

i) alterations in design scope that require a modification to a construction permit; or

ii) an increase in the amount of loan funds needed to complete the project.

D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.440 Disbursement and Use of Loan Funds

a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:

1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices; and

2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.~~; and~~

~~3) Enacted and enforceable system of user charges if not previously provided.~~

b) Disbursements are subject to the appropriation of funds by the General Assembly.

c) Disbursements shall be processed in accordance with the loan agreement.

d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.

e) The loan recipient shall make prompt payment to the contractor.

f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the WPCLP.

g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the WPCLP receipt account within the Fund.

h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in

accordance with the plans and specifications and on the schedule approved by the Agency.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.460 Loan Closing and Issuance of Final Loan Amendment

a) The Agency shall conduct a project review to ensure~~insure~~ that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:

1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.

2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.

3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:

A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided;~~.~~

B) An operation and maintenance reference library is available and includes, but is not limited to, the following:

i) Manufacturer's literature, shop drawings, and warranties;

ii) The plans of record with valve indices for the equipment and process units included in the project. For mechanical wastewater treatment plants, the valve index shall include a listing of valve positions for each possible alternate flow configuration including by-passing of individual treatment processes and units and recommended configurations for

emergency conditions that could reasonably be expected to occur; and

C) That the loan applicant employs or contracts the services of a certified operator pursuant to 35 Ill. Adm. Code 380.

4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001-4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.

A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.

B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.

C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 365.430 (Loan Eligible Costs).

5) For a project constructed to repair, replace or expand a treatment works ~~treatment works proposed for repair, replacement, or expansion~~ that is eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient has developed and implemented a fiscal sustainability plan that includes the requirements in Section 365.350(a)(7).~~:~~

~~A) an inventory of critical assets that are a part of the treatment works;~~

~~B) an evaluation of the condition and performance of inventoried assets or asset groupings;~~

~~C)~~ ~~a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and~~

~~D)~~ ~~a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities.~~

6) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.

b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:

1) review and determine the final total and eligible costs;

2) establish a final amortization schedule; and

3) issue the loan recipient a final loan amendment.

c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records, as defined in Section~~Sections 365.410(d),~~ 365.470, and ~~365.820~~ to the project site during normal business hours, to the full extent of the loan recipient's right to access.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.470 Ongoing Auditing and Monitoring of Financial Capability

a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.

b) For purposes of this Section, records shall include, but not be limited to, the following:

1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and

2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.

c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:

1) for all costs associated with design and construction, for 3 years after final loan closing;

2) for all other accounting records concerning the loan, for 3 years from the date of the transaction; and

3) for any longer period required by law or by subsections (d) and (e).

d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.

e) Records that relate to appeals in Section 365.650, litigation or the settlement of claims arising out of the performance of the WPCLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.

f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.

g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with Section 365.350(a)(9) through (a)(13) and Section 365.470(k).

h) The Agency will monitor all outstanding loans and the financial capability of the

loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 365.350(a)(9) through (a)(13).

i) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.

j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.

k) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual treatment works operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system including projected costs, actual costs, revenue generated, and fund balances at any time.

l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.

m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).

n) Any ordinance authorizing the loan recipient's entry into a loan agreement or dedicating a source of revenue for loan repayment shall not be amended or superseded substantively or materially without the prior written consent of the Agency.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section 365.540 Termination

a) Loan Termination by the Agency

1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:

A) failure by the loan recipient to comply with the terms and conditions of the loan;

B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section 365.620(i)~~365.620(d)~~;

C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency~~ as required by Section 365.410(d)~~.

2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the WPCLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section 365.620(i)~~365.620(d) or Section 365.410(d)~~ shall repay any loan funds previously spent.

b) Project Termination by the Loan Recipient
A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest on the loan, shall be returned to the State of Illinois, in

accordance with a schedule established by the Agency, for deposit into the WPCLP. Good cause to terminate a loan project includes, but is not limited to:

1) changes in economic circumstances within the loan recipient's service area; and

2) information that the approved treatment technology will not perform as originally anticipated.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.610 Requirements for Subagreements

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the WPCLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

a) Local Preference
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under WPCLP loans.

b) Profits
Only fair and reasonable profits may be earned by contractors in subagreements under WPCLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 365.620 (Construction Contracts) of this Subpart is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.

c)~~b)~~ Loan Recipient Responsibility
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which WPCLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all

contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.

d)~~c)~~ Privity of Contract
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.

e)~~d)~~ Subagreements shall:

1) be directly related to the accomplishment of the loan recipient's approved work program;

2) be in the form of an executed written agreement (except for small purchases of $25,000~~$150,000~~ or less);

3) be for monetary or in-kind consideration; and

4) not be in the nature of a grant or gift.

f)~~e)~~ Documentation

1) Procurement records and files for purchases in excess of $25,000~~$150,000~~ shall include the following:

A) the basis for contractor selection;

B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and

C) the basis for award cost or price.

2) Procurement documentation as described in subsection (f)(1)~~(e)(1)~~ shall be retained by the loan recipient or contractors for the period required by Section 365.470 (Ongoing Auditing and Monitoring Financial Capability).

g)~~f)~~ Subagreements shall only be awarded to persons or organizations that:

1) Have adequate financial resources for performance;

2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;

3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;

4) Have a satisfactory record of integrity, judgment, and performance;

5) Have an adequate financial management system and audit procedure that is consistent with auditing standards generally accepted in the United States;

6) Maintain a standard of procurement in accordance with this Part;

7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and

8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.

h)~~g)~~ Fraud and Other Unlawful or Corrupt Practices

1) The obtaining and administration of loans from the WPCLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.

2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and shall periodically advise the Agency of the status and ultimate disposition of any matter.

i)~~h)~~ Negotiation of Subagreements
All subagreements greater than $25,000 shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:

1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);

2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;

3) The materials or services to be procured are available from only one person or firm;

4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;

5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or

6) The procurement is for materials or services for which the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.620 Construction Contracts

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

a) Each construction contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.610(i).

b) The bid advertisement shall notify the bidders that the procurement will be subject to the following requirements:

1) this Part;

2) the Davis-Bacon Act (40 USC 3141 through 3148) and regulations adopted under that Act by the US Department of Labor;

3) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];

4) the use of American iron and steel as required by Sec. 608 of the federal Clean Water Act (33 USC 1388);

5) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and

6) any applicable federal or State Executive Orders.

c) A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying. Bidding documents shall include:

1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule;

2) The terms and conditions of the contract to be awarded;

3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;

5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;

6) A proposal form, to be used by all bidders, that includes the following language:

A) By submission of the bid, each bidder certifies, and in the case of a joint bid, each party to the joint bid certifies, as to his or her own organization, that in connection with the bid:

i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement with any other bidder or with any competitor, for the purpose of restricting competition, as to any matter relating to the prices;

ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and

iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];

B) Each person signing the bid shall certify that:

i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and

that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); or

ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (d)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A).

d) If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send written addenda to all firms who have obtained bidding documents in time to be considered prior to the bid opening. When appropriate, the time period for submission of bids shall be extended. All addenda to the bidding documents shall be submitted to the Agency for approval.

e) Awarding the Contract

1) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents.

2) The loan applicant shall submit a bid evaluation to the Agency that contains the following:

A) a copy of the newspaper ad and the certificate of publication or equivalent;

B) the bid tabulations;

C) any addenda issued by the loan applicant, if applicable;

D) an analysis of the bids and recommendations for the award of the bids;

E) a copy of the loan applicant's notice of intent to award;

F) selected bidder's proposal and bid bond or cashier's check for not less than 5% of the bid amount;

G) a summary of the evidence that the selected bidder has met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;

H) a copy of the selected bidder's certification regarding the use of American iron and steel products;

3) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the Agency issues the loan agreement or provides other written permission; and

4) If the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.

f) Each construction contract shall include the following provisions:

1) Audit; Access to Records

A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 365.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, papers, documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.

B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of $25,000~~$150,000~~ that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of $25,000~~$150,000~~ that are directly related to project performance.

C) Audits shall be in accordance with auditing standards generally accepted in the United States.

D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.

F) The right of access will generally be exercised with respect to financial records under:

i) negotiated prime contracts;

ii) negotiated change orders or contract amendments in excess of $25,000~~$150,000~~ affecting the price of any formally advertised, competitively awarded, fixed price contract; and

iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.

G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:

i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.

2) Covenant Against Contingent Fees
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

3) Wage Provisions
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.

4) Disadvantaged Business Enterprise Requirements
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.

5) Debarment and Suspension Provisions

The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.

6) Nonsegregated Facilities Provisions
The contractor~~successful bidder~~ shall be required to submit a certification of nonsegregated facilities on forms provided by the agency.

7) American Iron and Steel
The contractor~~successful bidder~~ shall be required to use American iron~~Iron~~ and steel~~Steel~~, if required by USEPA for that fiscal year.

8) A clause that provides:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

g)~~b)~~ Subcontracts Under Construction Contracts
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:

1) all applicable provisions of federal, State, and local law;

2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;

3) all provisions of this Part with respect to access to facilities, records and audit of records; and

4) all provisions of subsection (a)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form

5700-49) showing compliance with any controlling federal Executive Orders.

h)~~c)~~ Contractor Bankruptcy
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

i)~~d)~~ Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

Section 365.630 Contracts for Personal and Professional Services

All subagreements for personal and professional services for design or construction expected to exceed $25,000~~$150,000~~ in the aggregate shall include the following subagreement provisions.

a) Subagreements for personal and professional construction services shall include:

1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

2) An audit and access to records clause that provides as follows:

A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of $25,000~~$150,000~~.

B) Books, records, documents, and other evidence directly pertinent to performance of WPCLP loan work under this agreement shall be

maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying. Facilities shall be provided for access and inspection.

C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.

D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 365.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.

3) A covenant against contingent fees clause as follows:

"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage or contingent fee."

4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with

federal Executive Order 12549.

5) A description of the scope and extent of the project work.

6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.

7) A method of compensation.

8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.

c) Amendments. When the loan recipient authorizes a change that would add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit one copy of the fully executed contract amendment signed by the loan recipient and the professional services provider. Failure to give timely notice of contract amendments may result in disallowance of loan participation for costs incurred that are attributable to the change.~~If, at the time of contract execution, any of the elements required in this Section 365.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.~~

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works

2) Code Citation: 35 Ill. Adm. Code 366

3)

Section Numbers:	Adopted Actions:
366.101	Repealed
366.102	Repealed
366.103	Repealed
366.104	Repealed
366.105	Repealed
366.106	Repealed
366.107	Repealed
366.201	Repealed
366.202	Repealed
366.203	Repealed
366.204	Repealed
366.205	Repealed
366.206	Repealed
366.301	Repealed
366.302	Repealed
366.303	Repealed
366.304	Repealed
366.305	Repealed
366.306	Repealed
366.307	Repealed
366.401	Repealed
366.402	Repealed
366.403	Repealed
366.404	Repealed
366.405	Repealed
366.406	Repealed
366.501	Repealed
366.502	Repealed
366.503	Repealed
366.504	Repealed
366.505	Repealed
366.506	Repealed
366.601	Repealed

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

366.APPENDIX A	Repealed
366.APPENDIX B	Repealed
366.APPENDIX C	Repealed
366.APPENDIX D	Repealed

4) Statutory Authority: Implementing and authorized by the Environmental Protection Act, 415 ILCS 5/19.1-19.8.

5) Effective Date of Repealer: October 1, 2019

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield IL 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 24449; December 28, 2018

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 repealer replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Repealer: The Illinois EPA is adopting new rules pursuant to the Public Water Supply Operations Act in Part 365, and therefore now repeals the existing rules in Part 366.

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

Sara Terranova

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544
Sara.Terranova@Illinois.gov

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures for Issuing Loans From the Public Water Supply Loan Program

2) Code Citation: 35 Ill. Adm. Code 662

3)

Section Numbers:	Adopted Actions:
662.110	Amendment
662.120	Amendment
662.130	Amendment
662.140	Amendment
662.150	Repealed
662.160	Amendment
662.170	Amendment
662.210	Amendment
662.240	Amendment
662.250	Amendment
662.310	Amendment
662.320	Amendment
662.340	Amendment
662.345	New Section
662.350	Amendment
662.355	New Section
662.410	Amendment
662.420	Amendment
662.430	Amendment
662.440	Amendment
662.460	Amendment
662.470	Amendment
662.540	Amendment
662.610	Amendment
662.620	Amendment
662.630	Amendment

4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act [415 ILCS 5].

5) Effective Date of Rules: October 1, 2019

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 24484; December 28, 2018.

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Minor revisions.

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 other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The Illinois EPA is adopting new rules pursuant to the Public Water Supply Operations Act in Part 662, and now repealing the existing rules in Part 663.

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

Sara Terranova
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544
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The full text of the Adopted Amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 662
PROCEDURES FOR ISSUING LOANS FROM THE
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AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 10091, effective July 17, 1997, for a maximum of 150 days; emergency expired on December 13, 1997; adopted at 22 Ill. Reg. 3782, effective February 10, 1998; amended at 24 Ill. Reg. 16245, effective November 1, 2000; emergency amendment at 33 Ill. Reg. 8674, effective June 2, 2009, for a maximum of 150 days;

amended at 33 Ill. Reg. 15575, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6, 2010; amended at 34 Ill. Reg. 17661, effective November 8, 2010; former Part repealed at 41 Ill. Reg.8052 and new Part adopted at 41 Ill. Reg. 8055, effective July 1, 2017; amended at 43 Ill. Reg. 11209, effective October 1, 2019.

SUBPART A: INTRODUCTION

Section 662.110 Definitions

a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle F) and the federal Safe Drinking Water Act (SDWA), as amended (42 USC 300j-12 et seq.).

b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

"Acute Violation" – Exceedance of a maximum contaminant level (MCL) or treatment technique requirement for a contaminant that would require the owner or operator of the community water supply to issue a Tier 1 public notice pursuant to 35 Ill. Adm. Code 611.

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Asset Management Plan – Any system-wide plan that contains the information on asset conditions, service levels, customer needs, and financial resources to ensure the loan applicant can conduct planned maintenance and repair, replace and upgrade capital assets to reliably provide quality service for the foreseeable future.

Billed Customers – The customers receiving a bill who are responsible for paying for water services.

Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the PWSLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for PWSLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

"Chronic Violation" – Exceedance of an MCL or treatment technique requirement for a contaminant that would require the owner or operator of the community water supply to issue a Tier 2 or Tier 3 public notice pursuant to 35 Ill. Adm. Code 611.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supplies, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle F and the SDWA, respectively.

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Disadvantaged Community – A public water supply owned by a local government unit or not-for-profit water corporation that qualifies for either the Small Community Rate or Hardship Rate as defined in Section 662.210.

Energy Efficiency − The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects − Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities – Equipment or operating systems that are constructed, installed or established to serve the particular purpose of improving or augmenting sustainability for public water supplies and public water supply facilities in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of public water supplies and public water supply projects. Facilities in the context of the Green Project Reserve will address green

infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 662.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the PWSLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

Fund − *The Water Revolving Fund* as authorized by Section 19.3 of the Act, *consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program*. [415 ILCS 5/19.2(b)]

Green Infrastructure − Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve − The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Health Hazard ~~Determination~~ – A health hazard ~~determination~~ exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in USEPA Health Advisories, or by the Illinois Department of Public Health or by the Centers for Disease Control and Prevention or that otherwise pose an immediate threat to public health.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Public Water Supply Loan Program, project categories, discharge requirements, terms of financial assistance and the loan applicants to be served. [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – *A loan made from the Public Water Supply Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant*. [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant – The public water supply~~person~~ that has applied for a loan from the PWSLP under this Part.

Loan Procedures – The procedures for issuing loans from the PWSLP as set out in this Part.

Loan Recipient – The public water supply~~person~~ that has been provided a loan from the PWSLP under this Part.

Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm water treatment systems, or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Maximum Contaminant Level or MCL – The maximum permissible level of a contaminant in water that is delivered to any user of a public water supply.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the US Department of Commerce, Bureau of the Census.

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the PWSLP.

Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

~~*Public Water Supply – All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve*~~

~~*at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply"*. [415 ILCS 5/3.365] For purposes of this Part, a Public Water Supply is limited to public water supplies owned by a local government unit or a privately owned community water supply.~~

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

Privately Owned Community Water Supply – An investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility; a not-for-profit water corporation, if operating specifically as a water utility; and a mutually owned or cooperatively owned community water system, if operating as a separate water utility. [415 ILCS 5/19.2(h)]

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663 that the Agency has determined are eligible to receive financial assistance from the PWSLP.

PWSLP – The Public Water Supply Loan Program as authorized by Section 19.2 of the Act.

Public Water Supply – All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/3.365]

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

SDWA – The Safe Drinking Water Act, as amended (42 USC 300f et seq.).

Service Population – The number of people served by the loan applicant.

Source of Revenue – All revenues of the loan applicant that are sufficient to repay the principal and interest (as calculated by the fixed loan rate) on the loan.

Subagreement – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

Treatment Technique Requirement – An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a public water supply facility is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a public water supply to produce adequate revenues for the operation, maintenance and replacement of the public water supply.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.120 Safe Drinking Water Act Requirements~~Administration~~

a) The Public Water Supply Loan Program~~State Water Revolving Fund, an interest-bearing special fund,~~ is administered by the Agency~~ as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA~~ in accordance with the Safe Drinking Water Act and the Illinois Environmental Protection Act~~State and federal laws~~.

b) The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:

1) the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the PWSLP that are not expected to change annually;

2) the Agency's Intended Use Plan;

3) agreed upon payment schedule between USEPA and the Agency;

4) the Green Project Reserve requirements;

5) the Agency's State environmental review process; and

6) the Agency's agreement to the following:

A) to accept grant payments in accordance with a negotiated payment schedule;

B) to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;

C) to make binding commitments in an amount equal to the amount of each capitalization grant payment and accompanying State match

that is deposited into the Fund within one year after the receipt of each grant payment;

D) to expend all funds in an expeditious and timely manner;

E) to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with national primary drinking water regulations applicable under SDWA section 1412 (42 USC 300g-1) or otherwise significantly further the public health protection objectives of the SDWA;

F) to comply with the USEPA general assistance regulations in 2 CFR 1500 and the specific conditions of the capitalization grant;

G) to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;

H) to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

I) to require recipients under PWSLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;

J) to complete and submit a biennial report that describes how it has met the goals and objectives of the previous two fiscal years as stated in the Intended Use Plans and capitalization grant agreements;

K) to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the SDWA;

L) to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing

of the cost of administering the PWSLP or financing projects or activities eligible for assistance under this Part;

M) to an annual audit of the PWSLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);

N) to provide USEPA with documentation demonstrating that the Agency has adequate personnel and resources to establish and manage the PWSLP;

O) to promptly deposit PWSLP funds into appropriate accounts as follows:

i) deposit the portion of the capitalization grant to be used for projects into the fund;

ii) maintain separate and identifiable accounts for the portion of the capitalization grant to be used for set-aside activities;

iii) deposit net bond proceeds, interest earnings, and repayments into the fund; and

iv) deposit any fees, which include interest earned on fees, into the fund or into separate and identifiable accounts;

P) to adopt policies and procedures to assure that loan recipients have a dedicated source of revenue for repayment of loans, or in the case of privately-owned systems, assure that recipients demonstrate that there is adequate security to assure repayment of loans;

Q) to use all funds in accordance with an Intended Use Plan that was prepared after providing for public review and comment;

R) to comply with all applicable federal cross-cutting authorities; and

S) to demonstrate how the Agency is complying with the requirements of capacity development authority, capacity development strategy, and operator certification program

provisions in order to avoid withholdings of funds under 40 CFR 35.3515(b)(1)(i) through (b)(1)(iii).

c) Intended Use Plan

1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.

2) The Intended Use Plan must include:

A) a priority system for ranking individual projects for funding that provides sufficient detail for the public and USEPA to readily understand the criteria used for ranking;

B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;

C) a description of the criteria and methods that the Agency will use to distribute all funds including:

i) the process and rationale for distribution of funds between the Fund and set-aside accounts;

ii) the process for selection of projects to receive assistance;

iii) the rationale for providing different types of assistance and terms, including the method used to determine the market rate and the interest rate;

iv) the types, rates, and uses of fees assessed on assistance recipients; and

v) a description of the financial planning process undertaken for the Fund and the impact of funding decisions on the long-term financial health of the fund;

D) a description of the sources and uses of PWSLP funds including: the total dollar amount in the fund; the total dollar amount

available for loans, including loans to small systems; the amount of loan subsidies that may be made available to disadvantaged communities ~~from the 30% allowance in 40 CFR 35.3525(b)(2)~~; the total dollar amount in set-aside accounts, including the amount of funds or authority reserved; and the total dollar amount in fee accounts;

E) the short and long term goals and objectives of the PWSLP;

F) identification of the amount of funds the Agency is electing to use for set-aside activities. The Agency must also describe how it intends to use these funds, provide a general schedule for their use, and describe the expected accomplishments that will result from their use;

G) for loans made in accordance with the local assistance and other State programs set-aside under 40 CFR 35.3535(e)(1)(i) and (e)(1)(ii), the Intended Use Plan must, at a minimum, describe the process by which recipients will be selected and how funds will be distributed among them;

H) a description of~~describe~~ how the Agency's disadvantaged community program will operate including:

i) the Agency's definition in Section 662.110(b) of what constitutes a disadvantaged community;

ii) a description of affordability criteria used to determine the amount of disadvantaged assistance;

iii) the amount and type of loan subsidies that may be made available to disadvantaged communities from the 30% allowance in 40 CFR 35.3525(b)(2); and

iv) to the maximum extent practicable, an identification of projects that will receive disadvantaged assistance and the respective amounts;

I) If the Agency decides to transfer funds between the PWSLP and the WPCLP, the Intended Use Plans for each program must describe the process, including:

i) the total amount and type of funds being transferred during the period covered by the Intended Use Plan;

ii) the total amount of authority being reserved for future transfer, including the authority reserved from previous years; and

iii) the impact of the transfer on the amount of funds available to finance projects and set-asides and the long-term impact on the fund;

J) If the Agency decides to cross-collateralize fund assets of the PWSLP and WPCLP, the Intended Use Plans for the PWSLP and the WPCLP must describe the process, including:

i) the type of monies that will be used as security;

ii) how monies will be used in the event of a default; and

iii) whether or not monies used for a default in the other program will be repaid, and, if they will not be repaid, what will be the cumulative impact on the funds.

3) The priority list of projects, and use of funds, may be amended during the year under provisions established in the Intended Use Plan as long as additions or other substantive changes to the list, except projects funded on an emergency basis, go through public review and comment.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.130 Projects and Activities Eligible~~Available~~ for Assistance

a) Eligible public water supplies. Funds available under the PWSLP and this Part shall only be used for providing financial assistance to the following:

1) a local government unit; and

2) a privately owned community water supply~~, for public water supplies, with at least 100 billed customers~~.

b) Ineligible public water supplies. Funds available under the PWSLP and this Part may not be used for providing financial assistance to the following:

1) Federally-owned public water supply and for-profit non-community water supply;

2) Systems that lack the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, unless the assistance will ensure compliance and the owners or operators of the systems agree to undertake feasible and appropriate changes in operations to ensure compliance over the long-term; and

3) Systems that are in significant noncompliance with any national primary drinking water regulation or variance, unless:

A) The purpose of the assistance is to address the cause of the significant noncompliance and will ensure that the systems return to compliance; or

B) The purpose of the assistance is unrelated to the cause of the significant noncompliance and the systems are on enforcement schedules (for maximum contaminant level and treatment technique violations) or have compliance plans (for monitoring and reporting violations) to return to compliance.

c) Eligible project categories. Funds available under the PWSLP and this Part shall only be used for the following types of projects and activities:

1) General. Projects that address present or prevent future violations of health-based drinking water standards are eligible for assistance. These include, but are not limited to, projects needed to maintain compliance with existing national primary drinking water regulations for contaminants with acute and chronic health effects. Projects to replace aging infrastructure are eligible for assistance if they are needed to maintain

compliance or further the public health protection objectives of the SDWA.

2) Treatment. Examples of projects include, but are not limited to, installation or upgrade of facilities to improve the quality of drinking water to comply with primary or secondary standards and point of entry or central treatment under section 1401(4)(B)(i)(III) of the SDWA.

3) Transmission and Distribution. Examples of projects include, but are not limited to, installation or replacement of transmission and distribution pipes to improve water pressure to safe levels or to prevent contamination caused by leaks or breaks in the pipes.

4) Source. Examples of projects include, but are not limited to, rehabilitation of wells or development of eligible sources to replace contaminated sources.

5) Storage. Examples of projects include, but are not limited to, installation or upgrade of eligible storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering a public water supply.

6) Consolidation. Eligible projects are those needed to consolidate water supplies where, for example, a supply has become contaminated or a system is unable to maintain compliance for technical, financial, or managerial reasons.

7) Creation of New Systems. Eligible projects are those that, upon completion, will create a community water supply to address existing public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources. Eligible projects are also those that create a new regional community water supply by consolidating existing systems that have technical, financial, or managerial difficulties. Projects to address existing public health problems associated with individual wells or surface water sources must be limited in scope to the specific geographic area affected by contamination. Projects that create new regional community water supply by consolidating existing systems must be limited in scope to the service area of the systems being consolidated. A project must be a cost-effective solution to addressing the

problem. The applicant must give sufficient public notice to potentially affected parties and must have considered alternative solutions to addressing the problem. Capacity to serve future population growth cannot be a substantial portion of a project.

d) Ineligible Project Categories. The following project categories are not eligible for assistance under the PWSLP:

1) Dams or rehabilitations of dams;

2) Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;

3) Reservoirs or rehabilitation of reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are on the property where the treatment facility is located;

4) Projects needed primarily for fire protection; and

5) Projects needed primarily to serve future population growth. Projects must be sized only to accommodate a reasonable amount of population growth expected to occur over the useful life of the facility.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.140 Uses of the Public Water Supply Loan Program~~Types of Assistance~~

The Public Water Supply Loan Program shall be used and administered by the Agency for the following purposes:~~Funds distributed from the State Water Revolving Fund under the PWSLP and this Part may only be used as follows:~~

a) *to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal* [415 ILCS 5/19.3(d)(1)];

b) *to make direct loans at or below market interest rates* and *to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of* public

water supplies and projects that fulfill federal State Revolving fund grant requirements for a green project reserve [415 ILCS 5/19.3(d)(2)];

c) *to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to buy or refinance debt obligations for costs incurred on or after July 17, 1997, for the construction of water supplies and projects that fulfill federal State Revolving Fund requirements for a green project reserve* [415 ILCS 5/19.3(d)(3)];

d) *to guarantee local obligations where such action would improve credit market access or reduce interest rates*[415 ILCS 5/19.3(d)(4)];

e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited into the fund* [415 ILCS 5/19.3(d)(5)];

f) *to transfer funds to the Water Pollution Control Loan Program* (WPCLP) [415 ILCS 5/19.3(d)(6)]; and

g) *notwithstanding any other provision of this* Section*, to provide, to local government units and privately owned community water supplies, any other financial assistance that may be provided under section 1452 of the SDWA* (42 USC 300j-12) *for any expenditures eligible for assistance under that section or federal rules adopted to implement that section* [415 ILCS 5/19.3(d)(7)]~~notwithstanding any other provision of this Section, to provide, to local government units and privately owned community water supplies, any other financial assistance that may be provided under section 1452 of the SDWA (42 USC 300j-12) for any expenditures eligible for assistance under that section or federal rules adopted to implement that section~~.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.150 Other Federal Requirements (Repealed)

~~a) Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.~~

~~b) The failure or inability of any loan applicant to receive funds under the PWSLP or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of the SDWA, the Act, and 35 Ill. Adm. Code Subtitle F.~~

~~c) Loan projects must meet the applicable requirements of any other federal laws and authorities.~~

(Source: Repealed at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.160 Application Process

a) In order to receive a loan under the PWSLP, loan applicants must apply with the Agency using the loan application process outlined in Subpart C. The process requires that:

1) the loan applicant submits a Funding Nomination Form pursuant to Section 662.310;

2) the loan applicant submits a Project Plan pursuant to Section 662.320;

3) the project undergoes State environmental review under Section 662.330;

4) the project be placed on the Project Priority List pursuant to Section 662.340; and

5) the loan applicant submits the following information:~~secures the loan agreement pursuant to Section 662.350.~~

A) a loan application as required by Section 662.350(a);

B) contracts for personal or professional services as required by Section 662.350(b);

C) a construction permit application, if necessary, as required by Section 662.350(c);

D) pre-bidding plans and specifications with certification form, as required Section 662.350(d); and

E) bidding evaluation and certification forms as required by Section 662.350(e).

b) Loan applicants shall not execute a notice to proceed authorizing the initiation of construction until the loan agreement has been fully secured and executed.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.170 Waiver of Procedures

a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the PWSLP. The waiver may be subject to such additional conditions as the Director deems necessary.

b) In addition to all federal requirements, these procedures will not be waived:

~~1) Section 662.150 (Other Federal Requirements);~~

1~~2~~) Section 662.210 (Fixed Loan Rate);

2~~3~~) Section 662.240 (Restructuring);

3~~4~~) Section 662.320 (Project Plan);

4~~5~~) Section 662.330 (State Environmental Review);

5~~6~~) Section 662.340 (Project Priority List);

6~~7~~) Section 662.350(a)(9) (Ability to Repay);

7~~8~~) Section 662.460(a)(3) (Operation and Maintenance of the Project);

8~~9~~) Section 662.470 (Ongoing Auditing and Monitoring of Financial Capability);

9~~10~~) Section 662.620(f)(3)~~662.620(a)(3)~~ (Wage Provisions);

10~~11~~) Section 662.620(f)(4)~~662.620(a)(4)~~ (Disadvantaged Business Enterprise Requirements);

11~~12~~) Section 662.620(f)(5)~~662.620(a)(5)~~ (Debarment and Suspension Certification);

12~~13~~) Section 662.630(a)(1) (Disadvantaged Business Enterprise Requirements); and

13~~14~~) Section 662.630(a)(4) (Debarment and Suspension Certification).

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

SUBPART B: FINANCING TERMS

Section 662.210 Fixed Loan Rate

The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).

b) Small Community Rate – A public water supply with a service population less than 25,000 that also meets any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:

1) The median household income of the public water supply's service population is less than the statewide average.

2) The unemployment rate of the public water supply's service population is

greater than the statewide average.

3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.0% of the median household income of the public water supply's service population.

c) Hardship Rate – A public water supply with a service population less than 10,000 that also meets any one of the following three criteria qualify for a fixed loan rate of 1.0%:

1) The median household income of the public water supply's service population is below 70% of the statewide average.

2) The unemployment rate of the public water supply's service population is at least 3.0 percentage points~~%~~ greater than the statewide average.

3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.5% of the median household income of the public water supply's service population.

d) Environmental Impact Discount − When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):

1) green infrastructure projects;

2) projects lowering water demand;

3) projects reducing energy demands at a public water supply; or

4) projects involving the removal or replacement of lead in water mains or service lines.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.240 Restructuring

All restructuring shall be consistent with the objectives of the SDWA and shall meet the requirements of this Part.

a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:

1) The name of the applicant and the Agency loan number;

2) A statement explaining when it was determined that restructuring was needed;

3) A statement explaining all remedial measures taken prior to the determination that restructuring was needed;

4) A statement explaining why restructuring is in the best interest of the State and the applicant;

5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and

6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 662.350(a)(8) through (a)(12).

~~b) The applicant must resubmit all financial and managerial capability documentation required under Section 662.350(a)(8) through (a)(12). The restructured loan must further meet all other requirements of this Part.~~

b~~c~~) The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:

1) the loan recipient's ability to repay the loan~~good cause~~;

2) circumstances beyond the control of the applicant; and

3) the financial hardship the existing loan imposes on the loan recipient.

c~~d~~) Restructured loan agreements shall have a fixed loan rate equal to the lesser of the

fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 662.210.

d~~e~~) Except as provided in subsection (e)~~(f)~~, the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

e~~f~~) For a loan applicant that is a disadvantaged community, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.250 Additional Subsidization~~Principal Forgiveness~~

All financial assistance from the PWSLP shall be in the form of low interest loans, with principal forgiveness terms used and applied as necessary to meet specific requirements of the federal Capitalization Grant Agreement. The availability, amounts, limitations, and method of distribution for any principal forgiveness of the loan amount shall be determined by the Director of the Agency based upon USEPA requirements and the terms of the Capitalization Grant Agreement, the SDWA, economic conditions, status of the Fund, and other relevant criteria.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

SUBPART C: LOAN APPLICATION PROCESS

Section 662.310 Funding Nomination Form

a) Every loan applicant shall submit to the Agency a signed and dated Funding Nomination Form~~funding nomination on Agency prescribed forms~~ that includes~~include~~, at a minimum, the following items:

1) Loan applicant information

A) name;

B) contact information; and

C) authorized representative – name and title;

2) Project Information

A) project description including location;

B) project justification;

C~~B~~) cost; and

D~~C~~) project implementation schedule;~~.~~

3) Information necessary to score the loan applicant's project in accordance with Section 662.345.

b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding March~~January~~ 31.

c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 662.320.

d) When a loan applicant is seeking more than one loan in a single fiscal year, a separate funding nomination form must be submitted for each loan requested.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.320 Project Plan

a) Loan applicants shall submit to the Agency a Project Plan, with its initial Funding Nomination Form, that shall consist of plans and studies that are directly related to the construction or implementation of the proposed project. The Project Plan shall provide documentation on the need for the project for which loan assistance is being requested.

b) Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable. If any information required to be furnished as part of a Project Plan has been developed separately, it shall be furnished and incorporated by reference in the Project Plan.

c) When applicable, the loan applicant shall also submit drafts of any intergovernmental agreements or demonstrations of legal authority necessary for project implementation.

d) The Project Plan may include more than one construction project.

e) The Project Plan shall include the following supporting data:

1) A complete description of the selected public water supply or other systems, identification of any existing violations of federal or State regulations, and identification of the needs to be addressed by the proposed project;

2) A discussion of the technical, financial, managerial, and environmental considerations that form the basis for the loan applicant's selection of the recommended project. When appropriate to the project scope, the following issues shall be addressed:

A) The relationship of the capacity of the selected alternative to the needs to be served, including reserve capacity;

B) A discussion of the operational requirements for the selected alternative and provisions for the ultimate disposal of waste by-products in accordance with State requirements;

C) An inventory of the relative environmental impacts of the selected alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; and

D) Adequate basis of design information for the selected alternative to confirm the reasonability of cost estimates;

3) A detailed description of the alternative selected for loan assistance,

including preliminary engineering data, complete cost estimates for design and construction, one or more 8.5 by 11 inch site map or maps locating areas of construction and indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code Subtitle F~~370~~;

4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies;

5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the project and repayment of the proposed loan amount, as well as the impact of these costs on the system users; and

6) Information sufficient to support a determination as to whether any portion of the project addresses green infrastructure, energy efficient improvements, or other environmentally innovative activities.

f) The Project Plan will be reviewed by the Agency under the State environmental review process specified in Section 662.330. If substantial changes are made to the project scope following submittal to the Agency, the Project Plan shall be revised or amended and resubmitted for review and approval.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.340 Project Priority List

a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.

b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1. Only loan applicants who have submitted a Funding Nomination Form will be placed on the Project Priority List. Loan applicants who have received project planning approval pursuant to Sections 662.320 and 662.330 before March 31 of the previous fiscal year will be scored, ranked and placed on the project priority list according to Section 662.345. Loan applicants who have not received project planning approval before March 31 of the previous fiscal year will be

placed at the bottom of the Project Priority List in alphabetical order. ~~as follows:~~

~~1) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320, and obtained Project Plan approval pursuant to Section 662.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List according to 35 Ill. Adm. Code 663.~~

~~2) Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).~~

~~3) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 662.330, but will not be placed on the Intended Funding List.~~

c) The Agency shall publish the Project Priority List in the Intended Use Plan.

d) Intended Funding List

1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List that have been scored and ranked pursuant to subsection (b) and are scheduled to initiate construction prior to March 31 of the current fiscal year. The~~, with the~~ total costs of all projects on the Intended Funding List shall not exceed~~equaling~~ the total amount of funds available.

2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.

3) Projects on the Intended Funding List are not guaranteed funding or principal forgiveness.

4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List according to the process set forth in subsection (e)~~when the bypass process criteria are met (see subsection (e))~~.

~~5) From July 1 through December 31, only projects on the Intended Funding List will be given a loan.~~

e) Bypass Process and Surplus Funding

1) From January 1 through June 30 of each year, a project on the Intended Funding List may be bypassed, releasing any reserved funds, when the loan applicant has not:

A) submitted a loan application as required by Section 662.350(a);

~~B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 662.350(a)(8) through (a)(12);~~

B~~C~~) obtained all necessary construction permits; and

C~~D~~) established a bid opening date prior to March 31 of the current fiscal year~~1~~.

2) A project on the Intended Funding List may be bypassed at any time, releasing any reserved funds, when the loan applicant notifies the Agency in writing that it does not intend to pursue funding during the current fiscal year.

3) When a project is bypassed, the Agency will make the bypassed funds available for projects on the Project Priority List in the order in which the requirements of Section 662.410~~(a)~~ are satisfied by the loan applicant.

f) Surplus Funding. When the total costs of projects on the Intended Funding List is less than the total amount of funds available, the Agency may make surplus funds available for projects on the Project Priority List by issuing a Letter of Commitment pursuant to Section 662.355.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.345 Loan Priority Score

a) Projects will be scored and ranked for inclusion on the Project Priority List using the loan priority score methodology set forth in this Section.

b) The Agency will calculate the loan priority score by totaling the points awarded in subsections (e) through (k).

c) Applicants with a higher loan priority score will be ranked above applicants with a lower loan priority score on the Project Priority List.

d) Only projects that have a submitted a Funding Nomination Form and have a project plan approved by the Agency will be scored pursuant to this Section.

e) Compliance and Water Quality

1) A maximum of 475 points may be awarded under this subsection (e).

2) 150 points will be awarded if the project will remedy an acute violation or health hazard, as those terms are defined in Section 662.110.

3) 100 points will be awarded if the project will remedy a chronic violation, as defined in Section 662.110.

4) 75 points will be awarded if the project is expected to result in the applicant's removal from the Restricted Status List established in 35 Ill. Adm. Code 602.106 or Critical Review List established in 35 Ill. Adm. Code 602.107.

5) 75 points will be awarded if the project consolidates two or more community water supplies into a single community water supply.

6) 50 points will be awarded if the project will replace lead service lines.

7) 25 points will be awarded if the project will result in the applicant's compliance with secondary maximum contaminant levels as set forth in 40 CFR 143.3 (2018).

f) Protection of Water Source

1) A maximum of 150 points may be awarded under this subsection (f).

2) 150 points will be awarded if the applicant has implemented a Source Water Protection Plan as provided in 35 Ill. Adm. Code 604.

3) 75 points will be awarded if the applicant has not implemented, but has obtained Agency approval of, its Source Water Protection Plan as provided in 35 Ill. Adm. Code 604.335.

g) Protection of Assets

1) A maximum of 75 points may be awarded under this subsection (g).

2) 75 points will be awarded if the applicant is implementing an asset management plan as defined in Section 662.110.

3) 25 points will be awarded if the applicant is developing an asset management plan as defined in Section 662.110.

h) Conservation and Green Infrastructure

1) A maximum of 70 points may be awarded under this subsection (h).

2) 15 points will be awarded if the project includes or is based upon completion of a system-wide water audit (e.g., water loss accounting), or contains other quantifiable water conservation or efficiency measures, including, but not limited to, metering and water reuse.

3) 10 points will be awarded if the utility rate structuring promotes water conservation.

4) 10 points will be awarded if the project utilizes:

A) improved technologies and practices to reduce energy consumption or uses energy in a more efficient way; or

B) renewable energy to reduce water system expenditures or produces renewable energy through measures including, but not limited to, solar panels or wind turbines.

5) 20 points will be awarded if the project contains resiliency components, including facilities built for redundancy, or if the project assists a loan applicant with planning for potential service disruptions, natural or manmade.

6) 15 points will be awarded if the project implements green infrastructure including, but not limited to, green roofs, pervious pavement, rainwater harvesting or cisterns, sustainable landscaping, constructed wetlands, LEED certified buildings, and riparian buffers.

i) Readiness to Proceed

1) A maximum of 120 points may be awarded under this subsection (i).

2) 20 points will be awarded if the loan application required by Section 662.350(a) has been submitted to the Agency.

3) 20 points will be awarded if the applicant has obtained necessary permits to begin construction of the project or the Agency determines that no permit is required for the project.

4) 40 points will be awarded if the requirements of Section 662.350(a) through (d) have been satisfied.

5) 40 points will be awarded if the requirement of Section 662.350(e) has been satisfied.

j) Economic Factors

1) A maximum of 135 points may be awarded under this subsection (j).

2) Median Household Income (MHI). The following points will be awarded based on the MHI of the applicant's service population as a percentage of the statewide average MHI:

Points	MHI as % of Statewide MHI
50	Below 70%
40	70 - 79.99%
30	80 - 89.99%
20	90 - 99.99%
0	At or Above 100%

3) User Rates. The following points will be awarded based on the average annual residential user fees after the project is constructed as a percentage of MHI of the applicant's service population (i.e., average annual user fees/MHI) x 100).

Points	Rate as % of MHI
50	At or Above 2%
25	1 - 1.99%
0	Below 1%

4) Unemployment Rate. The following points will be awarded when the applicant's unemployment rate is greater than the statewide average:

Points	Unemployment Rate Percentage Points Greater than Statewide Average
35	3 percentage points or more
25	1.5 - 2.99 percentage points
15	0.1 - 1.49 percentage points

k) Population

1) A maximum of 50 points may be awarded under this subsection (k).

2) Population. The following points will be awarded based on the applicant's service population.

Points	Service Population

50	Less than 10,000
25	10,000 - 34,999
10	35,000 - 74,999
0	At or Above 75,000

(Source: Added at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.350 Loan Application and Other Documentation~~Securing the Loan Agreement~~

Before the Agency will issue a loan agreement~~After the Agency has approved the loan applicant's Project Plan~~, the loan applicant must~~shall~~ submit the following documents:

a) An application, on forms prescribed by the Agency, which must include the following documents:

1) Loan Program Certifications;

2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;

3) Certification of Intent Regarding National Flood Insurance;

4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;

5) Authorization of a Representative to Sign Loan Documents;

6) Certification that the loan applicant will comply with the American iron and steel requirements as required by USEPA~~An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services were negotiated in the same manner as a contract for architectural and engineering services under 40 USC 1101 et seq.~~;

7) Any other executed legal agreements, including but not limited to, intergovernmental agreements necessary for project implementation;

8) Proof of authority to incur debt for:

A) Public water supplies owned by a local government unit: documents such as, but not limited to, a certified copy of the enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or

B) Privately owned community water supplies: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;

9) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:

A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:

i) detailed project costs;

ii) 5 year projected estimates of revenues;

iii) 5 year projected estimates of operation and maintenance costs;

iv) 5 year projected estimates of local capital costs; and

v) the most recent completed annual audited financial statements of the loan applicant;

B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:

i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate

increase by the Illinois Commerce Commission will be required);

ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;

iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations;

iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, the loan applicant must provide the number of billed residential and industrial or commercial accounts;

C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;

D) For a privately owned community water supply, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];

E) For a privately owned community water supply, approval from the Illinois Commerce Commission to incur debt, if applicable; and

F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan, including, but not limited to, a credit report.

10) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;

11) A Tax Exemption Certificate and Agreement; and

12) A project completion schedule; and.

13) an active Data Universal Number System Identification (DUNS No.) registered in the federal System for Award Management Systems.

b) Any contract or contract amendments for personal or professional services An executed contract for design and construction related work in accordance with Section 662.630 if financing is being requested for these specific costs.

c) A Design documents, including plans and specifications, for purposes of obtaining a construction permit application, or "authorization to construct", from the Agency, pursuant to 35 Ill. Adm. Code 602.200, whenever that permit is necessary to comply with the Act.309.154 and 309.202, whichever is applicable.

d) Pre-bidding plans and specifications with the certification form prescribed by the Agency, which includes a draft of all documents required by Section 662.620.A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:

1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);

2) The terms and conditions of the contract to be awarded;

3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

~~4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;~~

~~5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;~~

~~6) A proposal form, to be used by all bidders, that includes the following language:~~

~~A) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:~~

~~i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;~~

~~ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and~~

~~iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];~~

~~B) Each person signing the bid shall certify that:~~

~~i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and~~

~~that he or she has not participated and will not participate, in any action contrary to subsection (d)(6)(A); or~~

~~ii)~~ ~~he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (d)(6)(A), and, as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); and~~

~~7)~~ ~~A requirement that the project will be awarded to the lowest, responsive, responsible bidder in accordance with the following:~~

~~A)~~ ~~after bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval;~~

~~B)~~ ~~the loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency; and~~

~~C)~~ ~~if the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.~~

e) After the bids are opened and evaluated by the loan applicant ~~in accordance with the methods and criteria set out in the bidding documents~~, a bidding evaluation and certification, on forms prescribed by the Agency, including documentation showing compliance with Section 662.620.~~and all supporting information from the selected bidder, including, but not limited to, the following:~~

~~1) A copy of the published bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the following:~~

~~A) this Part;~~

~~B) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;~~

~~C) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];~~

~~D) the use of American Iron and Steel, if required by USEPA for that fiscal year;~~

~~E) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and~~

~~F) all controlling federal and State executive orders;~~

~~2) The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;~~

~~3) An analysis of the bids and recommendations for the award of the bids;~~

~~4) A copy of the applicant's notice of intent to award;~~

~~5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~

~~6) A copy of the selected bidder's certification that no funds made available by the PWSLP will be used for a project for the construction, alteration, maintenance, or repair of a public water supply unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:~~

~~A) applying this subsection (e)(6) would be inconsistent with the public interest;~~

~~B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or~~

~~C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25%; and~~

~~7) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.~~

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.355 Letter of Commitment

a) Anytime during the fiscal year, the Agency may issue a letter of commitment reserving funds for a project, provided funds are available, if the following conditions have been met:

1) The project is on the Project Priority List;

2) The project is not on the Intended Funding List;

3) the Agency has approved the loan applicant's Project Plan pursuant to Sections 662.320 and 662.330; and

4) the Agency has approved the documents submitted pursuant to Section 662.350(a) through (d), including the issuance of any necessary construction permits.

b) The Agency may include conditions in the letters of commitment that must be met to prevent the release of the funds. The conditions may include, but are not limited to, a schedule for bidding the project and beginning construction.

c) Any funds reserved by a letter of commitment will be released at the end of the fiscal year or when conditions within a letter of commitment are not satisfied.

(Source: Added at 43 Ill. Reg. 11209, effective October 1, 2019)

SUBPART D: LOAN ISSUANCE, AUDITING AND RECORDKEEPING

Section 662.410 Loan Issuance

~~a)~~The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 662.130 when:

~~1) the loan applicant has demonstrated it will comply with the conditions listed in Section 662.150(a);~~

a~~2~~) the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;

b~~3~~) the Agency has approved the loan applicant's Project Plan pursuant to Sections~~Section~~ 662.320 and 662.330; and

c~~4~~) the documents required by Section 662.350 have been submitted and approved by the Agency.

~~b) Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.~~

~~c) Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (c), the completion date is the same as the initiation of operation date.~~

~~d) The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the PWSLP loan was provided is being performed.~~

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.420 Post-Loan Issuance Construction Contract Requirements

a) The loan recipient shall provide construction engineering and project monitoring

to assure that the construction substantially conforms to the approved plans and specifications.

b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

1) Executed Contract ~~Certification~~. For each construction contract awarded, the loan recipient shall submit an executed contract, performance and payment bond for the bid amount, certificate of insurance with the loan recipient added as additional insured, and the notice to proceed ~~certification on forms provided by the Agency~~.

2) Change Orders

A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.

B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:

i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and

ii) a description of any changes, with justification for the changes.

C) Prior approval by the Agency of a change order is required when a change order results in:

i) alterations in design scope that require a modification to a construction permit; or

ii) an increase in the amount of loan funds needed to complete the project.

D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.430 Loan Eligible Costs

The loan recipient shall be paid, upon request, in accordance with Section 662.440, for all costs within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be eligible in accordance with the following criteria:

a) Eligible project costs include all reasonable and necessary costs directly attributable to the project's planning, design, or construction that are not otherwise excluded by this Part. Categories of necessary costs include, but are not limited to, the following:

1) The direct purchase of materials, equipment, and personal services not under the approved construction contract necessary for the completion of a loan funded project;

2) Professional and consultant services contracts necessary for planning, design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part;

3) Costs under approved construction contracts;

4) Costs for premiums for required flood insurance during the project construction period;

5) Costs for the acquisition of land only if needed for the purposes of locating eligible project components. The land must be acquired from a willing seller;

6) Costs for restructuring loan recipients that are in significant noncompliance with any national primary drinking water regulation or variance or that lack the technical, financial, and managerial capability to

ensure compliance with the requirements of the SDWA, unless the loan recipient is ineligible under Section 662.130(b)(2) or (b)(3); and

7) Costs under a construction contract executed prior to the award of the loan agreement only when the following conditions apply:

A) The loan applicant has received written approval from the Agency prior to the award of the construction contract; and

B) The project meets the definition of a compliance project in ~~accordance with~~ Section 662.110 or the project costs are associated with drilling and testing wells for source water quantity and quality.~~; and~~

~~C) The project costs in subsection (a)(7)(B) were incurred and construction was initiated after July 1, 1993.~~

b) Ineligible project costs include, but are not limited to, the following:

1) Laboratory fees for routine compliance monitoring;

2) Operation and maintenance expenses;

3) Costs outside the scope of the approved Project Plan;

4) Construction of any facilities that do not fall within the definition of a community water supply facility as contained in the SDWA or do not qualify in meeting the federal green project reserve requirements;

5) Costs of projects whose main purpose is fire protection or servicing future growth.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.440 Disbursement and Use of Loan Funds

a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:

1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices; and

2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.~~; and~~

~~3) Enacted and enforceable system of user charges if not previously provided.~~

b) Disbursements are subject to the appropriation of funds by the General Assembly.

c) Disbursements shall be processed in accordance with the loan agreement.

d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.

e) The loan recipient shall make prompt payment to the contractor.

f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the PWSLP.

g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the PWSLP receipt account within the Fund.

h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.460 Loan Closing and Issuance of Final Loan Amendment

a) The Agency shall conduct a project review to ensure~~insure~~ that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:

1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.

2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.

3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:

A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided;

B) An operation and maintenance reference library is available and includes, but is not limited to, the following:

i) Manufacturer's literature, shop drawings, and warranties;

ii) The plans of record with valve indices for the equipment and process units included in the project; and

C) That the loan applicant employs or contracts the services of a certified operator pursuant to the Public Water Supply Operations Act [415 ILCS 45].

4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001 through –4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.

A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.

B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.

C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 662.430 (Loan Eligible Costs).

5) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.

b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:

1) review and determine the final total and eligible costs;

2) establish a final amortization schedule; and

3) issue the loan recipient a final loan amendment.

c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Section 662.470 and to the project site during normal business hours~~ as required by Section 662.410(d)~~, to the full extent of the loan recipient's right to access.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.470 Ongoing Auditing and Monitoring of Financial Capability

a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.

b) For purposes of this Section, records shall include, but not be limited to, the following:

1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and

2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.

c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:

1) for all costs associated with design and construction, for 3 years after final loan closing;

2) for all other accounting records concerning the loan, for 3 years from the date of the transaction; and

3) for any longer period required by law or by subsections (d) and (e).

d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.

e) Records that relate to appeals in Section 662.650, litigation or the settlement of claims arising out of the performance of the PWSLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.

f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.

g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (k) and Section 662.350(a)(8) through (a)(12).

h) The Agency will monitor all outstanding loans and the financial capability of the loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 662.350(a)(8) through (a)(12).

i) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.

j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.

k) The loan recipient shall review the dedicated source of revenue annually and revise user rates periodically to reflect actual public water supply operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system, or dedicated source of revenue, including projected costs, actual costs, revenue generated, and fund balances at any time.

l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.

m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).

n) Any ordinance authorizing the loan recipient's entry into a loan agreement or dedicating a source of revenue for loan repayment shall not be amended or superseded substantively or materially without the prior written consent of the Agency.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section 662.540 Termination

a) Loan Termination by the Agency

1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:

A) failure by the loan recipient to comply with the terms and conditions of the loan;

B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section 662.620(i)~~662.620(d)~~;

C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency~~ as required by Section 662.410(d)~~.

2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the PWSLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section 662.620(i)~~662.620(d) or Section 662.410(d)~~ shall repay any loan funds previously spent.

b) Project Termination by the Loan Recipient

A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest on the loan, shall be returned to the State of Illinois, in accordance with a schedule established by the Agency, for deposit into the PWSLP. Good cause to terminate a loan project includes, but is not limited to:

1) changes in economic circumstances within the loan recipient's service area; and

2) information that the approved treatment technology will not perform as originally anticipated.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 662.610 Requirements for Subagreements

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the PWSLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

a) Local Preference
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under PWSLP loans.

b) Profits
Only fair and reasonable profits may be earned by contractors in subagreements under PWSLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 662.620

(Construction Contracts) is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.

c~~b~~) Loan Recipient Responsibility
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which PWSLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.

d~~c~~) Privity of Contract
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.

e~~d~~) Subagreements shall:

1) be directly related to the accomplishment of the loan recipient's approved work program;

2) be in the form of an executed written agreement (except for small purchases of $25,000~~$150,000~~ or less);

3) be for monetary or in-kind consideration; and

4) not be in the nature of a grant or gift.

f~~e~~) Documentation

1) Procurement records and files for purchases in excess of $25,000~~$150,000~~ shall include the following:

A) the basis for contractor selection;

B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and

C) the basis for award cost or price.

2) Procurement documentation as described in subsection (f)(1)~~(e)(1)~~ shall be retained by the loan recipient or contractors for the period required by Section 662.470 (Ongoing Auditing and Monitoring Financial Capability).

g~~f~~) Subagreements shall only be awarded to persons or organizations that:

1) Have adequate financial resources for performance;

2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;

3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;

4) Have a satisfactory record of integrity, judgment, and performance;

5) Have an adequate financial management system and audit procedure that is consistent with U.S. generally accepted auditing standards;

6) Maintain a standard of procurement in accordance with this Part;

7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and

8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.

h~~g~~) Fraud and Other Unlawful or Corrupt Practices

1) The obtaining and administration of loans from the PWSLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.

2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and shall periodically advise the Agency of the status and ultimate disposition of any matter.

i~~h~~) Negotiation of Subagreements
All subagreements greater than $25,000 shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:

1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);

2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;

3) The materials or services to be procured are available from only one person or firm;

4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;

5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or

6) The procurement is for material or services for which the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.620 Construction Contracts

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

a) Each construction contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 662.610(i).

b) The bid advertisement shall notify the bidders that the procurement will be subject to the following requirements:

1) this Part;

2) the Davis-Bacon Act (40 USC 3141 through 3148) and regulations adopted under that Act by the US Department of Labor;

3) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];

4) the use of American iron and steel as required by Sec. 1452(a)(4) of the federal Safe Drinking Water Act (42 USC 300j-12(a)(4));

5) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and

6) any applicable federal or State executive orders.

c) A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying. Bidding documents shall include:

1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule;

2) The terms and conditions of the contract to be awarded;

3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;

5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;

6) A proposal form, to be used by all bidders, that includes the following language:

A) By submission of the bid, each bidder certifies, and in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that, in connection with the bid:

i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;

ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and

iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with

Section 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5];

B) Each person signing the bid shall certify that:

i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (c)(6)(A); or

ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (c)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (c)(6)(A).

d) If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send written addenda to all firms who have obtained bidding documents in time to be considered prior to the bid opening. When appropriate, the time period for submission of bids shall be extended. All addenda to the bidding documents shall be submitted to the Agency for approval.

e) Awarding the Contract

1) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents.

2) The loan applicant shall submit a bid evaluation to the Agency that contains the following:

A) a copy of the newspaper ad and the certificate of publication or equivalent;

B) the bid tabulations;

C) any addenda issued by the loan applicant, if applicable;

D) an analysis of the bids and recommendations for the award of the bids;

E) a copy of the loan applicant's notice of intent to award;

F) selected bidder's proposal and bid bond or cashier's check for not less than 5% of the bid amount;

G) a summary of the evidence that the selected bidder has met the disadvantaged business enterprise requirements of 40 CFR 33;

H) a copy of the selected bidder's certification regarding the use of American iron and steel products;

3) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the Agency issues the loan agreement or provides other written permission; and

4) If the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.

f) Each construction contract shall include the following provisions:

1) Audit; Access to Records

A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 662.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized

representatives shall have access to the books, records, papers, documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.

B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of $25,000~~$150,000~~ that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of $25,000~~$150,000~~ that are directly related to project performance.

C) Audits shall be in accordance with U.S. generally accepted auditing standards.

D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.

F) The right of access will generally be exercised with respect to financial records under:

i) negotiated prime contracts;

ii) negotiated change orders or contract amendments in excess of $25,000~~$150,000~~ affecting the price of any formally advertised, competitively awarded, fixed price contract; and

iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.

G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:

i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.

2) Covenant Against Contingent Fees
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

3) Wage Provisions
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor.

4) Disadvantaged Business Enterprise Requirements
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that

disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.

5) Debarment and Suspension Provisions
The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.

6) Nonsegregated Facilities Provisions
The contractor~~successful bidder~~ shall be required to submit a certification of nonsegregated facilities as prescribed by 18 USC 1001.

7) American Iron and Steel
The contractor~~successful bidder~~ shall be required to use American Iron and Steel, if required by USEPA for that fiscal year.

8) A clause that provides:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

g~~b~~) Subcontracts Under Construction Contracts
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:

1) all applicable provisions of federal, State, and local law;

2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;

3) all provisions of this Part with respect to access to facilities, records and audit of records; and

4) all provisions of subsection (fa)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with any controlling federal Executive Orders.

he) Contractor Bankruptcy
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

id) Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

Section 662.630 Contracts for Personal and Professional Services

All subagreements for personal and professional services for design or construction expected to exceed $25,000$150,000 in the aggregate shall include the following subagreement provisions.

a) Subagreements for personal and professional construction services shall include:

1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

2) An audit and access to records clause that provides as follows:

A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of $25,000~~$150,000~~.

B) Books, records, documents, and other evidence directly pertinent to performance of PWSLP loan work under this agreement shall be maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying. Facilities shall be provided for access and inspection.

C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.

D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 662.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.

3) A covenant against contingent fees clause as follows:

"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the

contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee."

4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.

5) A description of the scope and extent of the project work.

6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.

7) A method of compensation.

8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.

c) Amendments. When the loan recipient authorizes a change that would add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit one copy of the fully executed contract amendment signed by the loan recipient and the professional services provider. Failure to give timely notice of contract amendments may result in disallowance of loan participation for costs incurred that are attributable to the change.~~If, at the time of contract execution, any of the elements required in this Section 662.630 cannot be defined adequately~~

~~for later tasks, those tasks shall not be included in the contract and are not eligible for funding until a subsequent amendment to the contract is executed containing any necessary elements required by this Section.~~

(Source: Amended at 43 Ill. Reg. 11209, effective October 1, 2019)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program

2) Code Citation: 35 Ill. Adm. Code 663

3)

Section Numbers:	Adopted Actions:
663.110	Repealed
663.120	Repealed
663.130	Repealed
663.140	Repealed
663.150	Repealed
663.160	Repealed
663.210	Repealed
663.220	Repealed
663.230	Repealed
663.240	Repealed
663.250	Repealed
663.260	Repealed
663.270	Repealed
663.Appendix A	Repealed

4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection [Act 415 ILCS 5/19.1-19.9].

5) Effective Date of Repealer: October 1, 2019

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield IL 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 24555; December 28, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

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 repealer replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Repealer: The Illinois EPA is adopting new rules pursuant to the Public Water Supply Operations Act in Part 662, and therefore now repeals the existing rules in Part 663.

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

Sara Terranova
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544
Sara.Terranova@Illinois.gov

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Home Inspector License Act

2) Code Citation: 68 Ill. Adm. Code 1410

3)

Section Numbers:	Adopted Actions:
1410.10	Amendment
1410.160	Amendment
1410.170	Amendment
1410.230	Amendment
1410.400	Amendment

4) Statutory Authority: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

5) Effective Date of Rules: October 11, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 81; January 4, 2019

10) Has JCAR issued a Statement of Objection to this Rulemaking? No

11) Differences between Proposal and Final Version: The proposed version of this rulemaking included a "CE Completion Deadline" of August 31 of each even-numbered year. In the time since the rule was originally proposed, the Department had decided against this policy change. Therefore, Sections 1410.10, 1410.160(c) and 1410.400 (8) have been amended accordingly (meaning that any references to that "CE Completion Deadline" have been removed) in this adopted version.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: These adopted amendments implement a continuing education ("CE") deadline and required evidence of compliance for and by Home Inspectors. Beginning in 2020, and for each renewal thereafter, a licensee must complete CE by August 31, a date which is 90 days prior to the License renewal deadline. A licensee who fails to complete required CE by this deadline may complete CE by the license renewal deadline but will be required to pay an administrative fee for every credit hour completed after the August 31 CE completion deadline.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1410
HOME INSPECTOR LICENSE ACT

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section
1410.10 Definitions
1410.20 Applicability of this Part

SUBPART B: LICENSING EDUCATION REQUIREMENTS

Section
1410.100 Application for a Home Inspector
1410.110 Application for a Home Inspector Entity License
1410.120 Application for Non-Resident Home Inspector License by Reciprocity
1410.130 Expiration of Home Inspector Licenses
1410.140 Renewal of Home Inspector Licenses
1410.150 Pre-License Education Requirements
1410.160 Continuing Education Requirements
1410.170 Issuance of Certificate of Licensure
1410.180 Exemptions (Repealed)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section
1410.200 Standards of Practice
1410.210 Notification of Name Change
1410.220 Assumed Name
1410.230 Mailing Address of Record and Email~~Change; Street~~ Address of Record
1410.240 Work Log of Inspections
1410.250 Entities must Utilize Licensed Home Inspectors
1410.260 Disclosure of a Conflict of Interest

SUBPART D: ENFORCEMENT PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section
1410.300 Grounds for Discipline
1410.310 Felony Convictions; Discipline of Other Professional License; Notification
1410.320 Cooperation Required with the Division
1410.330 Administrative Warning Letter
1410.340 Additional Education; Reporting Requirements
1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

SUBPART E: ADMINISTRATIVE PROVISIONS

Section
1410.400 Fees
1410.410 Duties of the Liaison
1410.420 Granting of Variances

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section
1410.500 Education Provider Application; Requirements
1410.510 Pre-License Education Course Requirements of Education Providers
1410.520 Pre-License Course Curriculum
1410.530 Example of Acceptable Pre-License Education Program
1410.540 Continuing Education Course Requirements of Education Providers
1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student
1410.560 Distance Education
1410.570 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
1410.580 Continuing Education Reporting
1410.590 Transcript or Certificate of Completion

SUBPART G: HEARINGS

Section
1410.600 Hearings

AUTHORITY: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE**:** Emergency rules adopted at 26 Ill. Reg. 13317, effective August 22, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 1513, effective January 17, 2003; amended at 27 Ill. Reg. 14180, effective August 15, 2003; amended at 34 Ill. Reg. 8063, effective June 3, 2010; amended at 41 Ill. Reg. 12540, effective October 6, 2017; amended at 43 Ill. Reg. 11281, effective October 11, 2019.

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section 1410.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Home Inspector License Act [225 ILCS 441].

"Board" means the Home Inspector Advisory Board.

"Classroom Hour" or "Hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance-learning program approved by the Division.

"Compensation" means the valuable consideration or the intention or expectation of receiving valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall not include a franchise fee paid by a licensee to a franchisor pursuant to the terms of a franchise agreement provided the franchisor does not engage in "home inspection" activity as described in Section 1-10 of the Act. Compensation shall otherwise include the transfer of valuable consideration, including without limitation the following:

commissions;

referral fees;

bonuses;

prizes;

merchandise;

finder fees;

performance of services;

coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or

salary.

"Continuing Education" or "CE" means education that is creditable toward the education requirements that must be satisfied to renew licensure or certification, as set forth in Section 1410.160.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Real Estate~~Professional Regulation~~, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Real Estate~~Professional Regulation~~.

"Field Inspection Event" means an examination and evaluation of the exterior and interior components of an actual residential real property conducted by a candidate for a home inspection license under the supervision of a licensed home inspector with at least 5 years experience. Field Inspection Events are conducted for the purpose of learning inspection methodology, techniques, communication and observation skills and describing observed conditions. A licensed home inspector can supervise a maximum of 5 licensure candidates in each Field Inspection Event.

"License" means a certificate of authority, permit or registration issued by the Division.

"Licensee" means a person who has been issued a license under the Act or this Part.

"Mailing Address of Record" and "Email Address of Record" means the designated mailing address and email address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department. Pursuant to Section 1410.230, it is the duty of the applicant or licensee to inform the Department of any change of address or email address, and those changes must be made directly to the Division.

"Pre-renewal Period" means the 24 months prior to the expiration date of a license issued under the Act.

"Renewal Deadline" means November 30 of each even-numbered year.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Standards of Practice" or "Standards" means the guidelines for the appropriate conduct of home inspections described in Subpart C.

(Source: Amended at 43 Ill. Reg. 11281, effective October 11, 2019)

SUBPART B: LICENSING AND EDUCATION REQUIREMENTS

Section 1410.160 Continuing Education Requirements

a) A home inspector who makes application to renew his or her Home Inspector License shall successfully complete the equivalent of 6 hours per year of approved continuing education pursuant to Subpart F, preceding the renewal; for example, a total of 12 hours of approved continuing education must be completed during each 2 year renewal cycle. A minimum of 6 hours of continuing education must be approved as mandatory courses, as defined by Subpart F.

b) If a home inspector was issued an initial license for less than one year prior to the expiration of the license, no continuing education is required for that renewal. If a home inspector has held a license for more than one year prior to the expiration, but less than two years, 6 hours of approved continuing education is required. A minimum of 3 hours of continuing education must be approved as mandatory courses, as defined by Subpart F.

c) If satisfactory evidence of compliance with CE requirements is submitted by the November 30 Renewal Deadline, the Division will process the license renewal.

d) If the licensee submits an application for renewal and fails to submit satisfactory evidence of compliance with the CE requirements of this Part by the November 30 Renewal Deadline, the Department shall refuse to renew the license. The Division will conduct internal audits of its records to verify compliance with this Section. That failure shall be evidence of a violation of Section 15-10(a)(1) of the Act regarding misrepresentation in applying for renewal of, or to procure, a license. The Division shall send notice to the licensee indicating the commencement of disciplinary proceedings that may result in public discipline.~~Continuing education may be obtained anytime during the pre-renewal period.~~

(Source: Amended at 43 Ill. Reg. 11281, effective October 11, 2019)

Section 1410.170 Issuance of Certificate of Licensure

The Division shall issue a certificate of licensure~~ and a pocket card~~ to all home inspectors approved for licensure under the Act and this Part. The certificate shall include the name and license number of the home inspector or home inspector entity, address, and the date of expiration.

(Source: Amended at 43 Ill. Reg. 11281, effective October 11, 2019)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section 1410.230 Mailing Address of Record and Email~~Change; Street~~ Address of Record

Pursuant to Section 2105-7 of the Civil Administrative Code of Illinois [20 ILCS 2105], all applicants and licensees shall:

a) provide a valid mailing address and email address to the Department, which shall serve as the mailing address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

b) inform the Division, through electronic means, of any change to the mailing address of record and/or email address of record within 14 days after the change. A licensee who fails to notify the Division of any address change shall be responsible for any failure to comply with any notice sent to the licensee by the Division to the extent it may affect his or her license status or penalties assessed by the Division.~~It is the responsibility of each licensee to notify the Division, in writing, of a change of address within 15 days after the change. A licensee may use a Post Office Box number (for example, P.O. Box 1001) as a mailing address, but must additionally notify the Division of a street address of the licensee's residence or business location.~~

(Source: Amended at 43 Ill. Reg. 11281, effective October 11, 2019)

SUBPART E: ADMINISTRATIVE PROVISIONS

Section 1410.400 Fees

a) Initial application fee for a Home Inspector License pursuant to Sections 5-10 and 5-12 of the Act and Sections 1410.100, 1410.110, 1410.120 and 1410.130 of this Part.

1) The application fee for an initial license as a home inspector shall be $250.

2) The application fee for an initial license as a home inspector entity shall be $250.

b) Renewal application fee for a Home Inspector License pursuant to Sections 5-16 and 5-17 of the Act and Section 1410.130 of this Part.

1) The application fee to renew a license as a home inspector shall be calculated at $200 per year, for a total of $400 per renewal.

2) The application to renew a home inspector entity license shall be calculated at $200 per year, for a total of $400 per renewal.

3) The application fee to renew a home inspector or home inspector entity license that has expired shall be the sum of all lapsed renewal fees, plus a $50 late fee.

c) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.

1) The application fee for a license as an education provider pursuant to Section 20-5 of the Act and Section 1410.570 of this Part shall be $1,000, plus course application fees.

2) The application fee for a certificate of approval for a pre-license course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be $100.

3) The application fee for a certificate of approval for a continuing education course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be $50.

d) Application fee to renew a license as an education provider or a certificate of approval for a pre-license course or a continuing education course.

1) The application fee to renew a license as an education provider shall be calculated at $500 per year, for a total of $1,000 per renewal.

2) The application fee to renew an education provider license that has expired shall be the sum of all lapsed renewal fees, plus a $50 late fee.

3) The application fee to renew a certificate of approval for a pre-license course shall be calculated at $50 per year, for a total of $100 per renewal.

4) The application fee to renew an expired certificate of approval for a pre-license course shall be the sum of all lapsed renewal fees, plus a $50 late fee.

5) The application fee to renew a certificate of approval for a continuing education course shall be calculated at $25 per year, for a total of $50 per renewal.

6) The application fee to renew an expired certificate of approval for a continuing education course shall be the sum of all lapsed renewal fees, plus a $50 late fee.

e) For the purposes of determining if a license has expired under this Section, the Division shall consider the license expired, if the postmark on the renewal application is a date later than the expiration date, or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date after the expiration date.

f) General

1) All fees paid pursuant to the Act and this Part are non-refundable.

2) The fee for a certification of a licensee's record for any purpose shall be $25.

3) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.

4) The fee for an applicant to take the examination for a Home Inspector License shall be the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

5) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be $50.

6) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.

7) The fee for certifying any record, for example, a copy of a disciplinary order or application, shall be $1 per page.

8) The Department, at its discretion, shall assess an administrative fee at a rate of $100 per credit hour for CE courses completed after the renewal deadline. The administrative fee shall not exceed $2,000.

9) The Division may charge an administrative fee not to exceed $2,000 as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1410.330.

(Source: Amended at 43 Ill. Reg. 11281, effective October 11, 2019)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Auction License Act

2) Code Citation: 68 Ill. Adm. Code 1440

3)

Section Numbers:	Adopted Actions:
1440.10	Amendment
1440.170	Amendment
1440.190	Amendment
1440.200	Repealed
1440.280	Amendment
1440.300	Amendment
1440.310	Amendment

4) Statutory Authority: Implementing and authorized by the Auction License Act [225 ILCS 407].

5) Effective Date of Rules: October 11, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 93; January 4, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The proposed version of this rulemaking included a "CE Completion Deadline" of August 31 of each even-numbered year. In the time since the rule was originally proposed, the Department had decided against this policy change. Therefore, Sections 1440.170 and 1440.310 have been amended accordingly (meaning that any references to that "CE Completion Deadline" have been removed) in this adopted version.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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: These adopted amendments implement a continuing education ("CE") deadline and required evidence of compliance for and by Auctioneers. Beginning in 2020, and for each renewal thereafter, a licensee must complete CE by September 30, a date which is 90 days prior to the License renewal deadline. A licensee who fails to complete required CE by this deadline may complete CE by the license renewal deadline but will be required to pay an administrative fee for every credit hour completed after the September 30 CE completion deadline.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1440
AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section
1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section
1440.100 Necessity of License; Exemptions
1440.110 Examination
1440.120 Application for Auctioneer License and Auction Firm
1440.130 Application for Licensure, Practice Prior to the Act (Repealed)
1440.140 45 Day Permit Sponsor Card
1440.145 Renewals
1440.150 Restoration of Lapsed or Expired License
1440.160 Nonresident Auctioneer Reciprocity
1440.170 Fees
1440.180 Earnings from the Investment of Moneys in the General Professions Dedicated Fund
1440.190 Mailing Address of Record and Email Address of Record~~Change, Notification~~
1440.200 Pocket Card (Repealed)
1440.210 Assumed Name
1440.220 Supervisory Duties
1440.230 Advertising; Buyer Premium; Disclosure
1440.240 Unlicensed Assistants
1440.250 Felony convictions; Discipline of Other Professional License; Notification
1440.260 Advertising; Auction without Reserve; Absolute Auction
1440.270 Escrow or Trust Accounts
1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

SUBPART C: CONTINUING EDUCATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section
1440.300 Continuing Education Schools Approval and License
1440.310 Continuing Education
1440.320 Expiration and Renewal for Continuing Education Schools and Courses
1440.330 Distance Education Programs
1440.340 Class Attendance Requirements
1440.350 Withdrawal of Approval of School and Courses
1440.360 Discipline of Schools

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section
1440.400 Definitions (Repealed)
1440.410 Registration (Repealed)
1440.420 Expiration of Registration (Repealed)
1440.430 Renewal of Registration (Repealed)
1440.440 Issuance of Certificate of Registration (Repealed)
1440.450 Notification of Name Change (Repealed)
1440.460 Assumed Name (Repealed)
1440.470 Notification of Address Change (Repealed)
1440.480 Fees (Repealed)

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS 407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective September 28, 2001; amended at 28 Ill. Reg. 13212, effective September 16, 2004; amended at 33 Ill. Reg. 7077, effective May 14, 2009; amended at 35 Ill. Reg. 7358, effective April 21, 2011; amended at 41 Ill. Reg. 12550, effective October 6, 2017; amended at 42 Ill. Reg. 4569, effective March 9, 2018; amended at 43 Ill. Reg. 11293, effective October 11, 2019.

SUBPART A: DEFINITIONS

Section 1440.10 Definitions

"Act" means the Auction License Act [225 ILCS 407].

"Advertisement" means any written, oral, or electronic communication that

contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitation, electronic media, and other means of promotion.

"Advisory Board" or "Board" shall mean the Auctioneer Advisory Board.

"Auction" means the sale or lease or property, real or personal, by means of exchanges between an auctioneer and prospective purchasers or lessees, that consists of a series of invitations for offers made by the auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail or telecommunications.

"Auction Contract" means a written or oral agreement between an auctioneer or an auction firm and a seller, sellers, lessor or lessors.

"Auction Firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction School" means any educational institution, public or private, that offers a curriculum of auctioneer education and training approved by the Division.

"Auction Service" means the service of arranging, managing, advertising or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission or any other valuable consideration at auction or with the intention or expectation of receiving value consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Buyer Premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, auction firm, seller, lessor or other party to the transaction, other than the purchase price.

"Cashier" means a person who accepts, records and documents payments and

information from bidders or prospective bidders, and performs other clerical services for and under the direct supervision of a licensed auctioneer or auction firm, while conducting an auction or providing an auction service.

"Clerk" means a person who records and documents information and performs other clerical services for and under the direct supervision of an auctioneer or an auction or providing an auction service.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including but not limited to:

commissions;

fees;

referral fees;

bonuses;

prizes;

merchandise;

finder fees;

performance of services;

coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statue;

retainer fee; or salary.

"Consignment Sale" means the sale or lease of property at an auction, in which a person or entity takes temporary control, title or possession of the property to be sold or leased for the purpose of that person or entity to sell or lease the property, receive and distribute the proceeds of the sale or lease of the property. The person or entity who conducts a consignment sale auction shall not be exempt from licensure under the Act, except for those persons or entities who are other exempt from licensure, as provided by the Act and this Part.

"Continuing Education" or "CE" means ~~continuing~~ education that is creditable toward the education requirements that must be satisfied to renew licensure or certification as set forth in Section 1440.310.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Real Estate~~Professional Regulation~~ with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Real Estate~~Professional Regulation~~.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under the Act.

"Livestock Auctioneer" means an auctioneer licensed under the Act and employed by a business registered as a market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law [225 ILCS 640] who, by public outcry, sells livestock at the registered business.

"Mailing Address of Record" and "Email Address of Record" means the designated mailing address and email address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department. Pursuant to Section 1440.190, it is the duty of the applicant or licensee to inform the Department of any change of address or email address, and those changes must be made by submitting the new information~~either through the Department's website or by~~ directly to~~contacting~~ the Department.

"Managing Auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm and licensees sponsored by an auction firm or auctioneer.

"Person" shall mean an individual, association, partnership, corporation, limited liability company, or the officers, directors, or employees of the same.

"Pre-renewal Period" means the 24 months prior to the expiration date of a license issued under the Act.

"Renewal Deadline" means December 31 of each even-numbered year.

"Ring Assistant" means a person who acknowledges a bid from a member of the audience during the sale or lease of property at an auction and conveys the bid to the auctioneer, but only the auctioneer may accept the bid for the sale or lease of property at auction.

"School" means a continuing education school approved and licensed in accordance with the Act and this Part.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Sponsor Card" shall mean the temporary permit issued by the sponsoring auctioneer certifying that the licensee named is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

"Sponsoring Auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed auctioneer.

"Terms and Conditions" means an announcement made orally or in written form at an auction sale, including but not limited to the condition of the property being sold or leased, the type of payment expected from the purchaser, when payment is expected from the purchaser, when possession, control and ownership of the property being sold or leased passes to the purchaser, and any other information that is pertinent to the auction.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: AUCTION LICENSE

Section 1440.170 Fees

a) The license application fee for an auctioneer for:

1) an initial license application shall be $200;

2) a renewal application shall be $225 per year;

3) a renewal application, with fee, that was postmarked after the expiration date of the license, shall be the renewal fee plus a $50 penalty;

4) a restoration application shall be all lapsed renewal application fees, not to exceed $675, plus a $50 penalty and $25 for a 45 Day Permit Sponsor Card;

5) a 45 Day Permit Sponsor Card application shall be $25.

b) The license application fee for an auction firm for:

1) an initial license application shall be $100;

2) a renewal application shall be calculated at the rate of $125 per year;

3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a $50 penalty;

4) a restoration application shall be all lapsed renewal fees, not to exceed $375, plus a $50 penalty;

5) a managing auctioneer change application shall be $25.

c) The license application fee for an auction school for:

1) an initial license application shall be $2,000;

2) a renewal application shall be $1,000 per year;

3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a $250 penalty.

d) The license application fee for an auction continuing education course shall be $50 per course. A duplicate course license shall be $25.

e) The fee for a certification of a licensee's record for any purpose shall be $25.

f) The fee for copies, license certification and other services shall be the cost of preparing and providing the same, as established by policy of the Division.

g) The fee for requesting a waiver of continuing education requirements pursuant to Section 10-30 of the Act and Section 1440.310(d)(2) of this Part shall be $25.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

Section 1440.190 Mailing Address of Record and Email Address of Record~~Change, Notification~~

Pursuant to Section 2105-7 of the Civil Administrative Code of Illinois [20 ILCS 2105], all applicants and licensees shall:

a) provide a valid mailing address and email address to the Department, which shall serve as the mailing address of record and/or email address of record, respectively, at the time of application for licensure or renewal of a license; and

b) inform the Division, through electonic means, of any change to the mailing address of record and/or email address of record within 14 days after the change.~~Any licensee granted a license under the Act shall notify the Division in writing of any change of business or mailing address within 24 hours after the change.~~ A licensee who fails to notify the Division~~ in writing~~ of any address change shall be responsible for any failure to comply with any notice sent to the licensee by the Division to the extent it may affect his or her license status or penalties assessed by the Division.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

Section 1440.200 Pocket Card (Repealed)

~~The Division shall issue, along with each license issued under the Act, a pocket card. All licensees shall carry the pocket card at all times and shall display it upon demand. If the licensee is operating on a properly issued 45 Day Permit Sponsor Card, the licensee shall carry a copy of the 45 Day Permit Sponsor Card in lieu of and until a pocket card is issued by the Division.~~

(Source: Repealed at 43 Ill. Reg. 11293, effective October 11, 2019)

Section 1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

a) If the Division receives information that a licensee who has been issued a license under the Act has failed to pay or is more than 30 days in arrearage on taxes, court ordered child support or a student loan pursuant to Section 20-20 of the Act, the Division shall notify~~, by certified mail, return receipt requested,~~ a licensee that his or her license will be automatically terminated in 30 days from the date of the notice, unless the appropriate administering agency provides to the Division information and proof that the licensee has corrected the failure to pay the arrearage.

b) The licensee may request a hearing on the termination, but the hearing shall be limited to the presentation of evidence on the issues of mistaken identity, proof that the respondent has entered into a payment plan or that the debt has been discharged in bankruptcy.

c) The Division and the Board shall not hear evidence as to whether a licensee has failed to pay or is in arrearage on the payments. The responsibility for the hearing of evidence is with the appropriate administering agency.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

SUBPART C: CONTINUING EDUCATION

Section 1440.300 Continuing Education Schools Approval and License

Approval of continuing education (CE) schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

a) The CE school's office may be subject to inspection by authorized representatives

of the Division during regular working hours and upon at least 24 hours' notice when the Division has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

b) The Division shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.

c) Entities seeking approval as CE schools shall file a CE school application, on forms provided by the Division, along with the required fee. The application shall include the following:

1) An agreement by the applicant that the applicant shall provide to the Division, upon request, a schedule including location, date, time and name of instructor of each CE course to be offered;

2) The CE school's certification:

A) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in this Part;

B) that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;

C) the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by the Division. Further, that the school will maintain these records for not less than 5 years and shall make these records available for inspection by the Division during regular business hours;

D) that, upon request by the Division, the CE school will submit evidence as is necessary to establish compliance with this Section. The evidence shall be required when the Division has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

E) that the CE school will only offer CE, other than self-study CE, in an environment that is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and

welfare of the attendees; and

F) that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence requested by the Division.

d) CE schools approved to offer the courses shall be deemed to be approved to offer CE programs upon completion of an application for approval and submission of the fee required by Section 1440.170.

e) Within 30 days after the action by the Auction Advisory Board and the Division, the Division shall issue an approval and license to the CE school or notify the CE school, in writing, why approval cannot be issued.

f) Approved CE schools shall comply with the following:

1) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to the Division any efforts to recruit licensees.

2) No approved CE school shall advertise that it is endorsed, recommended, or accredited by the Division. The CE school, however, may indicate that the school and the CE course have been approved and licensed by the Division.

3) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who are qualified and knowledgeable in the content offered in the course.

4) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of mandatory or elective CE course hours that may be earned by successfully completing the course.

5) All CE courses given by approved CE schools shall be open to all

licensees and not be limited to members of a single organization or group.

g) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

h) To maintain approved CE school status, each CE school shall submit, prior to December 31 of odd numbered years, a school renewal application along with the required fee.

i) Each approved CE school shall submit to the Division on or before the 15th of each month a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.

1) If a CE school during the preceding calendar month gave no courses, that CE school shall report in writing that no courses were given.

2) The monthly graduation reports may be submitted in a computer readable format specified by the Division.

3) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by the Division. Each monthly graduation report submitted on paper or in a format other than that specified by the Division shall be accompanied by a processing fee of $.50 per student, per course, listed on the report, payable by check to the Division.

4) A monthly graduation report received by the Division with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of $200 in addition to the fees set forth in subsection (i)(3).

5) If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (i)(3) and (4), for three successive months, then the courses offered by that school may be disqualified until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (i)(3) and (4) have been submitted to and are received by the

Division. The Division shall send notice to the school of an informal conference before the Board and of pending disqualification~~, by certified or registered mail, return receipt requested, or by other signature restricted delivery service~~.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

Section 1440.310 Continuing Education

a) Continuing Education Requirements

1) In accordance with Section 10-30 of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by the Division from a school reviewed by the Board and approved by the Division.

2) Auctioneers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act and this Section.

3) The Division will~~shall~~ conduct internal~~random~~ audits of its records to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by the Division, and is offered by an approved CE school that is licensed by the Division, that meets the requirements set forth in Section 1440.300~~ of this Part~~.

2) CE credit may also be earned for completion of a distance education course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330~~ of this Part~~.

3) The requirement that CE be obtained through a curriculum reviewed by the Board and approved by the Division shall be satisfied by successful completion of the following:

A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:

i) Illinois statutes and rules governing auctioneering;

ii) federal statutes and regulations governing auctioneering;

iii) auctioneering ethics;

iv) escrow and trust accounts;

v) contracts; and

vi) other subject matter recommended by the Board.

B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:

i) agency;

ii) business courses related to auctioneering;

iii) real estate related courses;

iv) auction management;

v) bid calling;

vi) public speaking;

vii) advertising;

viii) specialty auction courses; or

ix) other subject matter recommended by the Board.

4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6).

5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), when the individual is in actual attendance, or participates in, or completes distance education. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.

6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the course.

B) All examinations, including distance education examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.

C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination

is successfully completed.

7) Distance education CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

B) Classroom instruction is not required for distance education CE, as the intent is for the licensees to review and learn the material on their own.

C) The examination site for distance education shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.

8) All CE courses shall:

A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.

B) Provide experiences (e.g., role playing, lectures, films) that contain subject matter and course materials relevant to that set forth in this Section.

C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.

9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.

10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.

11) The CE school shall notify the Division when more than 6 hours of CE is

offered in any calendar day. This notification shall be submitted to the Division at least 2 weeks prior to the CE course offering.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion). It is the responsibility of each renewal applicant to provide the additional evidence during any~~an~~ audit as proof of CE completed.

3) When, during any~~an~~ audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee~~, and the sponsoring auctioneer of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service,~~ of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2)~~ of this Section~~) is submitted by the December 31 license renewal dealdline, the Division will process the license renewal~~shall notify the licensee by first class mail that the licensee is in compliance~~.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1)~~ of this Section~~ but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $100~~$25~~ per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will

not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit, within the 60 day notice period, satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license. The Division shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of the licensee.

d) Waiver or Extension of CE Requirements

1) An auctioneer is exempt from the continuing education requirements if it is his or her first renewal.

2) As provided for in Section 10-30 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a $25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Board shall use the criteria in Section 1440.310(b).

3) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE

requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of the requirements, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.

4) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;

B) A temporary, incapacitating illness documented by a licensed physician. A second consecutive request for a CE waiver pursuant to this subsection (d)(4)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness, or other impairment including, without limitation, deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill and safety, in violation of Section 20-15(24) of the Act, which shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., hospitalization or being disabled and unable to practice auction on a temporary basis).

5) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview ~~by certified mail, return receipt requested~~.

6) Any renewal applicant who submits a request for waiver or extension pursuant to subsection (d)(3) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Housing Appeals Board

2) Code Citation: 47 Ill. Adm. Code 395

3)

Section Numbers:	Adopted Actions:
395.103	Amendment
395.106	Amendment
395.202	Amendment
395.203	Amendment
395.204	Amendment
395.306	Amendment
395.307	Amendment
395.308	Amendment
395.313	Amendment
395.314	Amendment
395.316	Amendment
395.319	Amendment

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 60 of the Affordable Housing Planning and Appeal Act [310 ILCS 67/60].

5) Effective Date of Rules: September 26, 2019

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

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: 43 Ill. Reg. 6712; June 7, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Various grammatical and technical changes were made at JCAR's request.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

agreements issued by JCAR? None were made.

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: These amendments make the rules consistent with recent amendments to the Affordable Housing Planning and Appeal Act. Certain defined terms have been amended. Certain aspects of the eligibility and term lengths for State Housing Appeals Board have been amended. Certain aspects of the hearing and appeal procedures have been amended.

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

Karri E. Kartes
Associate Corporate & Compliance Counsel
Legal Department
Illinois Housing Development Authority
111 E. Wacker Dr., Suite 1000
Chicago IL 60601

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 395
STATE HOUSING APPEALS BOARD

SUBPART A: GENERAL RULES

Section
395.101 Authority
395.102 Purpose and Objectives
395.103 Definitions
395.104 Compliance with Federal and State Law
395.105 Forms and Procedures for the Program
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395.107 Amendment
395.108 Severability
395.109 Gender and Number
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SUBPART C: APPEALS TO THE BOARD BY
AFFORDABLE HOUSING DEVELOPERS

Section
395.301 Service of Documents
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395.304 Consolidation, Severance and Joinder
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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

395.308 Reply to the Initial Pleading by Approving Authority
395.309 Prehearing Conferences, Settlement Conferences, Subpoenas and Depositions
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SUBPART D: APPEALS OF LOCAL GOVERNMENT EXEMPT STATUS

Section
395.401 Appeals of IHDA's Determination of a Local Government's Exempt Status

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805] and Section 60 of the Affordable Housing Planning and Appeal Act [310 ILCS 67].

SOURCE: Adopted at 37 Ill. Reg. 4901, effective March 29, 2013; amended at 38 Ill. Reg. 3596, effective January 21, 2014; amended at 43 Ill. Reg. 11314, effective September 26, 2019.

SUBPART A: GENERAL RULES

Section 395.103 Definitions

The following terms used in this Part shall have the following definitions:

"Act": The Affordable Housing Planning and Appeal Act [310 ILCS 67].

"Affordable Housing": Housing that has a value or cost or rental amount that is within the means of a household that may occupy Moderate-Income Housing or Low-Income Housing.

In the case of owner-occupied Dwelling Units, Affordable Housing means housing in which mortgage, amortization, taxes, insurance and condominium or association fees, if any, constitute no more than 30% of

the gross annual household income for a household of the size that may occupy the Dwelling Unit.

In the case of Dwelling Units for rent, Affordable Housing means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the Dwelling Unit.

"Affordable Housing Developer": A nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an Affordable Housing Development.

"Affordable Housing Development": Any housing that is subsidized by the federal or State government, or any housing in which at least 20% of the Dwelling Units are subject to covenants or~~and~~ restrictions that require the Dwelling Units to be sold or rented at prices that preserve them as Affordable Housing for a period of at least 15 years, in the case of owner-occupied housing, and at least 30 years, in the case of rental housing.

"Affordable Housing Plan": The Affordable Housing Plan to be approved by all Non-Exempt Local Governments as set forth in Section 25 of the Act.

"Approving Authority": The governing body of the Local Government.

"Area Median Household Income": The median household income adjusted for family size for applicable income limit areas as determined annually by HUD under Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Board": The State Housing Appeals Board.

"Chairman": The chairman of the Board.

"Contumacious Conduct": A willful disobedience of the Board's order.

"Days": Calendar days. Due dates under this Part falling on a Saturday, Sunday or a legal State or federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday or a legal State or federal holiday.

"Development": Any building, construction, renovation or excavation, or any material change in any structure or land, or change in the use of a structure or land, that results in a net increase in the number of Dwelling Units in a structure or on a parcel of land by more than one Dwelling Unit.

"Dwelling Unit": Real property located within the State upon which there is located a structure or structures that are a single family home, a condominium or a multi-unit residential structure that is the principal residence of the Household that resides in the unit.

"Exempt Local Government": Any Local Government in which at least 10% of its total year-round housing units are Affordable Housing, as determined by the Authority pursuant to Section 20 of the Act, or any municipality whose population is less than 1,000.

"Household": The person or persons occupying a Dwelling Unit.

"HUD": The United States Department of Housing and Urban Development.

"IHDA": The Illinois Housing Development Authority.

"IHDA Act": The Illinois Housing Development Act [20 ILCS 3805].

"IHDA Chairman": The chairman of IHDA.

"Initial Pleading": The Initial Pleading submitted by an Affordable Housing Developer as set forth in Section 395.305~~306~~.

"Local Government": A county or a municipality.

"Low-Income Housing": Housing that is affordable, according to HUD, for either home ownership or rental and that is occupied, reserved or marketed for occupancy by Households with a gross household income that does not exceed 50% of the Area Median Household Income.

"Member": A member of the State Housing Appeals Board.

"Moderate-Income Housing": Housing that is affordable, according to HUD, for either home ownership or rental, and that is occupied, reserved or marketed for

occupancy by Households with a gross household income that is greater than 50%, but does not exceed 80%, of the Area Median Income.

"Non-Appealable Local Government Requirements": All essential requirements that protect the public health and safety, including any local building, electrical, fire or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment. Zoning, density and bulk restrictions may count as Non-Appealable Local Government Requirements if the Board finds that they qualify under the Act's definition of Non-Appealable Local Government Requirements.

"Non-Exempt Local Governments": All Local Governments that are not Exempt Local Governments.

"Notice of Appeal": The Notice of Appeal sent to an Approving Authority by the Board as set forth in Section 395.306~~307~~.

"Offices of IHDA": 111 E. Wacker~~401 North Michigan Avenue~~, Suite 1000~~700~~, Chicago, Illinois 60601~~60611~~.

"Public Building": *Any building or portion thereof owned or leased by* a *Public Body*. [5 ILCS 120/2.01]

"Public Body": All legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts, and all other municipal corporations, boards, bureaus, committees or commissions of the State, and any subsidiary bodies of any of the foregoing, including, but not limited to, committees and subcommittees supported in whole or in part by tax revenue, or that expend tax revenue, except the General Assembly and committees or commissions of the General Assembly.

"Reply": The Reply sent by the Approving Authority in response to an Initial Pleading.

"State": The State of Illinois.

"Vice-Chairman": The Vice-Chairman of the State Housing Appeals Board.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 395.106 Fees and Charges

The Authority shall not charge the Board any fees or other charges for services it provides to the Board. The Members shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of their official duties. In the making of reimbursements to the Members, the State may use funds from the Illinois Affordable Housing Trust Fund, pursuant to the Illinois Affordable Housing Act [310 ILCS 65], or such other funds~~fund~~ as the State may determine.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

SUBPART B: ORGANIZATION

Section 395.202 Organization of the Board

The duties of the Board are governed by the Act and this Part. The Board shall consist of 7 Members appointed by the Governor.

a) Chairman: A retired Illinois circuit judge or retired Illinois appellate judge who is a Member~~ and who is designated from time to time by the Governor is the chairperson of the Board~~.

b) Vice Chairman: The Board shall annually elect from its Members a Vice-Chairman. In the absence of the Chairman or in the event of his or her inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman. In the event of the absence of the Chairman or the Vice-Chairman from a meeting of the Board, or in the event of their inability or refusal to act, the Chairman shall designate some Member to act in his or her place and stead, and that designated Member shall have the powers of and be subject to all the restrictions upon the Chairman.

c) Other Members: Other Members, who are appointed~~designated~~ from time to time by the Governor, are as follows:

1) a zoning board of appeals member;

2) a planning board/commission member;

3) a mayor or municipal council or board member;

4) a county board member;

5) an affordable housing developer;

6) an affordable housing advocate.

d) Ex Officio Member: The IHDA Chairman, ex officio, shall serve as a non-voting Member.

e) No more than 4 of the appointed Members may be from the same political party. Appointments under subsections (c)(1), (c)(2), and (c)(3) shall be from Non-Exempt Local Governments.

f) Initial terms of 4 Members designated by the Governor shall be for 2 years. Initial terms of 3 Members designated by the Governor shall be for one year. Thereafter, Members shall be appointed for 2 years. After a Member's term expires, the Member shall continue to serve until a successor is appointed. There shall be no limit to the number of terms an appointee may serve.

g) A Member shall receive no compensation for his or her services; however, Members shall be reimbursed by the State for all reasonable travel and administrative expenses actually and necessarily incurred in the performance of their official duties.

h) The Board shall hear all petitions for review filed under the Act and shall conduct hearings in accordance with this Part.

i) The principal office of the Board shall be the Offices of IHDA with office hours that are coterminous with the office hours of IHDA. IHDA shall provide space, clerical assistance and other assistance that the Board may require.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.203 Meetings of the Members

a) Compliance with Open Meetings Act: All meetings of the Board shall be in compliance with the Illinois Open Meetings Act [5 ILCS 120].

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

b) Regular Meetings: The regular meetings of the Board shall be held at the Offices of IHDA, at least annually~~quarterly~~, with the specific date~~dates~~ for the annual meeting~~quarterly meetings~~ to be set no later than January 1 of each calendar year. The Board may hold a regular meeting *simultaneously* at the Offices~~Office~~ of IHDA *and one or more other locations in a Public Building through an interactive video conference if public notice and public access are provided for all meeting locations. Members physically present in those locations shall count towards determining a quorum*. [5 ILCS 120/2.01] If there are no appeals, other applicable context, or other business to come before the Board, the Chairman may cancel a regular meeting. Notice of cancellation shall be provided to Members in the same manner as notice of special, emergency and reschedule meetings, as set forth in subsection (f), and shall also be posted at the Offices of IHDA and on IHDA's website.

c) Rescheduled Meetings: A regular meeting of the Board may be rescheduled as determined by the Chairman, in which event notice of the rescheduled meeting shall be given in accordance with the Open Meetings Act.~~*by publication in a newspaper of general circulation in the area in which the Board functions at least 10 days* prior to the rescheduled meeting. *Notice of the change shall also be posted at the Offices of IHDA and on IHDA's website*. [5 ILCS 120/2.02 and 2.03]~~

d) Special Meetings: Special meetings of the Board may be called at any time by the Chairman or upon request of any 2 Members of the Board. *Public notice of the special meeting, except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting* described in subsection (c), *or of a reconvened meeting shall be given at least 48 hours before the meeting. Notice* of the special meeting, and the agenda for the meeting, *shall be posted at the Offices of IHDA and on IHDA's websit*e. [5 ILCS 120/2.02]

e) Emergency Meetings: Emergency meetings of the Board may be called at any time by the Chairman or upon request of any 2 Members of the Board. Public notice of the emergency meeting shall be given as soon as practicable, but in any event, prior to the holding of the meeting.

f) Notice of Meetings: The Board, through IHDA, shall publish a schedule of its regular meetings by January 1 of each calendar year listing the dates, times and places of the meetings. The schedule shall be posted at the Offices of IHDA and

on IHDA's website. No notice of regular meetings, as provided for in subsection (b) need be given to any Member. Notice in writing of all special, emergency and rescheduled meetings shall be delivered personally or via electronic mail, or shall be mailed to each Member at his or her business or home address. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope addressed to the Member, with postage prepaid. Any Member may waive notice of a special, emergency or rescheduled meeting and attendance at the meeting shall constitute a waiver of notice of the meeting except when a Member attends for the express purpose of objecting to the meeting because the meeting was not lawfully called or convened. ~~Neither the business to be transacted, nor the purpose of any regular, rescheduled, special or emergency meeting, need be specified in any notice or waiver of notice of the meeting.~~

g) Quorum: A majority of the appointed Members of the Board shall constitute a quorum. A quorum must be physically present at any meeting of the Board. A Member attending a meeting via video conference as provided for in subsection (b) will be considered physically present for the purposes of determining a quorum and voting. The affirmative vote of a majority of the appointed Members shall be necessary for any action taken by or in the name of the Board at any meeting. If less than a quorum is present at a meeting, a majority of the Members present may adjourn the meeting from time to time. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

h) Attendance By Means Other Than Physical Presence:

1) If a quorum is physically present at a meeting of the Board, a Member may attend the meeting via audio or video conference only if the Member cannot attend because of:

A) personal illness or disability;

B) employment purposes or other business of the Board; or

C) *a family or other emergency* [5 ILCS 120/7].

2) The Member must notify the Chairman of his or her intention to attend the meeting via audio or video conference at least 48 hours before the meeting unless impracticable. A Member cannot attend more than one regularly

scheduled meeting of the Board for that calendar year via audio or video conference unless the Member presents a document from his or her physician attesting to the Member's inability to physically attend a meeting or meetings. If one or more Members attend via audio or video conference, the Board, through IHDA, shall issue a written notice at the meeting stating the names of the Members present by audio or video conference, the electronic means that the Members will use to attend the meeting, and the location of the speakerphone or monitor receiving and transmitting the communications from the Members present by audio or video conference. The Member must then identify himself or herself by name and be recognized by the Chairman or other presiding officer before communicating. The minutes of the meeting shall reflect which Members were physically present and which Members were present via video or audio conference.

i) Records: A full and complete record shall be kept of all Board proceedings. IHDA shall be the official custodian of the records. Oral proceedings shall be recorded electronically, stenographically or by other means that will adequately ensure the preservation of the testimony or oral proceedings and shall be transcribed on the request of any party to a case. Transcription costs, if any, shall be borne by the party requesting the transcript. Other records shall consist of the following:

1) *all pleadings, including all notices and responses to those pleadings, and all motions and ruling*;

2) a transcript of the hearing, if any;

3) *all evidence received*;

4) *a statement of matters officially noticed~~noted~~*;

5) *any offers of proof, objections and rulings* on that proof;

6) *any proposed findings and exceptions*;

7) any decision, opinion or report of the Board;

8) a*ll staff memoranda or data submitted to the* Board by IHDA *in connection with the consideration of a case* before the Board; and

9) *Any prohibited ex parte communications*. [5 ILCS 100/10-35(a)]

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.204 Conduct of the Board

a) Authority: The Board shall have all the powers necessary and appropriate to conduct a full, fair and impartial hearing, including, but not limited to, the following:

1) to administer oaths and affirmations;

2) to rule upon offers of proof and receive relevant evidence;

3) to issue subpoenas;

4) to provide for discovery and to determine its scope;

5) to regulate the course of the hearing and the conduct of the parties and their counsel;

6) to consider and rule upon procedural requests;

7) to require or hold conferences for the settlement or simplification of the issues;

8) to examine witnesses, direct witnesses to testify, limit the number of times a witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time a witness may testify;

9) to ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing;

10) to dismiss appeals in accordance with the Act; and

11) to affirm, reverse or modify the conditions of or add conditions to a decision of an Approving Authority.

b) Disqualification of Members of the Board: No person who is a Member of the Board shall engage in practice before the Board in any respect. No person who has been a Member of the Board shall, for one year after termination of membership on the Board, engage in practice before the Board in any respect. No person who has been a Member of the Board shall engage in any practice before the Board in connection with any case or proceeding that was pending during that person's membership with the Board. No Member of the Board shall participate in any hearing or other proceeding before the Board regarding an Affordable Housing Development in which that Member has a direct or indirect financial interest.

c) Ex Parte Communications:

1) Except in the disposition of matters that the Board is authorized to entertain or dispose of on an ex parte basis ~~under the Illinois Administrative Procedure Act [5 ILCS 100]~~, the Board and IHDA staff shall not, with respect to any pending or contested appeal, communicate directly or indirectly in connection with any issue of fact before the Board, with any party or the representative of any party, except upon notice and an opportunity for all parties to participate.

2) An ex parte communication received by any member of the Board or any employee or member of IHDA pertaining to a pending appeal shall be made a part of the record of the pending appeal, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

3) Ex Parte communications prohibited by the Illinois Administrative Procedure Act [5 ILCS 100] shall not form the basis of any decision of the Board.

4) Communications regarding matters of practice and procedure, such as the status of appeals, filing requirements, form letters, scheduling of hearings, format of pleadings, number of copies required, manner of

service~~administrative review~~, and the like are not considered ex parte communications under this Part.

d) Contumacious Conduct: Contumacious Conduct at any hearing before the Board shall be grounds for exclusion from the hearing. If a witness or a party fails to appear or refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Board may issue orders with regard to the failure to appear or the refusal as are just and appropriate, including, but not limited to, excluding the testimony of witnesses, entering an order of default, entering an order that certain facts are deemed admitted for purposes of the proceeding, or entering an order denying the application or complaint of a party.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

SUBPART C: APPEALS TO THE BOARD BY AFFORDABLE HOUSING DEVELOPERS

Section 395.306 Notice of Appeal

a) Within 5 Days after the Board has received the Initial Pleading filed by the Affordable Housing Developer, the Board shall send a Notice of Appeal and a courtesy copy of the Initial Pleading to the Approving Authority identified in the Initial Pleading.

b) Upon receipt, the Approving Authority shall post the Notice of Appeal in the Approving Authority's office and on the Approving Authority's website. The Approving Authority shall continue to post the Notice of Appeal for a period of not less than 10 Days. If the Approving Authority fails or neglects to post the Notice of Appeal in the Approving Authority's office or on the Approving Authority's website, the appeal shall proceed and shall not be impaired.

c) A Notice of Appeal shall include the following:

1) the time, place and nature of the appeal;

2) the legal authority and jurisdiction under which the hearing is to be held; ~~and~~

3) a reference to the particular Section of the Act involved;~~.~~

4) the consequences of a failure to respond and the official file or other reference number; and

5) the name and mailing address of the Board and all parties.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.307 Dismissal before Hearing

a) Within 10 Days after receipt of the Notice of Appeal from the Board, the Approving Authority may file a motion to dismiss the appeal under the following circumstances:

1) pursuant to Section 20(c) of the Act, the Local Government was determined to be exempt pursuant to Section 20 of the Act in the year in which the appeal was filed. If applicable, the Local Government shall address any allegations by the Affordable Housing Developer, pursuant to Section 395.401, that the determination the Local Government is exempt from the Act is incorrect; or

2) pursuant to Section 30(d) of the Act, the Local Government has adopted an Affordable Housing Plan, has submitted that plan to IHDA within the required time frame, and has submitted documentation to IHDA that evidences the Local Government has met its goal pursuant to Section 25(b)(iv) of the Act, subject to the written approval of IHDA in its discretion; or

3) pursuant to Section 30(e) of the Act, the denial is based upon Non-Appealable Local Government Requirements ~~that are critical to the protection or preservation of the environment~~.

b) A motion to dismiss before a hearing shall include the following:

1) a statement explaining why the appeal should be dismissed; and

2) if appropriate, any documents or material supporting the claim.

c) On the same day that the Approving Authority files a motion to dismiss with the Board, the Approving Authority shall serve a complete copy of the motion to dismiss on the Affordable Housing Developer and any other parties at the address or addresses specified in the Initial Pleading.

d) If the Approving Authority files a motion to dismiss prior to the hearing, the Affordable Housing Developer may file a rebuttal within 10 Days after the filing of the motion to dismiss, rebutting any of the claims made in the Approving Authority's motion to dismiss.

e) The Board shall decide the Affordable Housing Developer's rebuttal on the merits. If the Board determines that the Affordable Housing Developer has successfully rebutted the claims made in the Approving Authority's motion to dismiss, the Board shall deny the motion to dismiss and the issues raised in the motion to dismiss and the response shall be questions of fact to be resolved as part of the appeals process; otherwise, the Board may dismiss the appeal and, if dismissed, the Approving Authority shall not be required to file a Reply~~reply~~.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.308 Reply to the Initial Pleading by Approving Authority

a) If an appeal is not dismissed before the hearing pursuant to Section 395.307, within 15 Days after the Board's decision to deny the motion to dismiss, the Approving Authority shall file a Reply to the Initial Pleading with the Board and shall provide a copy of the Reply to the Initial Pleading to the Affordable Housing Developer and all other parties. If no motion to dismiss is filed, the Approving Authority shall file a Reply to the Initial Pleading with the Board and shall provide a copy of the Reply to the Initial Pleading to the Affordable Housing Developer and all other parties within 15 Days after the Notice of Appeal.

b) The Reply to the Initial Pleading shall include the following:

1) a statement explaining why the application that is the subject of the appeal was denied or conditions were applied, which may include an appeal of IHDA's determination of the non-exempt status of the Local Government under the Act as set forth in Section 395.401. If the Approving Authority denied an application or imposed conditions because it concluded that the Affordable Housing Developer did not comply with all Non-Appealable

Local Government Requirements, the Reply to the Initial Pleading must specify the requirements that justify the denial or the imposition of changes; ~~and~~

2) a record of the vote on the Affordable Housing Developer's application that is the subject of the appeal; and

3) any findings of fact related to the application.

c) The failure to file a Reply to the Initial Pleading shall be deemed a general denial of matters asserted in the Initial Pleading and a waiver of all affirmative defenses.

d) A party may participate in the hearing without forfeiting any jurisdictional objection, if the objection is made within 15 Days after receipt of the Notice of Appeal. Any party may file a response to the objection within 15 Days after service.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.313 Evidence

a) A party shall be entitled to present its case by testimonial or documentary evidence, to submit rebuttal evidence, *and to conduct cross-examination as may be required for a full and fair disclosure of facts*. [5 ILCS 100/10-40(b)] Testimonial evidence shall be taken only on oath or affirmation. Any cross-examination shall be limited to the scope of the direct examination.

b) The~~With respect to submissions of evidence, hearings before the Board shall be informal and the technical~~ rules of evidence and privilege that apply~~applied~~ in civil cases in Illinois circuit~~the~~ courts~~ of the State~~ shall be followed. However, evidence not admissible under~~apply; however,~~ those rules may be admitted (unless precluded by statute) if it is of~~used as~~ a type commonly relied upon by reasonably prudent men in the conduct of their affairs. [5 ILCS 100/10-40(a)]~~guide as far as practicable. The lack of application of the rules of evidence shall not impair the competency of evidence.~~

c) The Chairman shall have the discretion to determine whether evidence being offered is reliable and whether the evidence should be admitted. The Chairman

may exclude evidence that is irrelevant, immaterial or unduly repetitious. (See 5 ILCS 100/10-40(a).)

d) *Subject to* the *requirements* of this Subpart, *when a hearing will be expedited and the interest of the parties will not be prejudiced*, the Chairman may allow *evidence to be received in written form*. [5 ILCS 100/10-40(a)]

e) If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross-examination, or to the failure to limit that scope, that party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record.

f) 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 the fact. In addition, *notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing of the material noticed, including any memoranda or data prepared by IHDA staff, and the parties shall be afforded an opportunity to contest the facts noticed. The experience, technical competence and specialized knowledge of the Board and IHDA may be utilized in the evaluation of the evidence*. [5 ILCS 100/10-40(c)]

g) Types of Evidence: The Board shall hear evidence only as to matters actually in dispute. Factual areas in which evidence may be heard if it is relevant to issues in dispute include, but are not limited to, the following:

1) health, safety and the environment

A) structural soundness of the proposed buildings;

B) adequacy of sewage arrangements;

C) adequacy of water drainage arrangements;

D) adequacy of fire protection;

E) adequacy of the Affordable Housing Developer's proposed arrangements for dealing with traffic circulation within the site, and feasibility of arrangements that could be made by the Local

Government for dealing with traffic generated by the proposed housing on adjacent streets;

F) proximity of the proposed site to airports, industrial activities or other activities that may affect the health and safety of the occupants of the proposed housing;

2) site and building design

A) height, bulk and placement of the proposed housing;

B) physical characteristics of the proposed housing;

C) height, bulk and placement of surrounding structures and improvements;

D) physical characteristics of the surrounding land;

E) adequacy of parking arrangements;

F) adequacy of open areas, including outdoor recreational areas, proposed within the building site;

3) open space

A) availability of existing open spaces in the Local Government;

B) current and projected utilization of existing open spaces and consequent need, if any, for additional open spaces, by the Local Government's population, including occupants of the proposed housing;

C) relationship of the proposed site to any Local Government open space or outdoor recreation plan officially adopted by the applicable corporate authorities of the Local Government, and to any official actions to preserve open spaces taken with respect to the proposed site by the Local Government prior to the date of the Affordable Housing Developer's initial submission; the inclusion of the proposed site in the open space or outdoor recreation plan

shall create a presumption that the site is needed to preserve open spaces unless the Affordable Housing Developer produces evidence to the contrary;

D) relationship of the proposed site to any regional open space plan prepared by the applicable regional planning agency;

E) current use of the proposed site and of land adjacent to the proposed site;

F) inventory of site suitable for use as open spaces, and available for acquisition or other legal restriction as open spaces, in the Local Government, provided that the Board shall admit no evidence of any open space plan adopted only by the local conservation commission or other local body but not officially adopted by the planning board/commission;

4) municipal planning

A) a Local Government's master plan, comprehensive plan or community development plan; and

B) the results of the Local Government's efforts to implement those plans;~~.~~

5) The uniform application, or lack thereof, of any impact fees, building permit fees and any other local fees.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.314 Affordable Housing Developer's Burden of Proof

a) Denial: Pursuant to Section 30(c) of the Act, in the case of a denial of an Affordable Housing Developer's application, the Affordable Housing Developer bears the burden of demonstrating that the Approving Authority unfairly denied approval of the Affordable Housing Development. To meet this burden, the developer must prove that it is an Affordable Housing Developer and has proposed an Affordable Housing Development. In addition, the Affordable Housing Developer shall demonstrate that:

1) the proposed Affordable Housing Development complies with all Non-Appealable Local Government Requirements and all relevant federal and State statutes and regulations. The Affordable Housing Developer must prove these elements with respect to only those aspects of the project that are in dispute; ~~or~~

2) Non-Appealable Local Government Requirements or federal or State statutes or regulations have been applied differently to proposals that do not include Affordable Housing; ~~or~~

3) the Approving Authority has a pattern of denying applications to develop Affordable Housing; ~~or~~

4) the Approving Authority changed the zoning of an area regarding a specific Affordable Housing Development that, but for the change in zoning, is otherwise able to proceed, or has a pattern of changing zoning of an area in regards to Affordable Housing Developments that, but for the change in zoning, are otherwise able to proceed; ~~or~~

5) the Approving Authority unreasonably or intentionally delayed its decision regarding a specific Affordable Housing Development that, but for the lack of timely decision by the Approving Authority, is otherwise able to proceed, or has a pattern of unreasonably or intentionally delaying its decisions on applications for Affordable Housing Developments that, but for the lack of timely decisions of the Approving Authority, are otherwise able to proceed; ~~or~~

6) IHDA's determination that the Local Government is exempt from the Act is incorrect based on the counting protocols set forth in Section 20 of the Act and any written guidance published by IHDA; or

7) the~~any other unreasonable~~ denial of the application for the Affordable Housing Development was unfair because it otherwise inhibits the construction of Affordable Housing.

b) Approval with Conditions: Pursuant to Section 30(c) of the Act, in the case of an approval with conditions, the Affordable Housing Developer bears the burden of demonstrating that the Approving Authority imposed unreasonable conditions on

the proposed Affordable Housing Development. To meet this burden, the Affordable Housing Developer must prove the developer is an Affordable Housing Developer that has proposed an Affordable Housing Development. The Affordable Housing Developer shall~~must~~ also demonstrate:~~prove~~

1) the Approving Authority has generally not imposed unreasonable conditions on similar developments; or

2) the conditions are not necessary to further the asserted Approving Authority interest; or

3) less costly conditions can be imposed on the proposed Affordable Housing Development that sufficiently address the asserted Approving Authority's interest.

c) The failure of a Local Government to submit an Affordable Housing Plan as set forth in Section 25 of the Act shall not prevent an Affordable Housing Developer from filing an appeal with the Board. The Board may take into consideration the failure to submit an Affordable Housing Plan in connection with any appeal before the Board.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.316 Decision

a) The Board shall render a written decision within 120 Days after the Initial Pleading is filed. Notwithstanding the foregoing, the Board may extend the time by which it will render a decision when circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 Days~~days~~. The written decision shall state the Board's findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence presented and on matters officially noticed.

b) The Board shall dismiss the appeal during or after the hearing if, based on all relevant evidence presented, it concludes that:

1) the Local Government was an Exempt Local Government in the year in which the appeal was filed; ~~or~~

2) the Local Government has adopted an Affordable Housing Plan, has submitted that plan to IHDA within the required time-frame under the Act, and has submitted documentation to IHDA that evidences the Local Government has met its goal to provide Affordable Housing as required by the Act~~, subject to the written approval of IHDA in its discretion~~; or

3) the Approving Authority denied the Affordable Housing based upon Non-Appealable Local Government Requirements.

c) In the case of a denial, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(a), the Board shall vacate the decision of the Approving Authority and shall direct the Approving Authority to issue the appropriate permits to the Affordable Housing Developer.

d) In the case of conditions imposed by the Approving Authority, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(b):

1) the Board shall direct the Approving Authority to remove any such condition; or

2) if the Board finds that the conditions are unreasonable but can be modified to reasonably protect the health, safety, environmental design, open space, and other local concerns, the Board shall direct the Approving Authority to so modify the conditions.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

Section 395.319 Appeals of the Board's Decision

The final decision and order of the Board, after all motions to reconsider have been exhausted, may be appealed by the party affected by the decision by bringing an action for review in the appellate court for the district in which the Local Government subject to the appeal is located. The appellate court shall apply the "clearly erroneous" standard when reviewing these appeals. An appeal of a final ruling of the Board shall be filed within 35 days after the Board's decision and in all respects shall be in accordance with Section 3-113 of the Administrative Review Law [735 ILCS 5/3-113].~~)~~

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Child Care

2) Code Citation: 89 Ill. Adm. Code 50

3)

Section Numbers:	Adopted Actions:
50.230	Amendment
50.320	Amendment

4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and 45 CFR 98.

5) Effective Date of Rules: October 1, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7361; July 5, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Grammatical and minor corrections 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? Yes

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
50.230	Amendment	43 Ill. Reg. 7594; July 12, 2019
50.320	Amendment	43 Ill. Reg. 7594; July 12, 2019

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: To comply with federal regulation, 45 CFR 98, this rulemaking allows children who turn age 13 (19 for children under court order or with special needs) during an approved eligibility period to remain in the Child Care Assistance Program (CCAP) through the entire eligibility period, instead of only through the month that their birthday falls. This rulemaking also provides a 3-tier income eligibility structure that sets initial application income levels at 200% of the Federal Poverty Level (FPL), 225% of FPL for existing cases that are having their eligibility redetermined, and a 3-month graduated phase-out period for families whose income fall between 225% FPL and 85% of the State Median Income (SMI). In addition, this rulemaking adjusts the amounts of the maximum monthly income and the parent co-payment fee for CCAP. Finally, this rulemaking extends the GPA grace period for clients in educational activities from one semester to one Child Care Assistance Program eligibility period.

16) Information and questions regarding these adopted rules 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 Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

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AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days;

emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 3745, effective February 7, 2018; amended at 42 Ill. Reg. 8491, effective May 8, 2018; emergency amendment at 42 Ill. Reg. 13898, effective July 1, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22555, effective November 27, 2018; emergency amendment at 43 Ill. Reg. 7632, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 11338, effective October 1, 2019.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

a) To the extent resources permit, it is the intent of the Department to provide child care services to all applicants that meet the eligibility requirements set forth in this Section. If it is necessary to limit participation to stay within the amounts appropriated or resources available to the Department for child care services, participation will be limited to the priority service groups specified in subsection (c)(6) and that limitation in participation shall remain until such time as sufficient resources are available to serve all eligible applicants.

b) To be eligible for child care services, a child shall at the time of eligibility determination or redetermination:

1) be under 13 years of age (if a child turns 13 years old during the eligibility period, that child shall remain eligible for CCAP for the remainder of the eligibility period); or

2) be under age 19 and under court supervision or have physical, developmental, or intellectual disabilities as documented by a statement from a local health provider or other health professional.

~~Child care services are restricted to children under age 13 and to children under~~

~~age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.~~

c) Parents and other relatives eligible to receive child care services include:

1) Clients who receive~~Recipients of~~ Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and/or training-related activities as specified in their Responsibility and Service Plan (RSP) (see 89 Ill. Adm. Code 112.74) as approved by the Department's TANF case worker.

2) Working families, including teen parents enrolled full-time in elementary or high school or high school equivalency~~GED~~ classes to obtain a high school ~~degree~~ diploma or its equivalent, whose monthly incomes do not exceed the following amounts by family size at the time of initial program application:

Family Size	Gross Monthly Base Income
2	$2,819~~2,538~~
3	$3,553~~3,204~~
4	$4,292~~3,870~~
5	$5,029~~4,536~~
6	$5,765~~5,202~~
7	$6,502~~5,868~~
8	$7,239~~6,534~~
9	$7,975~~7,200~~
10	$8,712~~7,866~~

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current Federal Poverty Level (FPL)~~federal poverty level~~ for each family size.

3) At the end of each eligibility period, families must fall into the following income guidelines to remain eligible for another 12-month eligibility period:

Family Size	Gross Monthly Base Income
2	$3,171
3	$4,000
4	$4,829
5	$5,657
6	$6,486
7	$7,315
8	$8,144
9	$8,929

These income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current FPL for each family size.

4) Any time a family's countable income exceeds 85% of the State Median Income (SMI), the case will be canceled 10 calendar days after the date the termination notice was sent to the family and providers.

Family Size	Gross Monthly Base Income
2	$4,307
3	$5,320
4	$6,333
5	$7,346
6	$8,359
7	$8,549
8	$8,739

These income guidelines will be indexed annually so that the thresholds are no less and no more than 85% of the most current SMI level for each family size.

5) If the countable income for a family is between 225% FPL and 85% SMI at the end of an eligibility period, and all other eligibility factors are met, the family will be eligible for a 90-day graduated phase-out period that begins the first day of the new eligibility period. If the family requests child care assistance at any time after the graduated phase-out period, the

request must be treated as a new application and the family must have family income below 200% of FPL to qualify.

6) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (c)(2). Clients can be approved for education/training activities that will lead to multiple certificates within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse~~, for example~~) or Associate Degrees, but only the first Bachelor's Degree. Clients may also be approved for additional vocational certificate programs if they are beginning a new career path in a new field or if classes are required to remain certified in their current employment. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Teen parents enrolled full-time in elementary or high school or ~~GED~~high school equivalency classes will be eligible for full-time, full-year child care, including summers, when using a licensed child care provider, up to and including a three-month period after graduation, in order to secure employment or to prepare for higher education. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (c)(2) for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation. Social service agencies that provide recognized English as a

Second Language (ESL) and other adult education courses and programs are not required to hold or maintain any separate type of accreditation, as long as the program they offer is supported by an accredited institution.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and ~~GED~~high school equivalency examination preparation programs. Clients/applicants who have already earned a vocational certificate are still eligible for below post-secondary education activities if they have not already earned a high school diploma or ~~GED~~high school equivalency certificate.

i) There is no work requirement for the first 24 non-consecutive months the client participates. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree.

ii) From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client~~individual~~ will be allowed one eligibility period~~semester~~ below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period~~the academic term or twice a year if the program is continuous for 12 months~~.

B) Vocational Education Eligibility and Participation Requirements

Programs in this category of education may be offered by a public community college, public or private university, or private business/technical school.

i) The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree. Clients/applicants may be approved for multiple vocational certificate programs if they are within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse~~, for example~~) or are beginning a new career path in a new field, or if classes are required to remain certified in their current employment.

ii) There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client~~individual~~ will be allowed one eligibility period~~semester~~ below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period~~the academic term or twice a year if the program is continuous for 12 months~~.

C) Post-Secondary Education

i) This category of education includes all undergraduate college level courses that could result in an Associate or the client's first Bachelor's Degree. Families eligible to receive

child care services while they attend an education or training program under this Section must:

- be enrolled in a program accredited under requirements of State law as stated in subsection (c)(3).

- not already have a Bachelor's, Master's or Doctorate Degree, if requesting child care to earn an Associate Degree. Child care will not be approved for attainment of a second Associate Degree.

- not be in an, or have completed an, advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.

ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a 2.5 grade point average (GPA) (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of each eligibility period~~the academic term or twice a year if the program is continuous for 12 months~~. If the client's GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another eligibility period~~semester~~. If the GPA is below 2.5 or 2.0 two eligibility periods~~semesters~~ in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:

i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer.

ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.

E) Study Time
Child care services may be granted for up to one hour of study time per week for each classroom hour or course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time granted to add an extra day of care must be approved first by the Department's Bureau of Child Care and Development Policy Unit.

7)~~4)~~ Relatives (other than parents) who receive child-only TANF benefits as a Representative Payee for children in need of care while they work.

8)~~5)~~ Families with active CCAP cases in which all parents in the household are called into active military duty and the relative caregivers are employed or in an approved education/training activity.

9)~~6)~~ In the event the Department must limit participation due to insufficient appropriations or available resources, applicants included in the priority service groups are:

A) Recipients of Temporary Assistance for Needy Families as described in subsection (c)(1);

B) Teen parents enrolled full-time in elementary school, high school or high school equivalency~~GED~~ classes to obtain a high school degree or its equivalent;

C) Families engaged in an eligible employment and/or educational activity with a special needs child and family income that does not exceed 185% of FPL for their family size;

D) Working families whose monthly incomes do not exceed 185% of the most current FPL~~Federal Poverty Level~~ for their family size;

E) Families that are not recipients of TANF whose monthly incomes do not exceed 185% of the most current FPL for their family size that need child care assistance to participate in education and training.

d) All families must reside in~~be residents of~~ Illinois.

e) Payment for child care services to eligible parents may begin:

1) if care was provided at the time and all eligibility factors are met, on either:

A) the date of the parent's signature on the Child Care Assistance Program (CCAP) application (Form 444-3455); or

B) one week (seven calendar days) prior to the stamped date of receipt of the CCAP application (Form 444-3455) by the Department or its agents, whichever is later; or

2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

f) Approval of payments will~~Eligibility~~ cease no less than~~ceases~~ 10 calendar days after~~from~~ the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility. Care will be terminated immediately if it is determined the child is no longer enrolled with the approved

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provider or the family requests that its case be terminated.

(Source: Amended at 43 Ill. Reg. 11338, effective October 1, 2019)

SUBPART C: PAYMENT FEES

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size and Income Level

Family Size 2	
Monthly Income	Monthly Co-Pay
$ 0 - 564~~549~~	$ 2.00
565 - 705~~550 - 686~~	3.00
706 - 846~~687 - 823~~	11.00
847 - 987~~824 - 961~~	18.00
988 - 1,128~~962 - 1,098~~	28.00
1,129 - 1,269~~1,099 - 1,235~~	40.00
1,270 - 1,410~~1,236 - 1,372~~	55.00
1,411 - 1,551~~1,373 - 1,509~~	71.00
1,552 - 1,691~~1,510 - 1,646~~	89.00
1,692 - 1,832~~1,647 - 1,784~~	109.00
1,833 - 1,973~~1,785 - 1,921~~	131.00
1,974 - 2,114~~1,922 - 2,058~~	155.00
2,115 - 2,255~~2,059 - 2,195~~	181.00
2,256 - 2,396~~2,196 - 2,332~~	209.00
2,397 - 2,537~~2,333 - 2,469~~	222.00~~239.00~~
2,538 - 2,678~~2,470 - 2,538~~	235.00~~258.00~~
2,679 - 2,819	247.00
2,820 - 2,960	260.00
2,961 - 3,101	273.00
3,102 - 3,171	282.00
3,172 - 4,307	282.00

Family Size 3	
Monthly Income	Monthly Co-Pay
$ 0 - 711~~693~~	$ 2.00
712 - 889~~694 - 866~~	3.00
890 - 1,067~~867 - 1,039~~	14.00
1,068 - 1,245~~1,040 - 1,213~~	23.00
1,246 - 1,422~~1,214 - 1,386~~	36.00
1,423 - 1,600~~1,387 - 1,559~~	51.00
1,601 - 1,778~~1,560 - 1,732~~	69.00
1,779 - 1,956~~1,733 - 1,905~~	89.00
1,957 - 2,133~~1,906 - 2,078~~	112.00
2,134 - 2,311~~2,079 - 2,252~~	137.00
2,312 - 2,489~~2,253 - 2,425~~	165.00
2,490 - 2,667~~2,426 - 2,598~~	195.00
2,668 - 2,844~~2,599 - 2,771~~	228.00
2,845 - 3,022~~2,772 - 2,944~~	264.00
3,023 - 3,200~~2,945 - 3,117~~	280.00~~301.00~~
3,201 - 3,378~~3,118 - 3,204~~	296.00~~326.00~~
3,379 - 3,555	312.00
3,556 - 3,733	328.00
3,734 - 3,911	344.00
3,912 - 4,000	356.00
4,001 - 5,320	356.00

Family Size 4	
Monthly Income	Monthly Co-Pay

Family Size 5	
Monthly Income	Monthly Co-Pay

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$ 0 - 859~~837~~	$ 2.00
860 - 1,073~~838 - 1,046~~	3.00
1,074 - 1,288~~1,047 - 1,255~~	17.00
1,289 - 1,503~~1,256 - 1,465~~	27.00
1,504 - 1,717~~1,466 - 1,674~~	43.00
1,718 - 1,932~~1,675 - 1,883~~	62.00
1,933 - 2,146~~1,884 - 2,092~~	83.00
2,147 - 2,361~~2,093 - 2,301~~	108.00
2,362 - 2,575~~2,302 - 2,510~~	135.00
2,576 - 2,790~~2,511 - 2,720~~	166.00
2,791 - 3,005~~2,721 - 2,929~~	199.00
3,006 - 3,219~~2,930 - 3,138~~	236.00
3,220 - 3,434~~3,139 - 3,347~~	276.00
3,435 - 3,648~~3,348 - 3,556~~	318.00
3,649 - 3,863~~3,557 - 3,765~~	338.00~~364.00~~
3,864 - 4,078~~3,766 - 3,870~~	357.00~~393.00~~
4,079 - 4,292	377.00
4,293 - 4,507	396.00
4,508 - 4,721	415.00
4,722 - 4,829	430.00
4,830 - 6,333	430.00

$ 0 - 1,006~~981~~	$ 2.00
1,007 - 1,258~~982 - 1,226~~	3.00
1,259 - 1,509~~1,227 - 1,471~~	20.00
1,510 - 1,760~~1,472 - 1,717~~	32.00
1,761 - 2,012~~1,718 - 1,962~~	50.00
2,013 - 2,263~~1,963 - 2,207~~	72.00
2,264 - 2,515~~2,208 - 2,452~~	97.00
2,516 - 2,766~~2,453 - 2,697~~	126.00
2,767 - 3,017~~2,698 - 2,942~~	158.00
3,018 - 3,269~~2,943 - 3,188~~	194.00
3,270 - 3,520~~3,189 - 3,433~~	234.00
3,521 - 3,772~~3,434 - 3,678~~	277.00
3,773 - 4,023~~3,679 - 3,923~~	323.00
4,024 - 4,275~~3,924 - 4,168~~	373.00
4,276 - 4,526~~4,169 - 4,413~~	396.00~~427.00~~
4,527 - 4,777~~4,414 - 4,536~~	419.00~~461.00~~
4,778 - 5,029	441.00
5,030 - 5,280	464.00
5,281 - 5,532	487.00
5,533 - 5,657	504.00
5,658 - 7,346	504.00

Family Size 6	
Monthly Income	Monthly Co-Pay
$ 0 - 1,153~~1,125~~	$ 2.00
1,154 - 1,442~~1,126 - 1,406~~	3.00
1,443 - 1,730~~1,407 - 1,687~~	23.00
1,731 - 2,018~~1,688 - 1,969~~	37.00
2,019 - 2,306~~1,970 - 2,250~~	58.00
2,307 - 2,595~~2,251 - 2,531~~	83.00
2,596 - 2,883~~2,532 - 2,812~~	112.00
2,884 - 3,171~~2,813 - 3,093~~	145.00
3,172 - 3,459~~3,094 - 3,374~~	182.00
3,460 - 3,748~~3,375 - 3,656~~	223.00
3,749 - 4,036~~3,657 - 3,937~~	268.00
4,037 - 4,324~~3,938 - 4,218~~	317.00
4,325 - 4,612~~4,219 - 4,499~~	371.00

Family Size 7	
Monthly Income	Monthly Co-Pay
$ 0 - 1,301~~1,269~~	$ 2.00
1,302 - 1,626~~1,270 - 1,586~~	3.00
1,627 - 1,951~~1,587 - 1,903~~	26.00
1,952 - 2,276~~1,904 - 2,221~~	42.00
2,277 - 2,601~~2,222 - 2,538~~	65.00
2,602 - 2,926~~2,539 - 2,855~~	93.00
2,927 - 3,251~~2,856 - 3,172~~	126.00
3,252 - 3,576~~3,173 - 3,489~~	163.00
3,577 - 3,901~~3,490 - 3,806~~	205.00
3,902 - 4,227~~3,807 - 4,124~~	251.00
4,228 - 4,552~~4,125 - 4,441~~	302.00
4,553 - 4,877~~4,442 - 4,758~~	358.00
4,878 - 5,202~~4,759 - 5,075~~	418.00

4,613 - 4,901~~4,500 - 4,780~~	428.00
4,902 - 5,189~~4,781 - 5,061~~	454.00~~489.00~~
5,190 - 5,477~~5,062 - 5,202~~	480.00~~529.00~~
5,478 - 5,765	506.00
5,766 - 6,054	532.00
6,055 - 6,342	558.00
6,343 - 6,486	577.00
6,487 - 8,359	577.00

5,203 - 5,527~~5,076 - 5,392~~	483.00
5,528 - 5,852~~5,393 - 5,709~~	512.00~~552.00~~
5,853 - 6,177~~5,710 - 5,868~~	541.00~~596.00~~
6,178 - 6,502	571.00
6,503 - 6,827	600.00
6,828 - 7,152	629.00
7,153 - 7,315	651.00
7,316 - 8,549	651.00

Family Size 8	
Monthly Income	Monthly Co-Pay
$ 0 - 1,448~~1,413~~	$ 2.00
1,449 - 1,810~~1,414 - 1,766~~	3.00
1,811 - 2,172~~1,767 - 2,119~~	29.00
2,173 - 2,534~~2,120 - 2,473~~	46.00
2,535 - 2,896~~2,474 - 2,826~~	73.00
2,897 - 3,258~~2,827 - 3,179~~	104.00
3,259 - 3,620~~3,180 - 3,532~~	140.00
3,621 - 3,982~~3,533 - 3,885~~	182.00
3,983 - 4,343~~3,886 - 4,238~~	228.00
4,344 - 4,705~~4,239 - 4,592~~	280.00
4,706 - 5,067~~4,593 - 4,945~~	337.00
5,068 - 5,429~~4,946 - 5,298~~	398.00
5,430 - 5,791~~5,299 - 5,651~~	465.00
5,792 - 6,153~~5,652 - 6,004~~	537.00
6,154 - 6,515~~6,005 - 6,357~~	570.00~~614.00~~
6,516 - 6,877~~6,358 - 6,534~~	603.00~~664.00~~
6,878 - 7,239	635.00
7,240 - 7,601	668.00
7,602 - 7,963	700.00
7,964 - 8,144	725.00
8,145 - 8,739	725.00

Family Size 9	
Monthly Income	Monthly Co-Pay
$ 0 - 1,595~~1,557~~	$ 2.00
1,596 - 1,994~~1,558 - 1,946~~	3.00
1,995 - 2,393~~1,947 - 2,335~~	32.00
2,394 - 2,792~~2,336 - 2,725~~	51.00
2,793 - 3,190~~2,726 - 3,114~~	80.00
3,191 - 3,589~~3,115 - 3,503~~	114.00
3,590 - 3,988~~3,504 - 3,892~~	155.00
3,989 - 4,387~~3,893 - 4,281~~	200.00
4,388 - 4,785~~4,282 - 4,670~~	252.00
4,786 - 5,184~~4,671 - 5,060~~	308.00
5,185 - 5,583~~5,061 - 5,449~~	371.00
5,584 - 5,982~~5,450 - 5,838~~	439.00
5,983 - 6,380~~5,839 - 6,227~~	513.00
6,381 - 6,779~~6,228 - 6,616~~	592.00
6,780 - 7,178~~6,617 - 7,005~~	628.00~~677.00~~
7,179 - 7,577~~7,006 - 7,200~~	664.00~~732.0~~0
7,578 - 7,975	700.00
7,976 - 8,374	736.00
8,375 - 8,773	772.00
8,774 - 8,929	797.00

Family Size 10	
Monthly Income	Monthly Co-Pay

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

$ 0 - 1,743~~1,701~~	$ 2.00
1,744 - 2,178~~1,702 - 2,126~~	3.00
2,179 - 2,614~~2,127 - 2,551~~	35.00
2,615 - 3,050~~2,552 - 2,977~~	56.00
3,051 - 3,485~~2,978 - 3,402~~	87.00
3,486 - 3,921~~3,403 - 3,827~~	125.00
3,922 - 4,356~~3,828 - 4,252~~	169.00
4,357 - 4,792~~4,253 - 4,677~~	219.00
4,793 - 5,227~~4,678 - 5,102~~	275.00
5,228 - 5,663~~5,103 - 5,528~~	337.00
5,664 - 6,099~~5,529 - 5,953~~	405.00
6,100 - 6,534~~5,954 - 6,378~~	480.00
6,535 - 6,970~~6,379 - 6,803~~	560.00
6,971 - 7,405~~6,804 - 7,228~~	647.00
7,406 - 7,841~~7,229 - 7,653~~	686.00~~740.00~~
7,842 - 8,277~~7,654 - 7,866~~	725.00~~799.00~~
8,278 - 8,712	765.00
8,713 - 9,119	802.00

(Source: Amended at 43 Ill. Reg. 11338, effective October 1, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Preferred Provider Programs

2) Code Citation: 50 Ill. Adm. Code 2051

3)

Section Numbers:	Adopted Actions:
2051.220	Amendment
2051.260	Amendment
2051.270	Amendment
2051.285	Amendment
2051.290	Amendment
2051.295	Amendment
2051.300	Amendment
2051.330	Amendment
2051.APPENDIX A	Repealed
2051.APPENDIX B	Repealed
2051.APPENDIX C	Repealed
2051.APPENDIX D	Repealed
2051.APPENDIX E	Repealed
2051.APPENDIX F	Repealed

4) Statutory Authority: Implementing Article XX½ of the Illinois Insurance Code [215 ILCS 5/Art. XX½] and the Workers' Compensation Act [820 ILCS 305], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Rules: September 24, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 17368; October 5, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

11) Differences between Proposal and Final Version: In Section 2051.270(c), changed ",utilizing the current version" to ". The biographical affidavits shall include, but not be limited to, the following information: identifying information of the administrator; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any supplement thereto, obtained from the website of the NAIC or the Department. A copy"; change the comma after "form" to "is".

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Upon reviewing current departmental rules for those that may be duplicative or overly burdensome in nature, it was determined that Appendices A, B, C, and D of Part 2051 are checklists that merely repeat language already established in the rule. Appendix E contains several outdated Biographical Affidavit forms that will be replaced by the current NAIC Biographical Affidavit form that is now posted on the Department's website. The checklists in Appendices A, B, C and D, as well as the Preferred Provider Program Administrator Bond/Fiduciary Account Requirement form contained in Appendix F, have also been placed on the Department's website with other checklists for continuity. As a result, the appendices are unnecessary and are being removed from Part 2051. A number of housekeeping changes are also being made to Part 2051.

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

Mark Thielen
Assistant General Counsel
Department of Insurance

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

320 West Washington, 4th Floor
Springfield IL 62767-0001

217/558-4542

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2051
PREFERRED PROVIDER PROGRAMS

Section

2051.210 Purpose
2051.220 Definitions
2051.230 Administrators Not to Assume Underwriting Risk
2051.240 Registration, Renewals and Appeals
2051.250 Fees
2051.260 Administrator Requirements
2051.270 Organizational Requirements
2051.280 Health Care Preferred Provider Program Administrator Payor Agreements
2051.285 Workers' Compensation Preferred Provider Program Payor Agreements
2051.290 Health Care Preferred Provider Program Administrator Provider Agreements
2051.295 Workers' Compensation Preferred Provider Program Provider Agreements
2051.300 Requirements for Agreements with Other Administrators
2051.310 Health Care Preferred Provider Program Administrator Network Availability and Adequacy Requirements
2051.315 Workers' Compensation Network Availability and Adequacy Requirements
2051.320 Discounted Health Care Services Plan Requirements
2051.330 Insurer Requirements
2051.340 Fiduciary and Bond Requirements
2051.350 Maintenance of Records
2051.360 Advertising and Solicitation
2051.370 Examination

2051.APPENDIX A Health Care Preferred Provider Program Administrator Registration Form (Repealed)
2051.APPENDIX B Discounted Health Care Services Plan Only Registration (Repealed)
2051.APPENDIX C Insurer Filing Requirements (Repealed)
2051.APPENDIX D Workers' Compensation Preferred Provider Program Administrator Registration Form (Repealed)
2051.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)~~(Renumbered)~~
2051.APPENDIX F Preferred Provider Program Administrator Bond/Fiduciary Account Requirement (Repealed)~~(Renumbered)~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Article XX½ of the Illinois Insurance Code [215 ILCS 5/Art. XX½] and the Workers' Compensation Act [820 ILCS 305], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. 16364, effective December 9, 1997; expedited correction at 22 Ill. Reg. 5126, effective December 9, 1997; old Part repealed at 34 Ill. Reg. 161 and new Part adopted at 34 Ill. Reg. 163, effective December 16, 2009; amended at 37 Ill. Reg. 2895, effective March 4, 2013; amended at 43 Ill. Reg. 11356, effective September 24, 2019.

Section 2051.220 Definitions

"Act" means the Health Care Reimbursement Reform Act of 1985 [215 ILCS 5/Art. XX½].

"Administrator", "Preferred Provider Program Administrator" or "PPP Administrator" means any person, partnership or corporation, other than a risk-bearing entity that arranges, contracts with, or administers contracts with a provider under which insureds or beneficiaries are provided an incentive to use the services of the provider. Administrator also includes any person, partnership or corporation, other than a risk-bearing entity, that enters into a contract with another administrator to enroll beneficiaries or insureds in a preferred provider program marketed as an independently identifiable program based on marketing materials or member benefit identification cards. For the purposes of this Part, an employer shall be considered an administrator.

"Administrator Trust Fund" or "ATF" means a special fiduciary account established and maintained by an administrator pursuant to Section 370*l* of the Act in which contributions and/or premiums are deposited.

"Advertisement" means any printed or published material, audiovisual material and descriptive literature of the administrator, discounted health care services plan administrator, or private label marketer used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the administrator, discounted health care services plan administrator, or private label marketer for presentation to the public, including,

but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations.

"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the persons specified.

"Beneficiary" means an individual, enrollee, insured, participant or any other person entitled to reimbursement for covered expenses of, or the discounting of provider fees for, health care services under a program in which the beneficiary has an incentive to utilize the services of a provider that has entered into an agreement or arrangement with an administrator pursuant to Section 370g(f) of the Act. Beneficiary, for the purposes of a workers' compensation preferred provider program (WC PPP), shall also include covered employees.

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

"Control", "controlling", "controlled by" and "under common control with" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of policyholders' proxies, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any other person, or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. This presumption may be rebutted by a showing made to the Director.

"Covered Employee" means an employee or former employee whose employer has established or contracted for an approved WC PPP for the provision of health care services to injured employees in accordance with Section 8.1a of the Workers' Compensation Act.

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Discounted Health Care Services" means health care services provided by health care services providers under a discounted health care services plan when there are no other incentives, such as copayment, coinsurance or any other reimbursement differential, for beneficiaries to utilize the provider.

"Discounted Health Care Services Plan" or "DHCSP" means a preferred provider program by which beneficiaries, in exchange for fees, dues, charges or other consideration, are provided an incentive, in the form of discounted health care services, to use the services of the provider.

"Discounted Health Care Services Plan Administrator" or "DHCSP Administrator" means an administrator that arranges, contracts with, or administers contracts with a provider under which insureds or beneficiaries are provided an incentive to use health care services provided by health care services providers under a discounted health care services plan in which there are no other incentives, such as copayment, coinsurance or any other reimbursement differential, for beneficiaries to utilize the provider. DHCSP administrator also includes any person, partnership or corporation, other than a risk-bearing entity, that enters into a contract with another DHCSP administrator to enroll beneficiaries or insureds in a DHCSP marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

"Doing Business As" or "DBA" means the name under which discounted health care services are marketed.

"Economic Evaluation" means any evaluation, as described in Section 8.1a(b) of the Workers' Compensation Act, of a particular physician, provider, medical group or individual practice association based in whole or in part on the economic costs or utilization of services associated with medical care provided or authorized by the physician, provider, medical group or individual practice association. Negotiated rates with a provider are not a form of economic evaluation.

~~*"Emergency Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:*~~

~~*Placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;*~~

~~*Serious impairment to bodily functions; or*~~

~~*Serious dysfunction of any bodily organ or part.* [215 ILCS 5/370g(h)]~~

"Employer" means an employer contracting directly with providers, or with multiple WC PPP administrators for the purposes of implementing a preferred provider program under Section 8.1a of the Workers' Compensation Act.

"Exclusive Provider Organization" or "EPO" means any arrangement, other than a health maintenance organization, limited health service organization, voluntary health services plans, or a DHCSP, under which the beneficiary receives no coverage or benefits when utilizing non-preferred providers, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing. WC PPPs are not a form of EPO.

"Financial Institution" means a federal or State chartered bank or savings and loan institution.

"Gatekeeper Option" means an option offered by or through a preferred provider program that requires the beneficiary to preselect a particular primary care physician, from a list of participating primary care physicians, who shall coordinate all of the non-emergency primary, specialty, hospital and other health care services, including referrals to other providers, as a condition for receipt of a higher level of benefits or reimbursement level, or both.

"Health Care Preferred Provider Program" or "HC PPP" means a preferred provider program for the provision of health care services provided for health insurance or discounted health care services coverage.

"Health Care Preferred Provider Program Administrator" or "HC PPP Administrator" means an administrator of an HC PPP. HC PPP administrator also includes any person, partnership or corporation, other than a risk-bearing entity, that enters into a contract with another HC PPP administrator to enroll beneficiaries or insureds in an HC PPP marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

"Health Care Services" means health care services or products rendered or sold by a provider within the scope of the provider's license or legal authorization. The term includes, but is not limited to, hospital, medical, surgical, dental, vision and pharmaceutical services or products.

"Health Service Corporation" means a voluntary health service plan and/or a dental service plan licensed under the Voluntary Health Services Plans Act [215 ILCS 165] or the Dental Service Plan Act [215 ILCS 110].

"HMO Act" means the Health Maintenance Organization Act [215 ILCS 125].

"Non-preferred Provider" means any provider that does not have a contractual relationship, directly or indirectly, with the administrator or DHCSP administrator for the provision of, or discounting of, health care services.

"Payor" means an entity responsible for bearing the risk of health care services. An administrator other than a self-insured employer implementing a WC PPP, is prohibited from being a payor and may not bear or assume any underwriting risk.

"Preferred Provider" means any provider who has entered, either directly or indirectly, into an agreement with an administrator, employer or risk-bearing entity relating to health care services that may be rendered to beneficiaries under a preferred provider program, including providing discounts for health care services.

"Preferred Provider Arrangements" means policies, agreements or arrangements with providers relating to the amounts to be charged to beneficiaries or, in the case of Workers' Compensation preferred provider programs, employers, for health care services that include incentives for the beneficiary to use those services, including discounted health care services.

"Preferred Provider Program" or "PPP" means a system to make preferred provider arrangements available to beneficiaries.

"Primary Care Physician" means a provider who has contracted with an administrator to provide primary care services as defined by the contract and who is a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or a chiropractic

physician licensed to treat human ailments without the use of drugs or operative surgery. (See 77 Ill. Adm. Code 240.20.)

"Primary Treating Physician" means a provider who has contracted with a WC PPP administrator to provide health care services and who is a type of physician licensed to treat the injury experienced by the covered employee. This physician will be responsible for managing the care of the covered employee, including rendering and prescribing treatment.

"Private Label Marketer" means any entity, other than a DHCSP administrator, that directly or indirectly contracts with an administrator respecting the marketing or use of a DHCSP under a name other than that of the administrator.

"Provider" means an individual or entity duly licensed or legally authorized to provide health care services.

"Risk-Bearing Entity" means an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], or health maintenance organization holding a certificate of authority under the HMO Act.

"Specialty Preferred Provider Program Administrator" or "SPPP Administrator" means an administrator of a preferred provider program for the provision of workers' compensation benefits that contracts with preferred providers for health care services in one or a limited number of health care specialties, including but not limited to ambulance services, durable medical equipment, lab and imaging services, home health services, physical and occupational therapy and pharmacy benefits. SPPP administrators are subject to the requirements of a WC PPP administrator, unless specifically exempted, and must contract with a WC PPP administrator to supplement WC PPPs approved by the Director of Insurance.

~~*"Woman's Principal Health Care Provider" means a physician licensed to practice medicine in all of its branches specializing in obstetrics or gynecology or specializing in family practice.* [215 ILCS 5/356r(c)(1)]~~

"Workers' Compensation Preferred Provider Program" or "WC PPP" means a preferred provider program for the provision of workers' compensation benefits that meets the requirements of Section 8.1a of the Workers' Compensation Act.

"Workers' Compensation Preferred Provider Program Administrator" or "WC PPP Administrator" means an administrator of a WC PPP.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.260 Administrator Requirements

Each applicant for registration shall file the following information and documents with the Director in the format provided in the Health Care Preferred Provider Program Administrator Checklist.~~Appendix A.~~ DHCSP administrators who only administer DHCSPs shall instead file in the format provided in the Discounted Health Care Services Plan Only Registration Checklist.~~Appendix B.~~ WC PPP administrators shall instead file in the format provided in the Workers' Compensation Preferred Provider Program Administrator Registration Checklist. All of these checklists are located under "Managed Care License/Registration Information" on the Department's website at http://insurance.illinois.gov/company/companyMain.html.~~Appendix D.~~

a) Organizational requirements identified in Section 2051.270;

b) Sample copies of all payor and provider agreements identified in Sections 2051.280 and 2051.290, when applicable. If the terms and conditions in an agreement include significant, substantial or material change or additions, the filing of one complete sample of each type of agreement, together with a description of all variable terms and conditions, will satisfy this requirement;

c) Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services or to meet the requirements of the Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators, utilization review organizations, third party administrators, third party prescription program administrators, risk-bearing entities, and employers or employer groups for the purposes of WC PPPs. Agreements at a minimum shall contain the following provisions:

1) Network availability and adequacy requirements identified in Section 2051.310 or 2051.315;

2) If applicable, any DHCSP beneficiary agreement requirements identified in Section 2051.320;

3) Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by Section 370m of the Act and illustrative advertising material to be used by the applicant;

4) A description of programs for utilization review, including procedures for timely investigation, resolution of questions concerning medical necessity and appropriateness of medical services and supplies and appeals from beneficiaries and providers as provided by Section 370s of the Act and Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] or, for the purposes of WC PPP, Section 8.7 of the Workers' Compensation Act. Administrators who administer only DHCSPs need not comply with this subsection;

5) A description of any fiduciary account established by the administrator, including the location and identification number of the account, established and maintained pursuant to Section 370l of the Act and Section 2051.340 of this Part; and/or a bond in compliance with Section 370l of the Act and Section 2051.340 of this Part. If a bond is submitted, the administrator shall also furnish a certification of the total estimated annual reimbursements under the preferred provider program, supported by the methodology used to arrive at that figure;

6) Administrators may not participate in an exclusive provider organization in this State, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing. This subsection (c)(6) does not apply to administrators offering only DHCSPs.

7) WC PPP administrators that utilize economic evaluation of their providers shall file a description of any policies and procedures related to the economic evaluation utilized by the program. The filing shall describe how these policies and procedures are used in utilization review, peer review, incentive and penalty programs, and in provider retention and termination decisions.

8) WC PPP administrators shall provide those policies and procedures instituted to insure the employer is providing proper notification to the covered employee in accordance with the form promulgated by the Workers' Compensation Commission.

d) A listing containing the name, address and FEIN of all entities that private label a DHCSP of the administrator, including:

1) The name of the private label marketer;

2) Any DBA used by the private label marketer; and

3) All product names used by the private label marketer.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.270 Organizational Requirements

Upon application for registration, administrators must file the following information:

a) An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity;

b) Proof of registration with the Illinois Secretary of State and the company's FEIN;

c) Names, addresses, official positions and biographical affidavits of the person or persons~~as prescribed in Appendix E for the people~~ responsible for the conduct of the affairs of the administrator. The biographical affidavits shall include, but not be limited to, the following information: identifying information of the administrator; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any supplement thereto, obtained from the website of the NAIC or the Department. A copy of the NAIC Biographical Affidavit form is available under "Managed Care License/Registration Information" on the Department's

website at http://insurance.illinois.gov/company/companyMain.html; and

d) Location of all administrative offices of the administrator located in this State and regular business hours during which offices are open.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.285 Workers' Compensation Preferred Provider Program Payor Agreements

Any payor agreements between WC PPP administrators and payors shall contain, at a minimum:

a) Terms requiring and specifying all incentives to be provided to the insured to utilize services of a provider that has entered into an agreement with the administrator;

b) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the preferred provider program does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements, the payor shall ensure that the beneficiary so referred shall incur no greater liability than had the beneficiary received services from a preferred provider, except as provided under Section 8.1a(c)(2) and Section 8.2(e) of the Workers' Compensation Act;

c) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the preferred provider program does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements consistent with Section 8.1a of the Workers' Compensation Act, the WC PPP shall ensure that the covered employee will be provided the covered services by a non-preferred provider in accordance with the fees established by the Workers' Compensation Fee Schedule (see 50 Ill. Adm. Code 9110.90~~7110.90~~ and the WCC website at https://iwcc.ingenix.com/iwcc.asp).

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.290 Health Care Preferred Provider Program Administrator Provider Agreements

Administrators shall file a sample of copy of all provider agreements. WC PPPs are exempt from the requirements of this Section, but must instead comply with the requirements of Section 2051.295. The agreements shall contain, at a minimum:

a) A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates;

b) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing or recredentialing requirements; and, except for DHCSP administrators, utilization review requirements, and referral procedures;

c) Medical Records

1) A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available:

A) To the administrator and/or insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries;

B) To appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints; and

C) To show compliance with the applicable State and federal laws related to privacy and confidentiality of medical records.

2) This subsection (c) does not apply to administrators offering only a DHCSP;

d) A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status;

e) A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges. This subsection (e) does not apply to administrators offering only DHCSPs;

f) A provision describing notification procedures for contract termination. Termination provisions shall require:

1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause;

2) That the administrator may immediately terminate the provider contract for cause; and

3) If applicable, that a provider, acting as primary care physician under plans requiring a gatekeeper option, must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination;

g) A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that continuation is voluntarily provided by the administrator. This subsection (g) does not apply to administrators offering only a DHCSP;

h) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all checklists~~appendices~~, policies and fee schedules;

i) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than 10 days after the provider's receipt of notice of any reduction or cancellation of the required coverage;

j) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability;

k) A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP agreement signed by a beneficiary;

l) A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis;

m) A provision clearly describing the administrator's and payor's payment obligations to the provider. For DHCSPs, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For DHCSPs, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary;

n) A provision identifying the administrative services, if any, the administrator will perform and the types of information (e.g., financial, enrollment, utilization) that will be submitted to the provider, as well as other information that is accessible to the provider;

o) A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and adequate notice of change in benefits and copayments, and a provision obligating the administrator to provide

all of the administrator's operational policies. This subsection does not apply to administrators offering only a DHCSP; and

p) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.295 Workers' Compensation Preferred Provider Program Provider Agreements

All provider agreements between providers and insurers, employers or WC PPP administrators with regard to a WC PPP shall contain, at a minimum:

a) A provision stating, within the preamble, that the agreement conforms to the requirements of Section 8.1a of the Illinois Workers' Compensation Act;

b) A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates;

c) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator, including, but not limited to, credentialing or recredentialing requirements, utilization review requirements, and referral procedures;

d) A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make the beneficiary's medical records available:

1) To the administrator and/or payor for the purpose of determining, on a concurrent or retrospective basis, the compensability, medical necessity and appropriateness of care provided to beneficiaries;

2) To appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints; and

3) To show compliance with the applicable State and federal laws related to privacy and confidentiality of medical records;

e) A provision requiring providers to be licensed by the state and to notify the administrator immediately whenever there is a change in licensure or certification status;

f) A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty or location or type of practice, do not customarily have admitting privileges;

g) A provision describing notification procedures for contract termination. Termination provisions shall require:

1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; and

2) that the administrator may immediately terminate the provider contract for cause;

h) A provision explaining the provider's responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation or that continuation is voluntarily provided by the administrator;

i) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all checklists~~appendices~~, policies and fee schedules;

j) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding or other means satisfactory to the administrator. The administrator must be notified within no less than 10 days after the preferred provider's receipt of notice of any reduction or cancellation of the required coverage;

k) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability;

l) A provision regarding the preferred provider's obligation to provide notice to beneficiaries of their personal financial obligations for non-covered services;

m) A provision that providers may charge covered employees for those services determined to be not compensable under the Workers' Compensation Act;

n) A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis;

o) A provision clearly describing the administrator's and payor's payment obligations to the provider, including but not limited to the payment of statutory interest on late payments as required in Section 8.2(d)(3) of the Workers' Compensation Act;

p) A provision identifying the administrative services, if any, the administrator will perform and the types of information (e.g., financial, enrollment, utilization) that will be submitted to the provider, as well as other information that is accessible to the provider;

q) A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and a provision obligating the administrator to provide all of the administrator's operational policies; and

r) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.300 Requirements for Agreements with Other Administrators

a) Before entering into a contract with another administrator to administer programs, policies or subscriber contracts in this State as provided by Section 370i(b)(2) of the Act, an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Code.

b) Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing or other consideration, clearly described in the contract. The administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.

c) An administrator shall approve in writing, prior to use, all advertisements, marketing materials, brochures and, if applicable, identification cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.

d) No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all checklists~~appendices~~, policies and fee schedules.

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

Section 2051.330 Insurer Requirements

a) As required by Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916, insurers must file the following compliance documents in the format prescribed in the Insurer Filing Requirements Form, located under

"Managed Care License/Registration Information" on the Department's website at http://insurance.illinois.gov/company/companyMain.html,~~Appendix C~~ each time a policy incorporating a preferred provider arrangement is filed, or when the insurer markets, leases, sells or otherwise issues DHCSPs to beneficiaries, either directly or indirectly, independent of insurance coverage:

1) Sample copies of all payor agreements as required by Section 2051.280, when applicable, and provider agreements as required by Section 2051.290. If the terms and conditions in the agreements include significant, substantial or material changes or additions, the filing of one complete sample of each type of agreement, together with a description of all variable terms and conditions, will satisfy this requirement;

2) Valid and current signed administrator agreements pursuant to Section 2051.300;

3) Network availability and adequacy requirements pursuant to Section 2051.310; and

4) DHCSPs' requirements pursuant to Section 2051.320, if applicable.

b) When incorporated in a policy filing, the filing requirements of subsection (a) may be waived if the preferred provider arrangement information had previously been filed and is identified in the subsequent filing.

c) Any material changes or additions to the preferred provider program filed in accordance with subsection (a) must be reported to the Director within 30 days after the end of the month of each change or addition. The change or addition shall be filed informationally in accordance with Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916. A material change or addition includes any modification of the information required by this Part that has significant effect on the operation of the administrator or DHCSP administrator or on the availability and accessibility of health care.

d) All advertising and solicitation by an insurer regarding a DHCSP must comply with the requirements established by Section 2051.360.

e) Insurers may not market EPO plans in this State, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing.

f) Insurers offering a DHCSP as part of a policy of insurance must set off the DHCSP provisions from the insurance coverage and disclose information as required by Section 2051.320(d)(3) through (5).

(Source: Amended at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX A Health Care Preferred Provider Program Administrator Registration Form (Repealed)

~~Name of Firm~~			~~Tax # (FEIN)~~
~~Business Address (Number, Street, City, State & Zip)~~			
~~Phone~~	~~Fax~~	~~Email Address~~	
~~Person Responsible for submitting application:~~			~~Phone~~

~~FEE REQUIREMENT~~	~~REFERENCE~~	~~COMMENTS~~	
~~Fee Required With Application~~	~~50 Ill. Adm. Code 2051.250~~	~~Initial registration fee of $1,000 must be submitted with application for Preferred Program Provider Administrator.~~	

~~ADMINISTRATOR REQUIREMENTS~~	~~REFERENCE~~ ~~50 Ill. Adm. Code 2051.260~~	~~COMMENTS~~	~~REFERENCE~~ ~~Please type or print where the information is located.~~
~~Signed Contracts~~	~~50 Ill. Adm. Code 2051.260(c)~~	~~Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators, utilization review organizations, third party administrators, third party prescription program administrators, insurers,~~	

		~~health maintenance organizations and health service corporations.~~	
~~Listing of Private Label Entities~~	~~50 Ill. Adm. Code 2051.260(d)~~	~~A listing containing the name, address and FEIN of all entities that private label a DHCSP of the administrator.~~	

~~**ORGANIZATIONAL REQUIREMENTS**~~	~~**REFERENCE** 50 Ill. Adm. Code 2051.270~~	~~**COMMENTS**~~	~~**REFERENCE** Please type or print where theinformation is located~~
~~Organization Chart~~	~~50 Ill. Adm. Code 2051.270(a)~~	~~An organizational chart describing the relationship among the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.~~	
~~Corporation Information~~	~~50 Ill. Adm. Code 2051.270(b)~~	~~Proof of registration with the Illinois Secretary of State and the company's FEIN.~~	
~~Biographical Affidavits~~	~~50 Ill. Adm. Code 2051.270(c) Appendix E~~	~~A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator (as presented in Appendix E or the NAIC Biographical Affidavit Form).~~	
~~Office Location and Hours~~	~~50 Ill. Adm. Code 2051.270(d)~~	~~Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State,~~	

		~~then the name and address of the Agent for Service of Process filed with the Illinois Secretary of State.~~	

~~**HEALTH CARE PREFERRED PROVIDER PROGRAM PAYOR AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all payor agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.280~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where theinformation is located.~~
~~Incentives~~	~~50 Ill. Adm. Code 2051.280(a)~~	~~Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a provider that has entered into an agreement with the administrator.~~	
~~Out-of-Network Referrals~~	~~50 Ill. Adm. Code 2051.280(b)~~	~~Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out-of-pocket liability than had the beneficiary received services from a preferred provider. Subsection (b) does not apply to a beneficiary~~	

		~~who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply.~~	
~~Identification Card References~~	~~50 Ill. Adm. Code 2051.280(c)~~	~~Terms requiring that both the payor's and administrator's name and toll-free telephone numbers be contained on the beneficiaries' identification card.~~	
~~Prohibition on Administrator Assuming Risk~~	~~50 Ill. Adm. Code 2051.280(d)~~	~~Terms specifying that only the payor may assume any underwriting risk when that risk is part of the delivery of services.~~	

~~**HEALTH CARE PREFERRED PROVIDERPROGRAM AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all provider agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.290~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Covered Services/Beneficiary Payment Responsibility~~	~~50 Ill. Adm. Code 2051.290(a)~~	~~A provision identifying the specific covered health care services for which the preferred provider will be responsible including any~~	

		~~discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.~~	
~~Provider Administrative Responsibilities~~	~~50 Ill. Adm. Code 2051.290(b)~~	~~A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing, recredentialing, utilization review requirements and referral procedures where applicable.~~	
~~Availability of Medical Records~~	~~50 Ill. Adm. Code 2051.290(c)~~	~~A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the administrator and/or insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating~~	

		~~member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.~~	
~~Provider Licensure Requirements~~	~~50 Ill. Adm. Code 2051.290(d)~~	~~A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.~~	
~~Hospital Admitting Privileges~~	~~50 Ill. Adm. Code 2051.290(e)~~	~~A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges. This does not apply to administrators offering only DHCSPs.~~	
~~Provider Contract Termination~~	~~50 Ill. Adm. Code 2051.290(f)~~	~~Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract~~	

		~~without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.~~	
~~Continuation of Services~~	~~50 Ill. Adm. Code 2051.290(g)~~	~~A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the administrator. This does not apply to administrators offering only a DHCSP.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.290(h)~~	~~A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The provider's written consent must be obtained for any assignment or~~	

		~~assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	
~~Liability and Malpractice Coverage~~	~~50 Ill. Adm. Code 2051.290(i)~~	~~A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days after the provider's receipt of notice of any reduction or cancellation of such coverage.~~	
~~Non-Discrimination~~	~~50 Ill. Adm. Code 2051.290(j)~~	~~A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity,~~	

		~~religion, sexual preference, health status or disability.~~	
~~Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary~~	~~50 Ill. Adm. Code 2051.290(k)~~	~~A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP agreement signed by a beneficiary.~~	
~~24/7 Accessibility~~	~~50 Ill. Adm. Code 2051.290(*l*)~~	~~A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.~~	
~~Payment Obligations~~	~~50 Ill. Adm. Code 2051.290(m)~~	~~A provision clearly describing the administrator's and payor's payment obligations to the provider.~~	

		~~For DHCSPs, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For DHCSPs, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.~~	
~~Administrative Services~~	~~50 Ill. Adm. Code 2051.290(n)~~	~~A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider as well as other information that is accessible to the provider.~~	
~~Arbitration Procedures~~	~~50 Ill. Adm. Code 2051.290(p)~~	~~A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.~~	

~~**ADMINISTRATOR AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all administrative agreements, when applicable. Agreements at a minimum shall~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.300~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~

~~contain the following provisions.~~			
~~Due Diligence~~	~~50 Ill. Adm. Code 2051.300(a)~~	~~Before entering into a contract with another administrator to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.~~	
~~Terms for the Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(b)~~	~~Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administratoror payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An~~	

		~~administrator shall provide to the provider upon request a written or electronic list of all current payors and administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.~~	
~~Administrator Marketing Responsibility~~	~~50 Ill. Adm. Code 2051.300(c)~~	~~An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and identification cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(d)~~	~~No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	

~~**HEALTH CARE PREFERRED PROVIDER PROGRAM NETWORK AVAILABILITY AND ACCESS**~~ ~~Each applicant for registration shall file the following information and documents with the Director~~	~~**REFERENCE**~~ ~~I50 ll. Adm. Code 2051.310~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Method of Marketing~~	~~50 Ill. Adm. Code 2051.310(a)(1)~~	~~Provide the Department with information relating to the method of marketing the program.~~	
~~Geographic Map with Providers Marked~~	~~50 Ill. Adm. Code 2051.310(a)(2)~~	~~A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.~~	
~~List of Providers Names, Addresses and Specialties~~	~~50 Ill. Adm. Code 2051.310(a)(3)~~		
~~Number of Anticipated Beneficiaries~~	~~50 Ill. Adm. Code 2051.310(a)(4)~~	~~Members enrolled in the State of Illinois.~~	
~~Website and Telephone Number Requirements~~	~~50 Ill. Adm. Code 2051.310(a)(5)~~	~~An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP, as well as any other information necessary to conform to this Part. A plan shall identify specific providers in a beneficiary's~~	

		~~area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards.~~	
~~Description of Accessibility and Availability of Network~~	~~50 Ill. Adm. Code 2051.310(a)(6)~~		
~~Type of Services to be Provided~~	~~50 Ill. Adm. Code 2051.310(a)(6)(A)~~	~~The type of health care services to be provided by the administrator network.~~	
~~Ratio of Providers to Beneficiaries~~	~~50 Ill. Adm. Code 2051.310(a)(6)(B)~~	~~The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population.~~	
~~Greatest Travel Distance~~	~~50 Ill. Adm. Code 2051.310(a)(6)(C)~~	~~The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services where applicable under the~~	

		~~contract; (ii) Primary care physician and woman's principal health care provider services where applicable under the contract; (iii) Any applicable health care service providers.~~	
~~Policies for Closing a Network to New Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(D)~~		
~~Policies for Adding New Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(E)~~		
~~24/7 Network Access~~	~~50 Ill. Adm. Code 2051.310(a)(6)(F)~~	~~The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers. Not applicable to administrators offering only a DHCSP.~~	
~~Referral Procedures~~	~~50 Ill. Adm. Code 2051.310(a)(6)(G)~~	~~The procedures for making referrals within and outside the network. Not applicable to administrators offering only a DHCSP.~~	
~~Inadequate Networks~~	~~50 Ill. Adm. Code 2051.310(a)(6)(H)~~	~~In any case in which a beneficiary has made a good faith effort to utilize preferred providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no~~	

		~~greater cost to the beneficiary than if the service had been provided by a preferred provider. Subsection (a)(6)(H) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a DHCSP.~~	
~~Special Communication Needs~~	~~50 Ill. Adm. Code 2051.310(a)(6)(L)~~	~~Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.~~	
~~Identification Card~~	~~50 Ill. Adm. Code 2051.310(a)(6)(M)~~	~~A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the~~	

		~~program's health care services.~~	
~~Gatekeeper~~	~~50 Ill. Adm. Code 2051.310(a)(6)(N)~~	~~When a gatekeeper option is included as part of the program, beneficiaries shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. When a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified. This does not apply to administrators that only provide DHCSPs.~~	
~~Medical Record Costs~~	~~50 Ill. Adm. Code 2051.310(c)~~	~~Enrollees are not responsible for any reasonable costs associated with medical record transmission or duplication in order to have a claim adjudicated.~~	

~~**DISCOUNTED HEALTH CARE SERVICES PLAN AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all DHCSP agreements, when applicable. Agreements at a~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.320~~	~~**COMMENTS**~~ ~~Only those administrators that also provide DHCSP benefits must comply with the requirements of Section 2051.320.~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~

~~minimum shall contain the following provisions.~~			
~~Written Agreement Required~~	~~50 Ill. Adm. Code 2051.320(a)~~	~~A DHCSP administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCSP.~~	
~~Cancellation Rights~~	~~50 Ill. Adm. Code 2051.320(b)(1)~~	~~A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(f).~~	
~~No Restrictions on Access to Providers~~	~~50 Ill. Adm. Code 2051.320(b)(2)~~	~~A provision establishing that beneficiaries will have free access to DHCSP providers without restrictions to waiting periods, notification periods, etc. (except for hospital discounts).~~	
~~Method of Payment~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.~~	
~~Electronic Fund Transfer Limitation~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~DHCSP administrators may not continue using electronic fund transfers after receiving a beneficiary's written request to terminate electronic fund~~	

		~~transfers as a method of payment.~~	
~~DOI Complaint Filing~~	~~50 Ill. Adm. Code 2051.320(b)(4)~~	~~The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. These procedures must contain, at a minimum, a statement that the DHCSP shall provide specific contact information for the Department upon request.~~	
~~Required Disclosures~~	~~50 Ill. Adm. Code 2051.320(d)~~	~~DHCSP administrators must provide the following disclosures in writing to any prospective beneficiary of a DHCSP before purchase as well as in all beneficiary agreements. If the initial contact with the prospective beneficiary is by telephone, the disclosure shall be made orally and included in the written agreement required by Section 2051.320(a). The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a DHCSP or if that is not possible, on the first page listing plan information.~~	
~~Not an Insurance Policy~~	~~50 Ill. Adm. Code 2051.320(d)(1)~~		
~~Providers and Services~~	~~50 Ill. Adm. Code 2051.320(d)(2)~~		

~~The Plan Does Not Make Payments to Providers~~	~~50 Ill. Adm. Code 2051.320(d)(3)~~		
~~Beneficiary Must Pay for All Discounted Services~~	~~50 Ill. Adm. Code 2051.320(d)(4)~~	~~The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the DHCSP administrator.~~	
~~Toll-Free Number and Website Access~~	~~50 Ill. Adm. Code 2051.320(d)(5)~~	~~The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP and lists of providers participating in the DHCSP.~~	
~~Itemized Discounted Health Care Services Plan Costs~~	~~50 Ill. Adm. Code 2051.320(e)~~	~~Whenever a DHCSP is sold in conjunction with any other product that can be purchased separately, including a policy of insurance, the administrator or DHCSP administrator must provide in writing to the beneficiary the charges for the DHCSP product.~~	
~~Limitation on Fees~~	~~50 Ill. Adm. Code 2051.320(f)~~	~~Any initial one-time processing, administrative or other such non-regular fee may not exceed $30.~~	
~~Listing of Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(g)~~	~~A DHCSP administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the~~	

		~~marketing or use of the administrator's DHCSP under a name other than that of the administrator. A DHCSP administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of private label marketers must contain: (1) the name, address and FEIN of the private label marketer; (2) any DBA used by the private label marketer; and (3) all product names used by the private label marketer.~~	
~~Administrator Responsibilities for Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(h)~~	~~A DHCSP administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within all descriptions of benefits and member materials the name of any administrator and DHCSP administrator whose DHCSP is being provided; (2) prominently discloses within all marketing materials the name of any DHCSP administrator whose DHCSP is being provided; (3)~~	

		~~prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and (4) complies with the applicable DHCSP administrator provisions of this Part.~~	
~~Private Label Marketers Not Identified~~	~~50 Ill. Adm. Code 2051.320(i)~~	~~A private label marketer that is not identified as such pursuant to subsection (g) must register as a DHCSP administrator under this Part.~~	
~~Participating Provider Listing~~	~~50 Ill. Adm. Code 2051.320(j)~~	~~A DHCSP shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another DHCSP administrator.~~	

~~**FIDUCIARY AND BONDING REQUIREMENTS**~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.340~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Holder of Bond~~	~~50 Ill. Adm. Code 2051.340(c)(2) and Appendix F~~	~~If a bond of indemnity is posted, it shall be held by the Director of Insurance in~~	

		~~favor of the beneficiaries and payors of services under the preferred provider program operated by the administrator.~~	

~~Declaration:~~

~~The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.~~

~~Signature~~ ~~Date~~

~~Print Name and Title~~ ~~Phone~~

~~Please sign and date this form and return it to the Department with your registration fee of $1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX B Discounted Health Care Services Plan Only Registration (Repealed)

~~Name of Firm~~			~~Tax # (FEIN)~~
~~Business Address (Number, Street, City, State & Zip)~~			
~~Phone~~	~~Fax~~	~~Email Address~~	
~~Person Responsible for submitting application:~~			~~Phone~~

~~FEE REQUIREMENT~~	~~REFERENCE~~	~~COMMENTS~~	
~~Fee Required With Application~~	~~50 Ill. Adm. Code 2051.250~~	~~Initial registration fee of $1,000 must be submitted with application for Preferred Program Provider Administrator.~~	

~~ADMINISTRATOR REQUIREMENTS~~	~~REFERENCE~~ ~~50 Ill. Adm. Code 2051.260~~	~~COMMENTS~~	~~REFERENCE~~ ~~Please type or print where the information is located.~~
~~Signed Contracts~~	~~50 Ill. Adm. Code 2051.260(c)~~	~~Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators, utilization review organizations, third party administrators, third party prescription program~~	

		~~administrators, insurers, health maintenance organizations and health service corporations.~~	

~~ORGANIZATIONAL REQUIREMENTS~~	~~REFERENCE~~ ~~50 Ill. Adm. Code 2051.270~~	~~COMMENTS~~	~~REFERENCE~~ ~~Please type or print where the information is located.~~
~~Organization Chart~~	~~50 Ill. Adm. Code 2051.270(a)~~	~~An organizational chart describing the relationship among the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.~~	
~~Corporation Information~~	~~50 Ill. Adm. Code 2051.270(b)~~	~~Proof of registration with the Illinois Secretary of State and the company's FEIN.~~	
~~Biographical Affidavits~~	~~50 Ill. Adm. Code 2051.270(c) Appendix E~~	~~A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator (as presented in Appendix E or the NAIC Biographical Affidavit Form).~~	
~~Office Location and Hours~~	~~50 Ill. Adm. Code 2051.270(d)~~	~~Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State, then the name and address of the Agent for Service of~~	

		~~Process filed with the Illinois Secretary of State.~~	

~~**HEALTH CARE PROVIDER PREFERRED PROGRAM PROVIDER AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all provider agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.290~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Covered Services/Beneficiary Payment Responsibility~~	~~50 Ill. Adm. Code 2051.290(a)~~	~~A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.~~	
~~Provider Administrative Responsibilities~~	~~50 Ill. Adm. Code 2051.290(b)~~	~~A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing and recredentialing requirements.~~	

~~Provider Licensure Requirements~~	~~50 Ill. Adm. Code 2051.290(d)~~	~~A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.~~	
~~Provider Contract Termination~~	~~50 Ill. Adm. Code 2051.290(f)~~	~~Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.290(h)~~	~~A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The provider's written consent must be obtained for any assignment or assumption of the provider~~	

		~~contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	
~~Liability and Malpractice Coverage~~	~~50 Ill. Adm. Code 2051.290(i)~~	~~A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days after the preferred provider's receipt of notice of any reduction or cancellation of such coverage.~~	
~~Non-Discrimination~~	~~50 Ill. Adm. Code 2051.290(j)~~	~~A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity,~~	

		~~religion, sexual preference, health status or disability.~~	
~~Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary~~	~~50 Ill. Adm. Code 2051.290(k)~~	~~A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP agreement signed by a beneficiary.~~	
~~24/7 Accessibility~~	~~50 Ill. Adm. Code 2051.290(*l*)~~	~~A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.~~	
~~Payment Obligations~~	~~50 Ill. Adm. Code 2051.290(m)~~	~~A provision clearly describing the administrator's and payor's payment obligations to the provider.~~	

		~~For DHCSPs, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For DHCSPs, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.~~	
~~Administrative Services~~	~~50 Ill. Adm. Code 2051.290(n)~~	~~A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider as well as other information that is accessible to the provider.~~	
~~Arbitration Procedures~~	~~50 Ill. Adm. Code 2051.290(p)~~	~~A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.~~	

~~**ADMINISTRATOR AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all administrative agreements, when applicable. Agreements at a minimum shall~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.300~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~

~~contain the following provisions.~~			
~~Due Diligence~~	~~50 Ill. Adm. Code 2051.300(a)~~	~~Before entering into a contract with another administrator to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.~~	
~~Terms for the Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(b)~~	~~Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing or other consideration, clearly described in the contract. The administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to~~	

		~~the provider upon request a written or electronic list of all current payors and administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.~~	
~~Administrator Marketing Responsibility~~	~~50 Ill. Adm. Code 2051.300(c)~~	~~An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and identification cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(d)~~	~~No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	

~~HEALTH CARE~~	~~REFERENCE~~	~~COMMENTS~~	~~REFERENCE~~

~~**PREFERRED PROVIDER PROGRAM NETWORK AVAILABILITY AND ACCESS**~~ ~~Each applicant for registration shall file the following information and documents with the Director.~~	~~50 Ill. Adm. Code 2051.310~~		~~Please type or print where the information is located.~~
~~Method of Marketing~~	~~50 Ill. Adm. Code 2051.310(a)(1)~~	~~Provide the Department with information relating to the method of marketing the program.~~	
~~Geographic Map with Providers Marked~~	~~50 Ill Adm. Code 2051.310(a)(2)~~	~~A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.~~	
~~List of Providers Names, Addresses and Specialties~~	~~50 Ill. Adm. Code 2051.310(a)(3)~~		
~~Number of Anticipated Beneficiaries~~	~~50 Ill.Adm. Code 2051.310(a)(4)~~	~~Members enrolled only in the State of Illinois.~~	
~~Website and Telephone Number Requirements~~	~~50 Ill. Adm. Code 2051.310(a)(5)~~	~~An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP, as well as any other information necessary to conform to this Part. A plan shall identify specific providers in a beneficiary's~~	

		~~area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards.~~	
~~Description of Accessibility and Availability of Network~~	~~50 Ill. Adm. Code 2051.310(a)(6)~~		
~~Type of Services to be Provided~~	~~50 Ill. Adm. Code 2051.310(a)(6)(A)~~	~~The type of health care services to be provided by the administrator network.~~	
~~Ratio of Providers to Beneficiaries~~	~~50 Ill. Adm. Code 2051.310(a)(6)(B)~~	~~The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population.~~	
~~Greatest Travel Distance~~	~~50 Ill. Adm. Code 2051.310(a)(6)(C)~~	~~The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services,~~	

		~~where applicable under the contract; (ii) Primary care physician and woman's principal health care provider services, where applicable under the contract; (iii) Any applicable health care service providers.~~	
~~Policies for Closing a Network to New Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(D)~~		
~~Policies for Adding New Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(E)~~		
~~Special Communication Needs~~	~~50 Ill. Adm. Code 2051.310(a)(6)(L)~~	~~Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.~~	
~~Identification Card~~	~~50 Ill. Adm. Code 2051.310(a)(6)(M)~~	~~A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.~~	

~~**DISCOUNTED HEALTH CARE SERVICES PLAN AGREEMENTS**~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.320~~	~~**COMMENTS**~~ ~~Only those administrators that also provide DHCSP benefits must comply with~~	~~**REFERENCE**~~ ~~Please type or print where the~~

~~Each applicant for registration shall file sample copies of all DHCSP agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~		~~the requirements of Section 2051.320.~~	~~information is located.~~
~~Written Agreement Required~~	~~50 Ill. Adm. Code 2051.320(a)~~	~~A DHCSP administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCSP.~~	
~~Cancellation Rights~~	~~50 Ill. Adm. Code 2051.320(b)(1)~~	~~A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(b)(1).~~	
~~No Restrictions on Access to Providers~~	~~50 Ill. Adm. Code 2051.320(b)(2)~~	~~A provision establishing that beneficiaries will have free access to DHCSP providers without restrictions to waiting periods, notification periods, etc. (except for hospital discounts).~~	
~~Method of Payment~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is~~	

		~~stipulated within the agreement.~~	
~~Electronic Fund Transfer Limitation~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~DHCSP administrators may not continue using electronic fund transfers after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.~~	
~~DOI Complaint Filing~~	~~50 Ill. Adm. Code 2051.320(b)(4)~~	~~The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. The procedures must contain, at a minimum, a statement that the DHCSP shall provide specific contact information for the Department upon request.~~	
~~Required Disclosures~~	~~50 Ill. Adm. Code 2051.320(d)~~	~~DHCSP administrators must provide the following disclosures in writing to any prospective beneficiary of a DHCSP before purchase as well as in all beneficiary agreements. If the initial contact with the prospective beneficiary is by telephone, the disclosure shall be made orally and included in the written agreement required by Section 2051.320(a). The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a DHCSP or if that is not~~	

		~~possible, on the first page listing plan information.~~	
~~Not an Insurance Policy~~	~~50 Ill. Adm. Code 2051.320(d)(1)~~		
~~Providers and Services~~	~~50 Ill. Adm. Code 2051.320(d)(2)~~		
~~The Plan Does Not Make Payments to Providers~~	~~50 Ill. Adm. Code 2051.320(d)(3)~~		
~~Beneficiary Must Pay for All Discounted Services~~	~~50 Ill. Adm. Code 2051.320(d)(4)~~	~~The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the DHCSP administrator.~~	
~~Toll-Free Number and Website Access~~	~~50 Ill. Adm. Code 2051.320(d)(5)~~	~~The DHCSP administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP and lists of providers participating in the DHCSP.~~	
~~Itemized Discounted Health Care Services Plan Costs~~	~~50 Ill. Adm. Code 2051.320(e)~~	~~Whenever a DHCSP is sold in conjunction with any other product that can be purchased separately including a policy of insurance, the administrator or DHCSP administrator must provide in writing to the beneficiary the charges for the DHCSP product.~~	
~~Limitation on Fees~~	~~50 Ill. Adm. Code 2051.320(f)~~	~~Any initial one-time processing, administrative or~~	

		~~other such non-regular fee may not exceed $30.~~	
~~Listing of Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(g)~~	~~A DHCSP administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's DHCSP under a name other than that of the administrator. A DHCSP administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of private label marketers must contain: (1) the name, address and FEIN of the private label marketers; (2) any DBA used by the private label marketer; and (3) all product names used by the private label marketer.~~	
~~Administrator Responsibilities for Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(h)~~	~~A DHCSP administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within~~	

		~~all descriptions of benefits and member materials the name of any administrator and DHCSP administrator whose DHCSP is being provided; (2) prominently discloses within all marketing materials the name of any DHCSP administrator whose DHCSP is being provided; (3) prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and (4) complies with the applicable DHCSP administrator provisions of this Part.~~	
~~Private Label Marketers Not Identified~~	~~50 Ill. Adm. Code 2051.320(i)~~	~~A private label marketer that is not identified as such pursuant to subsection (g) must register as a DHCSP administrator under this Part.~~	
~~Participating Provider Listings~~	~~50 Ill. Adm. Code 2051.320(j)~~	~~A DHCSP shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted~~	

		~~either directly or indirectly through another DHCSP administrator.~~	

~~**FIDUCIARY AND BONDING REQUIREMENTS**~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.340~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Holder of Bond~~	~~50 Ill. Adm. Code 2051.340(c)(2)~~	~~If a bond of indemnity is posted, it shall be held by the Director of Insurance in favor of the beneficiaries and payors of services under the preferred provider program operated by the administrator.~~	

~~Declaration:~~

~~The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.~~

~~Signature~~ ~~Date~~

~~Print Name and Title~~ ~~Phone~~

~~Please sign and date this form and return it to the Department with your registration fee of $1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX C Insurer Filing Requirements (Repealed)

~~Name of Firm~~			~~Tax # (FEIN)~~
~~Business Address (Number, Street, City, State & Zip)~~			
~~Phone~~	~~Fax~~	~~Email Address~~	
~~Person Responsible for submitting application:~~			~~Phone~~

~~**HEALTH CARE PREFERRED PROVIDER PROGRAM PAYOR AGREEMENTS**~~ ~~Each insurer shall file sample copies of all payor agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.280~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Incentives~~	~~50 Ill. Adm. Code 2051.280(a)~~	~~Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a preferred provider.~~	
~~Out-of-Network Referrals~~	~~50 Ill. Adm. Code 2051.280(b)~~	~~Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the~~	

		~~beneficiary received services from a preferred provider. Subsection (b) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a DHCSP.~~	
~~Identification Card References~~	~~50 Ill. Adm. Code 2051.280(c)~~	~~Terms requiring that both the payor's and, if applicable, the administrator's name and toll-free telephone numbers be contained on the beneficiaries' identification card.~~	
~~Prohibition on Administrator Assuming Risk~~	~~50 Ill. Adm. Code 2051.280(d)~~	~~Terms specifying that only the payor may assume any underwriting risk when that risk is part of the delivery of services.~~	

~~**HEALTH CARE PREFERRED PROVIDER PROGRAM PROVIDER AGREEMENTS**~~ ~~Each insurer shall file sample copies of all provider agreements,~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.290~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~

~~when applicable. Agreements at a minimum shall contain the following provisions.~~			
~~Covered Services/Beneficiary Payment Responsibility~~	~~50 Ill. Adm. Code 2051.290(a)~~	~~A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.~~	
~~Provider Administrative Responsibilities~~	~~50 Ill. Adm. Code 2051.290(b)~~	~~A provision requiring the provider to comply with applicable administrative policies and procedures of the insurer including, but not limited to credentialing or recredentialing requirements, utilization review requirements, and referral procedures.~~	
~~Availability of Medical Records~~	~~50 Ill. Adm. Code 2051.290(c)~~	~~A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the administrator and/or the insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity~~	

		~~and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.~~	
~~Provider Licensure Requirements~~	~~50 Ill. Adm. Code 2051.290(d)~~	~~A provision requiring providers to be licensed by the State, and to notify the insurer immediately whenever there is a change in licensure or certification status.~~	
~~Hospital Admitting Privileges~~	~~50 Ill. Adm. Code 2051.290(e)~~	~~A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital with which the insurer has a written provider contract. The insurer shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not~~	

		~~customarily have admitting privileges.~~	
~~Provider Contract Termination~~	~~50 Ill. Adm. Code 2051.290(f)~~	~~Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the insurer may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.~~	
~~Continuation of Services~~	~~50 Ill. Adm. Code 2051.290(g)~~	~~A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the insurer.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.290(h)~~	~~A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written~~	

		~~consent of the other party. The provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	
~~Liability and Malpractice Coverage~~	~~50 Ill. Adm. Code 2051.290(i)~~	~~A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the insurer. The insurer must be notified within no less than ten days of the preferred provider's receipt of notice of any reduction or cancellation of such coverage.~~	
~~Non-Discrimination~~	~~50 Ill. Adm. Code 2051.290(j)~~	~~A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of~~	-

		~~participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.~~	
~~Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary~~	~~50 Ill. Adm. Code 2051.290(k)~~	~~A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP agreement signed by a beneficiary.~~	
~~24/7 Accessibility~~	~~50 Ill. Adm. Code 2051.290(*l*)~~	~~A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.~~	

~~Payment Obligations~~	~~50 Ill. Adm. Code 2051.290(m)~~	~~A provision clearly describing the insurer's payment obligations to the provider. For DHCSPs, payors may not pay providers for health care services provided to beneficiaries. Payors may not accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.~~	
~~Administrative Services~~	~~50 Ill. Adm. Code 2051.290(n)~~	~~A provision identifying the administrative services, if any, the insurer will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider as well as other information that is accessible to the provider.~~	
~~Payor Access~~	~~50 Ill. Adm. Code 2051.290(o)~~	~~A provision obligating the insurer to provide a method for providers to obtain initial information and adequate notice of change in benefits and copayments, and a provision obligating the insurer to provide all of the insurer's operational policies.~~	
~~Arbitration Procedures~~	~~50 Ill. Adm. Code 2051.290(p)~~	~~A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between~~	

		~~the insurer and preferred provider.~~	

~~**ADMINISTRATOR AGREEMENTS**~~ ~~Each insurer shall file sample copies of all administrative agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.300~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Due Diligence~~	~~50 Ill. Adm. Code 2051.300(a)~~	~~Before entering into a contract with an administrator to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.~~	
~~Terms for the Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(b)~~	~~Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administrator or payor~~	

		~~accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors, administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.~~	
~~Administrator Marketing Responsibility~~	~~50 Ill. Adm. Code 2051.300(c)~~	~~An insurer shall approve in writing prior to use all advertisements, marketing materials, brochures and identification cards used by any administrator or other insurer to market, promote, sell or enroll members in its preferred provider program.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(d)~~	~~No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to an administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply~~	

		~~with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	

~~**HEALTH CARE PREFERRED PROVIDER PROGRAM NETWORK AVAILABILITY AND ACCESS**~~ ~~Each insurer shall file the following information and documents with the Director.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.310~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Method of Marketing~~	~~50 Ill. Adm. Code 2051.310(a)(1)~~	~~Provide the Department with information relating to the method of marketing the program.~~	
~~Geographic Map with Providers Marked~~	~~50 Ill. Adm. Code 2051.310(a)(2)~~	~~A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.~~	
~~List of Providers Names, Addresses and Specialties~~	~~50 Ill. Adm. Code 2051.310(a)(3)~~		
~~Number of Anticipated Beneficiaries~~	~~50 Ill. Adm. Code 2051.310(a)(4)~~	~~Members enrolled in the State of Illinois.~~	
~~Website and Telephone Number Requirements~~	~~50 Ill. Adm. Code 2051.310(a)(5)~~	~~An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about~~	

		~~the DHCSP, as well as any other information necessary to conform to this Part. The insurer shall identify specific providers in the beneficiary's area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program, either directly or indirectly, through an administrator. Insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards.~~	
~~Description of Accessibility and Availability of Network~~	~~50 Ill. Adm. Code 2051.310(a)(6)~~		
~~Type of Services to be Provided~~	~~50 Ill. Adm. Code 2051.310(a)(6)(A)~~	~~The type of health care services to be provided by the insurer's network.~~	
~~Ratio of Providers to Beneficiaries~~	~~50 Ill. Adm. Code 2051.310(a)(6)(B)~~	~~The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the~~	

		~~currently enrolled population.~~	
~~Greatest Travel Distance~~	~~50 Ill. Adm. Code 2051.310(a)(6)(C)~~	~~The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services where applicable under the contract; (ii) Primary care physician and woman's principal health care provider services where applicable under the contract; (iii) Any applicable health care service providers.~~	
~~Policies for Closing a Network to New Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(D)~~		
~~Policies for Adding New Providers~~	~~50 Ill.Adm. Code 2051.310(a)(6)(E)~~		
~~24/7 Network Access~~	~~50 Ill. Adm. Code 2051.310(a)(6)(F)~~	~~The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers.~~	
~~Referral Procedures~~	~~50 Ill. Adm. Code 2051.310(a)(6)(G)~~	~~The procedures for making referrals within and outside the network.~~	
~~Inadequate Networks~~	~~50 Ill. Adm. Code 2051.310(a)(6)(H)~~	~~In any case whereby a beneficiary has made a good faith effort to utilize preferred providers for a covered service and it is determined the insurer does not have the appropriate preferred providers due to insufficient number, type or distance, the insurer shall ensure, directly or indirectly, by terms contained in the~~	

		~~payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. Subsection (a)(6)(H) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a DHCSP.~~	
~~Lack of Specialty Providers~~	~~50 Ill. Adm. Code 2051.310(a)(6)(I)~~	~~The procedures for paying benefits when particular physician specialties are not represented within the provider network, or the services of such providers are not available at the time care is sought. In any case where a beneficiary has made a good faith effort to utilize network providers, by satisfying contractual obligation as specified in the benefit contract or certificate, for a covered service and the insurer does not have the appropriate preferred~~	

		~~specialty providers (including but not limited to radiologists, anesthesiologists, pathologists and emergency room physicians) under contract due to the inability of the insurer to contract with such specialists, the insurer shall ensure that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider.~~	
~~Special Communication Needs~~	~~50 Ill. Adm. Code 2051.310(a)(6)(L)~~	~~Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.~~	
~~Identification Card~~	~~50 Ill. Adm. Code 2051.310(a)(6)(M)~~	~~A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.~~	
~~Gatekeeper~~	~~50 Ill. Adm. Code 2051.310(a)(6)(N)~~	~~When a gatekeeper option is included as part of the~~	

		~~program, insurers shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified.~~	
~~Medical Record Costs~~	~~50 Ill. Adm. Code 2051.310(c)~~	~~Enrollees are not responsible for any reasonable costs associated with medical record transmission or duplication in order to have a claim adjudicated.~~	

~~**DISCOUNTED HEALTH CARE SERVICES PLAN AGREEMENTS (IF APPLICABLE)**~~ ~~Each insurer shall file sample copies of all DHCSP agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.320~~	~~**COMMENTS**~~ ~~Only insurers that also provide DHCSP benefits must comply with the requirements of Section 2051.320.~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Written Agreement Required~~	~~50 Ill. Adm. Code 2051.320(a)~~	~~An insurer shall have a written agreement with its beneficiaries that specifies the benefits a beneficiary is~~	

		~~to receive under the DHCSP, if any.~~	
~~Cancellation Rights~~	~~50 Ill. Adm. Code 2051.320(b)(1)~~	~~A provision establishing the right for the beneficiary to cancel the discount benefits at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(f).~~	
~~No Restrictions on Access to Providers~~	~~50 Ill. Adm. Code 2051.320(b)(2)~~	~~A provision establishing that beneficiaries will have free access to DHCSP providers without restrictions to waiting periods, notification periods, etc. (except for hospital discounts).~~	
~~Method of Payment~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.~~	
~~Electronic Fund Transfer Limitation~~	~~50 Ill. Adm. Code 2051.320(b)(3)~~	~~Insurers offering a DHCSP may not continue using electronic fund transfers after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.~~	
~~DOI Complaint Filing~~	~~50 Ill. Adm. Code 2051.320(b)(4)~~	~~The procedures for filing complaints with the plan and the availability and contact information for the Illinois~~	

		~~Department of Insurance. These procedures must contain, at minimum, a statement that the DHCSP shall provide specific contact information for the Department upon request.~~	
~~Required Disclosures~~	~~50 Ill. Adm. Code 2051.320(d)~~	~~Insurers must provide the following disclosures as part of a policy of insurance, these disclosures must be included in the policy and certificate of coverage and must be specifically identified with and applicable to the DHCSP portion of the policy.~~	
~~Not an Insurance Policy~~	~~50 Ill. Adm. Code 2051.320(d)(1)~~		
~~Limitation on Providers and Services~~	~~50 Ill. Adm. Code 2051.320(d)(2)~~		
~~The Plan Does Not Make Payments to Providers~~	~~50 Ill. Adm. Code 2051.320(d)(3)~~		
~~Beneficiary Must Pay for All Discounted Services~~	~~50 Ill. Adm. Code 2051.320(d)(4)~~	~~The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the insurer to provide health care service discounts.~~	
~~Toll-Free Telephone Number and Website Access~~	~~50 Ill. Adm. Code 2051.320(d)(5)~~	~~The insurer's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP and lists of~~	

		~~providers participating in the DHCSP.~~	
~~Itemized Discounted Health Care Services Plan Costs~~	~~50 Ill. Adm. Code 2051.320(e)~~	~~Whenever a DHCSP is sold in conjunction with any other product that can be purchased separately, including a policy of insurance, the insurer must provide in writing to the beneficiary the charges for the DHCSP product.~~	
~~Limitation on Fees~~	~~50 Ill. Adm. Code 2051.320(f)~~	~~Any initial one-time processing, administrative or other such non-regular fee may not exceed $30.~~	
~~Listing of Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(g)~~	~~A DHCSP administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's DHCSP under a name other than that of the administrator. A DHCSP administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of private label marketers must contain: (1) the name, address and FEIN of the private label marketers; (2) any DBA used by the private~~	

		~~label marketer; and (3) all product names used by the private label marketer.~~	
~~Administrator Responsibilities for Private Label Marketers~~	~~50 Ill. Adm. Code 2051.320(h)~~	~~A DHCSP administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within all descriptions of benefits and member materials the name of any administrator whose DHCSP is being provided; (2) prominently discloses within all marketing materials the name of any administrator whose DHCSP is being provided; (3) prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and (4) complies with the applicable DHCSP administrator provisions of this Part.~~	
~~Private Label Marketers Not Identified~~	~~50 Ill. Adm. Code 2051.320(i)~~	~~A private label marketer that is not identified as such pursuant to subsection (g) must register as a DHCSP administrator under this Part.~~	
~~Participating Provider Listings~~	~~50 Ill. Adm. Code 2051.320(j)~~	~~A DHCSP shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a~~	

		listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another DHCSP administrator.	

INSURER REQUIREMENTS Each insurer shall file sample copies of all DHCSP agreements, when applicable. Agreements at a minimum shall contain the following provisions.	**REFERENCE** 50 Ill. Adm. Code 2051.330	**COMMENTS**	**REFERENCE** Identify the previous filing information in the space below.
Waiver of filing requirements	50 Ill. Adm. Code 2051.330(b)	When incorporated in a policy filing, the filing requirements for Section 2051.330(a) may be waived if the preferred provider arrangement information had previously been filed and is identified in the subsequent filing.	

Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

~~Signature~~	~~Date~~
~~Print Name and Title~~	~~Phone~~

~~Please sign and date this form and return it to the Department with your registration fee of $1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX D Workers' Compensation Preferred Provider Program Administrator Registration Form (Repealed)

~~Name of Firm~~			~~Tax # (FEIN)~~
~~Business Address (Number, Street, City, State & Zip)~~			
~~Phone~~	~~Fax~~	~~Email Address~~	
~~Person Responsible for submitting application:~~			~~Phone~~

~~FEE REQUIREMENT~~	~~REFERENCE~~	~~COMMENTS~~	
~~Fee Required With Application~~	~~50 Ill. Adm. Code 2051.250~~	~~Initial registration fee of $1,000 must be submitted with application for preferred program provider administrator.~~	

~~ADMINISTRATOR REQUIREMENTS~~	~~REFERENCE~~ ~~50 Ill. Adm. Code 2051.260~~	~~COMMENTS~~	~~REFERENCE~~ ~~Please type or print where the information is located.~~
~~Signed Contracts~~	~~50 Ill. Adm. Code 2051.260(c)~~	~~Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of the Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators, utilization review organizations, third party administrators, third party prescription program administrators, risk bearing~~	

		~~entities, and employers or employer groups for the purposes of WC PPPs.~~	
~~Economic Evaluation~~	~~50 Ill. Adm. Code 2051.260(c)(7)~~	~~WC PPP administrators that utilize economic evaluation of their providers shall file a description of any policies and procedures related to the economic evaluation utilized by the program.~~	
~~Employee Notification~~	~~50 Ill. Adm. Code 2051.260(c)(8)~~	~~WC PPP administrators shall provide those policies and procedures instituted to insure the employer is providing proper notification to the covered employee in accordance with the form promulgated by the Workers' Compensation Commission.~~	

~~**ORGANIZATIONAL REQUIREMENTS**~~	~~**REFERENCE** 50 Ill. Adm. Code 2051.270~~	~~**COMMENTS**~~	~~**REFERENCE** Please type or print where the information is located~~
~~Organization Chart~~	~~50 Ill. Adm. Code 2051.270(a)~~	~~An organizational chart describing the relationship among the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.~~	
~~Corporation Information~~	~~50 Ill. Adm. Code 2051.270(b)~~	~~Proof of registration with the Illinois Secretary of State and the company's FEIN.~~	
~~Biographical Affidavits~~	~~50 Ill. Adm. Code 2051.270(c) Appendix E~~	~~A list of the names, addresses, official positions and biographical affidavits of the persons responsible~~	

		~~for the conduct of the affairs of the administrator (as presented in Appendix E or the NAIC Biographical Affidavit Form).~~	
~~Office Location and Hours~~	~~50 Ill. Adm. Code 2051.270(d)~~	~~Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State, then the name and address of the agent for service of process filed with the Illinois Secretary of State.~~	

~~**WORKERS' COMPENSATION PREFERRED PROVIDER PROGRAM PAYOR AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all payor agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.285~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Incentives~~	~~50 Ill. Adm. Code 2051.285(a)~~	~~Terms requiring and specifying all incentives to be provided to the insured to utilize services of a provider that has entered into an agreement with the administrator.~~	

~~Out-of-Network Referrals—Beneficiary~~	~~50 Ill. Adm. Code 2051.285(b)~~	~~Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater liability than had the beneficiary received services from a preferred provider, except as provided pursuant to Section 8.1a(c)(2) and Section 8.2(e) of the Workers' Compensation Act.~~	
~~Out of Network Referrals—Payor~~	~~50 Ill. Adm. Code 2051.285(c)~~	~~Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the PPP does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements consistent with Section 8.1a of the Workers' Compensation Act, the WC PPP shall ensure that the covered employee will be provided the covered services by the non-preferred provider in accordance with the fees at not greater cost to the payor than if the services had been provided by a~~	

		~~preferred provider. In these instances, the administrator shall be responsible for the payment of any additional amounts otherwise due to the non-preferred provider.~~	

~~**WORKERS' COMPENSATION PREFERRED PROVIDER PROGRAM PROVIDER AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all provider agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.295~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Compliance with Workers' Compensation Act~~	~~50 Ill. Adm. Code 2051.295(a)~~	~~A provision stating, within the preamble, that the agreement conforms to the requirements of Section 8.1a of the Workers' Compensation Act [820 ILCS 305/8.1a].~~	
~~Covered Services/Beneficiary Payment Responsibility~~	~~50 Ill. Adm. Code 2051.295(b)~~	~~A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, limitations and exclusions, as well as any discount amount or~~	

		~~discounted fee schedule reflecting discounted rates.~~	
~~Provider Administrative Responsibilities~~	~~50 Ill. Adm. Code 2051.295(c)~~	~~A provision requiring the provider to comply with applicable administrative policies and procedures of the Administrator, including, but not limited to, credentialing, recredentialing, utilization review requirements and referral procedures.~~	
~~Availability of Medical Records~~	~~50 Ill. Adm. Code 2051.295(d)~~	~~A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make the beneficiary's medical records available to the administrator and/or payor for the purpose of determining, on a concurrent or retrospective basis, the compensability, medical necessity and appropriateness of care provided to beneficiaries. The medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.~~	

~~Provider Licensure Requirements~~	~~50 Ill. Adm. Code 2051.295(e)~~	~~A provision requiring providers to be licensed by the state and to notify the administrator immediately whenever there is a change in licensure or certification status.~~	
~~Hospital Admitting Privileges~~	~~50 Ill. Adm. Code 2051.295(f)~~	~~A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges.~~	
~~Provider Contract Termination~~	~~50 Ill. Adm. Code 2051.295(g)~~	~~Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; and (2) That the administrator may terminate the provider contract for cause immediately.~~	
~~Continuation of Services~~	~~50 Ill. Adm. Code 2051.295(h)~~	~~A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of~~	

		~~benefits is required by law or regulation, or that the continuation is voluntarily provided by the administrator.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.295(i)~~	~~A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.~~	
~~Liability and Malpractice Coverage~~	~~50 Ill. Adm. Code 2051.295(j)~~	~~A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means~~	

		~~satisfactory to the administrator. The administrator must be notified within no less than ten days after the preferred provider's receipt of notice of any reduction or cancellation of the coverage.~~	
~~Non-Discrimination~~	~~50 Ill. Adm. Code 2051.295(k)~~	~~A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the PPP, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.~~	
~~Requirement for Provider Notification of Beneficiaries Personal Financial Obligations for Non-Covered Services~~	~~50 Ill. Adm. Code 2051.295(l)~~	~~A provision regarding the preferred provider's obligation to provide notice to beneficiaries of their personal financial obligations for non-covered services.~~	
~~Services Determined Not Compensable under Workers' Compensation Act~~	~~50 Ill. Adm. Code 2051.295(m)~~	~~A provision that providers may charge covered employees for those services determined to be not compensable under the Workers' Compensation Act.~~	
~~24/7 Accessibility~~	~~50 Ill. Adm. Code 2051.295(n)~~	~~A provision regarding any obligation to provide covered health care services on a 24 hour per day, 7 day per week basis.~~	
~~Payment Obligations~~	~~50 Ill. Adm. Code 2051.295(o)~~	~~A provision clearly describing the administrator's and payor's payment obligations to the provider,~~	

		~~including but not limited to the payment of statutory interest on late payments as required in Section 8.2(d)(3) of the Workers' Compensation Act.~~	
~~Administrative Services~~	~~50 Ill. Adm. Code 2051.295(p)~~	~~A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider, as well as other information that is accessible to the provider.~~	
~~Administrator Responsibilities~~	~~50 Ill. Adm. Code 2051.295(q)~~	~~A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and a provision obligating the administrator to provide all of the administrator's operational policies.~~	
~~Arbitration Procedures~~	~~50 Ill. Adm. Code 2051.295(r)~~	~~A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.~~	

~~**ADMINISTRATOR AGREEMENTS**~~ ~~Each applicant for registration shall file sample copies of all administrative~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.300~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~

~~agreements, when applicable. Agreements at a minimum shall contain the following provisions.~~			
~~Due Diligence~~	~~50 Ill. Adm. Code 2051.300(a)~~	~~Before entering into a contract with another administrator to administer programs, policies or subscriber contracts in this State, as provided by 215 ILCS 5/370i(b)(2), an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.~~	
~~Terms for the Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(b)~~	~~Any provider contract or PPP that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including~~	

		~~all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors and administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.~~	
~~Administrator Marketing Responsibility~~	~~50 Ill. Adm. Code 2051.300(c)~~	~~An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and, if applicable, identification cards used by any other administrator to market, promote, sell or enroll members in its PPP.~~	
~~Delegation of Rights Under the Contract~~	~~50 Ill. Adm. Code 2051.300(d)~~	~~No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned,~~	

		~~including all appendices, policies and fee schedules.~~	

~~**WORKERS' COMPENSATION NETWORK AVAILABILITY AND ACCESS**~~ ~~Each applicant for registration shall file the following information and documents with the Director.~~	~~**REFERENCE**~~ ~~50 Ill. Adm. Code 2051.315~~	~~**COMMENTS**~~	~~**REFERENCE**~~ ~~Please type or print where the information is located.~~
~~Method of Marketing~~	~~50 Ill. Adm. Code 2051.315(a)(1)~~	~~Provide the Department with information relating to the method of marketing the program.~~	
~~Geographic Map with Providers Marked~~	~~50 Ill. Adm. Code 2051.315(a)(2)~~	~~A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.~~	
~~List of Providers Names, Addresses and Specialties~~	~~50 Ill. Adm. Code 2051.315(a)(3)~~		
~~Number of Estimated Beneficiaries~~	~~50 Ill. Adm. Code 2051.315(a)(4)~~	~~Covered employees in the State of Illinois.~~	
~~Website and Telephone Number Requirements~~	~~50 Ill. Adm. Code 2051.315(a)(5)~~	~~An Internet website and toll-free telephone number for insureds, beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, as well as any other information necessary to conform to this Part. A~~	

		~~WC PPP shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of preferred providers in the delivery mode requested by the beneficiary. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly or indirectly through another administrator. Administrators', WC PPP administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials and brochures.~~	
~~Description of Accessibility and Availability of Network~~	~~50 Ill. Adm. Code 2051.315(a)(6)~~		
~~Type of Services to be Provided~~	~~50 Ill. Adm. Code 2051.315(a)(6)(A)~~	~~The type of health care services to be provided by the administrator network.~~	
~~Ratio of Providers to Beneficiaries~~	~~50 Ill. Adm. Code 2051.315(a)(6)(B)~~	~~The ratio of providers to beneficiaries by specialty, including primary treating physicians, when applicable under the contract, necessary to meet~~	

		~~the health care needs and service demands of the estimated covered employees.~~	
~~Policies for Closing a Network to New Providers~~	~~50 Ill. Adm. Code 2051.315(a)(6)(C)~~		
~~Policies for Adding New Providers~~	~~50 Ill. Adm. Code 2051.315(a)(6)(D)~~		
~~Referral Procedures~~	~~50 Ill. Adm. Code 2051.315(a)(6)(E)~~	~~The procedures for making referrals within and outside the network.~~	
~~Special Communication Needs~~	~~50 Ill. Adm. Code 2051.315(a)(6)(F)~~	~~Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds and to comply with the Americans With Disabilities Act of 1990.~~	
~~Utilization of Another Administrator's or Insurer's PPP~~	~~50 Ill. Adm. Code 2051.315(a)(7)~~	~~If a WC PPP administrator is leasing, buying or otherwise using another administrator's or insurer's program, and the required information has previously been filed by the other administrator or insurer, then only the administrative agreement and verification that the providers have consented to the agreement pursuant to Section 2051.300(d) need to be filed. A clause within the provider contract allowing assignment will be deemed~~	

		~~consent in the absence of material modification of the provider's obligations under the contract.~~	
~~Medical Record Costs~~	~~50 Ill. Adm. Code 2051.315(a)(8)~~	~~Covered employees are not responsible for any costs associated with medical record transmission or duplication in order to have a claim adjudicated.~~	
~~Description of Reasonably Accessible and Available~~	~~50 Ill. Adm. Code 2051.315(b)(1)(A)~~	~~A description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries.~~	
~~Good Faith Effort – Payor~~	~~50 Ill. Adm. Code 2051.315(b)(1)(B)~~	~~A provision ensuring that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services established by the Workers' Compensation Fee Schedule. This~~	

		~~subsection (b)(1)(B) does not apply to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's panel of participating providers. In these circumstances, the requirement of Section 8.2 of the Workers' Compensation Act for non-preferred provider reimbursements will apply. Subsection (b)(1)(B) does not apply to SPPP administrators.~~	
~~Good Faith Effort – Beneficiary~~	~~50 Ill. Adm. Code 2051.315(b)(1)(C)~~	~~Policies and procedures ensuring, directly or indirectly, that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services as if they had~~	

		~~been provided by a preferred provider, without any loss of provider choice under Section 8 or 8.1a(c) of the Workers' Compensation Act. Subsection (b)(1)(C) does not apply to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's plan of preferred providers. In these circumstances, the requirements of Section 8.2 of the Workers' Compensation Act for non-preferred provider reimbursements will apply. Subsection (b)(1)(C) does not apply to SPPP administrators.~~	
~~Geographic Maps – Primary Treating Physician and Hospital Health Care Services for Emergency Health Care Services~~	~~50 Ill. Adm. Code 2051.315(b)(1)(D)~~	~~Geographic maps indicating primary treating physician and hospital health care services for emergency health care services within 30 minutes or 15 miles of each covered employee's residence.~~	
~~Geographic Maps~~	~~50 Ill. Adm. Code 2051.315(b)(1)(E)~~	~~Geographic maps indicating providers of occupational health services and specialists within 60 minutes or 30~~	

		~~miles of a covered employee's residence.~~	
~~Rural Areas Service Area Alternative Standard~~	~~50 Ill. Adm. Code 2051.315(b)(1)(F)~~	~~If the WC PPP administrator believes that, given the facts and circumstances with regard to a portion of its service area (specifically rural areas, including those in which health facilities are located at least 30 miles apart), the accessibility standards set forth in subsections (b)(1)(D) and (E) are unreasonably restrictive, the WC PPP administrator shall include proposed alternative standards in writing in its application or in a notice of program modification. The alternative standards shall provide that all services shall be available and accessible at a reasonable time to all covered employees.~~	
~~Coverage Outside the WC PPP~~	~~50 Ill. Adm. Code 2051.315(b)(1)(G)~~	~~Written policy for arranging or approving non-emergency medical care for covered employees outside the WC PPP service area.~~	
~~Accessibility Standards for Coverage Outside the WC PPP~~	~~50 Ill. Adm. Code 2051.315(b)(1)(G)(ii)~~	~~Coverage for covered employees outside the WC PPP service area shall be located within the accessibility standards~~	

		~~described in subsections (b)(1)(D) and (E).~~	
~~Appointment Standards – Initial~~	~~50 Ill. Adm. Code 2051.315(b)(1)(H)(i)~~	~~Ensure appointments for initial treatment is available within 3 business days after the WC PPP administrator's receipt of a request for treatment within the PPP.~~	
~~Appointment Standards – Specialists~~	~~50 Ill. Adm. Code 2051.315(b)(1)(H)(ii)~~	~~Ensure covered employees an appointment within 20 business days after the WC PPP administrator's receipt of a referral to a specialist within the PPP.~~	

~~**FIDUCIARY AND BONDING REQUIREMENTS**~~	~~**REFERENCE** 50 Ill. Adm. Code 2051.340~~	~~**COMMENTS**~~	~~**REFERENCE** Please type or print where the information is located.~~
~~Holder of Bond~~	~~50 Ill. Adm. Code 2051.340(c)(2) Appendix F~~	~~If a bond of indemnity is posted, it shall be held by the Director of Insurance in favor of the beneficiaries and payors of services under the PPP operated by the administrator.~~	

~~Declaration:~~

~~The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~Signature~~	~~Date~~
~~Print Name and Title~~	~~Phone~~

~~Please sign and date this form and return it to the Department with your registration fee of $1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)

~~Full name and address of company (do not use group name)~~ _____ _____ ~~In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) If answer is "No" or "None", so state.~~	
~~1. Affiant's full name (initials not acceptable)~~	
~~2a. Have you ever had your name changed? ____ If yes, give the reason for the change~~ _____	
~~2b. Give other names used at any time~~	
~~3. Affiant's Social Security~~	~~4. Date and place of birth~~
~~5. Affiant's business address~~	~~Business Telephone #~~
~~6. List your residences for the last 10 years starting with your current address, giving:~~ ~~Date~~ ~~Address~~ ~~City and State~~ _____ _____ _____ _____	
~~7. Education: List dates, names, locations and degrees~~ ~~College:~~ _____ ~~Graduate Studies:~~ _____ ~~Others:~~ _____	
~~8. List memberships in Professional Societies and Associations~~	
~~9. Present or proposed positions with the applicant company~~	

~~10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:~~

~~Dates Employer and Address Title~~

_____

_____

~~Please circle one~~

~~11. May present employer be contacted? Yes No May former employers be contacted? Yes No~~

~~12a. Have you ever been in a position which required a fidelity bond? _____ If any claims were made on the bond, give details.~~

_____

~~12b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? _____ If yes, give details.~~

_____

~~13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination.)~~

~~14. During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? _____ If yes, give details.~~

~~15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).~~

_____

~~If any of the stock is pledged or hypothecated in any way, give details.~~

_____

~~16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? _____ If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

~~17. Have you ever been adjudged bankrupt?~~ _____

~~18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency?~~ _____

~~If yes, give details~~ _____

_____

~~19. Has any company been so charged, allegedly as a result of any action or conduct on your part?~~ _____ ~~If yes, give details.~~

_____

~~20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship?~~ _____

~~21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position?~~ _____

~~If yes, give details.~~ _____

_____

~~Declaration~~

~~Dated and signed this~~ _____ ~~day of~~ _____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

_____

~~State of~~ _____

~~County of~~ _____

~~Personally appeared before me the above named~~ _____ ~~personally known to me who being duly sworn deposes and says that he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his knowledge and belief.~~

~~Subscribed and sworn to before me this~~ _____ ~~day of~~ _____ ~~20~~ ___

_____

~~(Notary Public)~~

~~(SEAL)~~

~~My commission expires~~

~~Important Notice: Disclosure of this information is required under Illinois Department of Insurance Rules.~~

~~NAIC BIOGRAPHICAL AFFIDAVIT~~

~~Applicant Name:~~ _____

~~NAIC No:~~ _____

~~FEIN:~~ _____

~~To the extent permitted by law, this affidavit will be kept confidential by the state insurance regulatory authority.~~

~~(Print or Type)~~

~~Full Name, Address and telephone number of the present or proposed entity under which this biographical statement is being required (Do Not Use Group Names).~~

_____

_____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

_____

_____

~~In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.~~

~~1. a. Affiant's Full Name (Initials Not Acceptable).~~ _____

~~b. Maiden Name (if applicable).~~ _____

~~2. a. Have you ever had your name changed? If yes, give the reason for the change and provide the full names.~~

_____

_____

_____

~~b. Other names used at any time (including aliases).~~

_____

_____

~~3. a. Are you a citizen of the United States?~~ _____

~~b. Are you a citizen of any other country, if so, what country?~~ _____

~~4. Affiant's Occupation or Profession.~~ _____

~~5. Affiant's business address.~~ _____

~~Business telephone.~~ _____

~~6. Education and Training:~~

~~College/ University~~	~~City/ State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Graduate Studies:~~	~~College/ University~~	~~City/ State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Other Training: Name~~	~~City/ State~~	~~Dates Attended (MM/YY)~~	~~Degree/Certification Obtained~~

~~(Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. If applicable, provide the foreign student Identification Number in the space provided in the Biographical Affidavit Supplemental Information.)~~

~~7. List of memberships in professional societies and associations.~~

~~Name of Society/Association~~	~~Contact Name~~	~~Address of Society/Association~~	~~Telephone Number of Society/Association~~

~~8. Present or proposed position with the applicant entity.~~

~~9. List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.~~

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~
~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~
~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~
~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~10. a. Have you ever been in a position which required a fidelity bond?~~ _____
~~If any claims were made on the bond, give details.~~

~~b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? _____ If yes, give details.~~

~~11. List any professional, occupational and vocational licenses (including licenses to sell securities) issued by any public or governmental licensing agency or regulatory authority or licensing authority that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.~~

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ ~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ ~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~12. In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:~~

~~a. Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative, or governmental licensing agency?~~ _____

~~b. Had any occupational, professional, or vocational license or permit you hold or have held, been subject to any judicial, administrative, regulatory, or disciplinary action?~~ _____

~~c. Been placed on probation or had a fine levied against you or your occupational, professional, or vocational license or permit in any judicial, administrative, regulatory, or disciplinary action?~~ _____

~~d. Been charged with, or indicted for, any criminal offenses other than civil traffic offenses?~~ _____

~~e. Pled guilty, or nolo contendere, or been convicted of, any criminal offenses other than civil traffic offenses?~~ _____

~~f. Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined, or placed on probation, for any criminal offenses other than civil traffic offenses?~~

_____

~~g. Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory, or disciplinary action, from violating any federal, state law or law of another country regulating the business of insurance, securities or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities or banking?~~ _____

~~h. Been, within the last 10 years, a party to any civil action involving dishonesty, breach of trust, or a financial dispute?~~ _____

~~i. Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or regulation lawfully made by the Comptroller of any state or the Federal Government?~~ _____

~~j. Had a lien; or foreclosure action filed against you or any entity while you were associated with that entity?~~ _____

~~If the response to any question above is answered "Yes", please provide details including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement as appropriate.~~

_____

_____

~~13. List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person.~~

_____

_____

_____

~~If any of the stock is pledged or hypothecated in any way, give details.~~

_____

~~14. Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.~~

_____

_____

~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

~~15. Have you ever been adjudged a bankrupt? ____ If yes, provide details~~

_____

~~16. To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder, had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions (b) and (c) affiant should also include any events within 12 months after his or her departure from the entity.~~

~~a. Been refused a permit, license, or certificate of authority by any regulatory authority, or Governmental-licensing agency?~~

~~b. Had its permit, license, or certificate of authority suspended, revoked, canceled, non-renewed, or subjected to any judicial, administrative, regulatory, or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?~~

~~c. Been placed on probation or had a fine levied against it or against its permit, license, or certificate of authority in any civil, criminal, administrative, regulatory, or disciplinary action?~~

~~Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.~~

~~Dated and signed this _____ day of~~ _____~~, 20~~ ____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

_____ _____
~~(Signature of Affiant)~~ ~~Date~~

~~State of~~ _____ ~~County of~~ _____

~~The foregoing instrument was acknowledged before me this~~ _____ ~~day of~~ _____ ~~,~~

~~20~~ ____ ~~By~~ _____~~,~~

☐ ~~who is personally known to me, or~~

☐ ~~who produced the following identification:~~

~~[SEAL]~~ ~~Notary Public~~

~~Printed Notary Name~~

~~My Commission Expires~~

~~(Source: Appendix E renumbered from Appendix D and amended at 37 Ill. Reg. 2895, effective March 4, 2013)~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX F Preferred Provider Program Administrator Bond/Fiduciary Account Requirement (Repealed)

~~Preferred Provider Program Administrator Bond~~

~~**Illinois Department of Insurance**~~
~~**320 W. Washington Street**~~
~~**Springfield, IL 62767-0001**~~

~~**Instructions:**~~

~~**Bond/Fiduciary Account Requirement:** Registrations of Preferred Provider Program Administrators who will handle money for purposes of payment for providers' services must be accompanied by:~~

~~1. A surety bond in an amount equal to not less than 10% of the total estimated annual reimbursements under the program. **If more than one program is administered, separate bonds may be posted for each program or one bond of indemnity may be posted for all. Administrators posting a bond or bonds must also submit certification of the total estimated annual reimbursements under the Preferred Provider Program (or programs if separate bonds are posted), supported by methodology used to arrive at such figures.**~~

~~The surety bonds must contain:~~

- ~~The name of the principal as it appears on the registration form;~~
- ~~The principal's address as it appears on the registration from;~~
- ~~The surety company's name and company number;~~
- ~~The bond number;~~
- ~~Original signatures of the Illinois resident agent, principal, the surety company's officer or attorney-in-fact.~~

~~2. Or, **in lieu of bond**, the Preferred Provider Program Administrator may establish one or more fiduciary accounts, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program.~~

~~Location of Account:~~

~~Account Identification No.~~

~~(In the event that both bonds and fiduciary accounts are established, disclose information about both as requested above.)~~

~~**Bonds**~~	~~**Methodology**~~	~~**Fiduciary Accounts**~~	~~**Loc/ID#**~~

~~**(Do not write in these spaces.)**~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~Preferred Provider Program Administrator Bond~~

~~Illinois Department of Insurance~~
~~320 W. Washington Street~~
~~Springfield, IL 62767-0001~~

~~Co. Code No.~~ _____

~~Bond No.~~ _____

~~KNOW ALL MEN BY THESE PRESENTS, THAT I/WE~~ _____

~~of~~ _____~~, a Preferred Provider Program Administrator, as principal and~~ _____
~~a company duly authorized to transact surety business in the State of Illinois, as Surety, are held and firmly bound unto the People of the State of Illinois and Payable to any party injured under the terms and conditions of this bond, in the full and penal sum of~~ _____ ~~($_____) dollars lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.~~

~~THE CONDITION OF THIS OBLIGATION IS SUCH that the above bounded Principal is now or is about to register in order to engage or continue in the business of a Preferred Provider Program Administrator, as provided by the Illinois Insurance Code, as amended.~~

~~NOW, THEREFORE, if the said Principal shall, while this bond is in force and effect make a full accounting and due payment to the person or company entitled thereto of funds coming into his possession as an incident to Preferred Provider Program Administrator transactions, and shall comply with all the provisions of Article XX½ of the Illinois Insurance Code, as amended; then this obligation shall be null and void; otherwise to remain in full force and effect.~~

~~PROVIDED, HOWEVER, that this bond shall be continuous in form and may be terminated by the Surety, upon its giving 30 days notice of its intention of termination, such notice to be filed with the Director, Department of Insurance, Springfield, Illinois.~~

~~IN WITNESS WHEREOF, the said principal has hereunto set his hand and seal, and the said surety has caused these presents to be signed by its duly authorized officers and its corporate seal to be hereto affixed this day of , 20 .~~

~~Countersigned by:~~

_____ _____
~~(Signature of Appointed Illinois Producer)~~ ~~(Bonding Company)~~

~~At~~ _____ ~~, Illinois~~ _____
~~(Signature of Company Officer)~~

_____
~~(Signature of Attorney-in-Fact)~~

_____
~~*(Signature of Principal) Social Security #~~

~~*If a Corporation, signature and social security number of an officer~~

~~Important Notice: Under the Illinois Compiled Statutes insurance laws, disclosure of this information is voluntary; however, failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.~~

(Source: Repealed at 43 Ill. Reg. 11356, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Managed Care Reform & Patient Rights

2) Code Citation: 50 Ill. Adm. Code 4520

3)

Section Numbers:	Adopted Actions:
4520.30	Amendment
4520.130	Amendment
4520.140	Amendment
4520.EXHIBIT B	Amendment
4520.EXHIBIT C	Repealed
4520.EXHIBIT D	Repealed

4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], 42 USC 300gg-22, and 45 CFR 150.101(b)(2) and 150.201.

5) Effective Date of Rules: September 24, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 17521; October 5, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In item 7(j) of Section 4520.EXHIBIT B deleted ", as set forth in" and changed "the" to "The biographical affidavits shall include, but not be limited to, the following information: identifying information; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release

background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any supplement to that affidavit, that is obtained from the website of the NAIC or the Department"; deleted added text from the next three lines.

In item 10 of Section 4520.EXHIBIT B, deleted "accreditation or submits evidence of accreditation by URAC" following the third instance of "accreditation by URAC".

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Upon reviewing current departmental rules for those that may be duplicative or overly burdensome in nature, it was determined that Exhibit C is the Utilization Review Organization Officers and Directors Biographical Affidavit. Exhibit D is an outdated version of the NAIC Biographical Affidavit. The requirements for these affidavits are now contained in the current NAIC Biographical Affidavit form, which is being placed on the Department's website. Therefore, Exhibits C and D are no longer necessary, and are being removed from the rule. Exhibit B(7)(i) is being revised to note the use of the current NAIC Biographical Affidavit and remove the reference to Exhibits C and D. Housekeeping changes are also being made in various Sections.

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

Mark Thielen
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/558-4542

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4520
MANAGED CARE REFORM & PATIENT RIGHTS

Section
4520.10 Purpose
4520.20 Applicability and Scope
4520.30 Definitions
4520.40 Provision of Information
4520.50 Notice of Nonrenewal or Termination
4520.60 Transition of Services
4520.70 Health Care Services, Appeals, Complaints and External Independent Reviews
4520.80 Joint Resolution of Complaints – Department of Insurance and Department of Public Health − Notification and Resolution Process
4520.90 Record of Complaints
4520.100 Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
4520.110 Emergency Services
4520.120 Post Stabilization Services
4520.130 Registration of Utilization Review Organizations
4520.140 Operational Requirements

4520.EXHIBIT A Complaint Reporting Column Descriptions
4520.EXHIBIT B Application for Registration of a Utilization Review Organization
4520.EXHIBIT C Utilization Review Organization Officers and Directors Biographical Affidavit (Repealed)
4520.EXHIBIT D NAIC Utilization Review Organization Officers and Directors Biographical Affidavit (Repealed)

AUTHORITY: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], 42 USC 300gg-22, and 45 CFR 150.101(b)(2) and 150.201.

SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective September 27, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3374, effective February 10, 2000; amended at 24

Ill. Reg. 9429, effective July 1, 2000; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 28 Ill. Reg. 13711, effective September 28, 2004; amended at 30 Ill. Reg. 6368, effective March 29, 2006; amended at 34 Ill. Reg. 6879, effective April 29, 2010; amended at 38 Ill. Reg. 2253, effective January 2, 2014; amended at 38 Ill. Reg. 23431, effective November 25, 2014; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-4; recodified from 50 Ill. Adm. Code 5420 to 50 Ill. Adm. Code 4520 at 41 Ill. Reg. 4982; amended at 42 Ill. Reg. 20417, effective November 1, 2018; amended at 43 Ill. Reg. 11479, effective September 24, 2019.

Section 4520.30 Definitions

"Act" means the Managed Care Reform and Patient Rights Act [215 ILCS 134].

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

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Health Care Plan" means a plan that establishes, operates, or maintains a network of health care providers that has entered into an agreement with the plan to provide health care services to enrollees to whom the plan has the ultimate obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Nothing in this definition shall be construed to mean that an independent practice association or a physician hospital organization that subcontracts with a health care plan is, for purposes of that subcontract, a health care plan. For purposes of this definition, "health care plan" shall not include the following:

indemnity health insurance policies including those using a contracted provider network;

health care plans that offer only dental or only vision coverage;

preferred provider administrators, as defined in Section 370g(g) of the Illinois Insurance Code;

employee or employer self-insured health benefit plans under the federal Employee Retirement Income Security Act of 1974;

health care provided pursuant to the Workers' Compensation Act or the Workers' Occupational Diseases Act; and

not-for-profit voluntary health services plans with health maintenance organization authority in existence as of January 1, 1999 that are affiliated with a union and that only extend coverage to union members and their dependents.

"Health Care Provider" means any physician, hospital facility, nursing home or other person that is licensed or otherwise authorized to deliver health care services. Nothing in the Act shall be construed to define independent practice associations or physician hospital organizations as health care providers.

"Long-Standing Relationship" means the continuous relationship between an enrollee and his or her primary care physician of not less than 5 years; except in the case of a child 5 years or under who has had a continuous relationship with the same primary care physician since birth, placement for adoption, guardianship or foster care.

"Managed Care Organization" or "MCO" means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

"Nursing Home" means a skilled nursing care facility that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act [210 ILCS 45].

"Ongoing Course of Treatment" means the treatment of a condition or disease that requires repeated health care services pursuant to a plan of treatment by a physician because of the potential for changes in the therapeutic regimen.

"Person" means a corporation, association, partnership, limited liability company, sole proprietorship, or any other legal entity.

"Referral Arrangement" means that, for each referral or standing referral, a referral arrangement exists between a participating primary care physician and a participating specialist physician or a participating health care provider when a participating primary care physician makes a referral of an enrollee for that referral or standing referral to a participating specialist physician or participating health care provider.

"Standing Referral" means a written referral from the primary care physician for an ongoing course of treatment pursuant to a treatment plan specifying needed services and time frames developed by a specialist in consultation with the primary care physician and in accordance with procedures developed by the health care plan.

"Utilization Review" means the evaluation of the medical necessity, appropriateness, and efficiency of the use of health care services, procedures, and facilities.

"Utilization Review Organization" or "URO" means an entity that has established one or more utilization review programs. This definition does not include:

persons providing utilization review program services only to the federal government;

self-insured health plans under the Federal Employee Retirement Income Security Act of 1974 (ERISA); however, this Part does not apply to persons conducting a utilization review program on behalf of these health plans;

hospitals and medical groups performing utilization review activities for internal purposes; however, this Part does apply when the hospital or medical group is conducting utilization review for another person.

"Utilization Review Program" means a program established by a person to perform utilization review.

(Source: Amended at 43 Ill. Reg. 11479, effective September 24, 2019)

Section 4520.130 Registration of Utilization Review Organizations

a) Registration: On or after July 1, 2000, a URO~~utilization review organization~~ may not conduct utilization review for persons subject to Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134] unless the URO~~utilization review organization~~ has registered with the Director. An application for registration shall be in a format as set forth in Exhibit B, and must be signed by an officer or director of the URO~~utilization review organization~~. Initial registration applications shall be deemed approved unless the Director finds the application to be noncompliant with either the standards set forth in Section 85 of the Managed Care Reform and Patient Rights Act or this Part.

b) Fees: A URO~~utilization review organization~~ must register with the Director every two years. A fee of $3,000 must be submitted with each application or renewal unless the URO~~utilization review organization~~ is accredited by ~~the Health Utilization Management Standards of the American Accreditation Healthcare Commission (~~URAC~~)~~, the National Committee for Quality Assurance (NCQA), The Joint Commission (JCAHO), or the Accreditation Association for Ambulatory Health Care (AAAHC),~~ in which case the fee is $1500.

c) Any material changes in the information filed pursuant to this Part shall be filed with the Director within 30 days after the change. Loss of accreditation status will require re-registration and payment of a $3000 fee pursuant to subsections (a) and (b).

d) Renewals and Appeals:

1) A registered URO~~utilization review organization~~ may continue to operate, if the application and fee have been filed 30 days prior to the renewal date, until the renewal is denied or issued by the Director.

2) If the renewal application and fee are not received prior to the renewal date, the registration will automatically expire and the URO~~utilization review organization~~ must re-register and pay a fee pursuant to subsections (a) and (b).

3) If an application for registration or renewal is denied under this Part, the applicant may appeal that denial by requesting a hearing under Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100] and 50 Ill. Adm. Code 2402. A petition for hearing must be postmarked no later than

30 days after the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. A decision by the Director shall be rendered within 60 days after the close of the hearing.

(Source: Amended at 43 Ill. Reg. 11479, effective September 24, 2019)

Section 4520.140 Operational Requirements

A URO~~Utilization Review Organization~~ shall comply with all URAC standards except when~~where~~ specifically addressed by Sections~~Section~~ 45 and 50 of the Act for health care plans. The terms in Sections~~Section~~ 45 and 50 of the Act shall have the meaning assigned by the Act. Utilization review decisions shall be issued pursuant to the Managed Care Reform and Patient Rights Act [215 ILCS 134~~/1 through 299~~].

(Source: Amended at 43 Ill. Reg. 11479, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4520.EXHIBIT B Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

   Type of Applicant (check one):

   ☐ Corporation
   ☐ Partnership
   ☐ Limited Liability Corporation
   ☐ Other (Describe) _____

   FEIN _____

   Contact Person _____
   Business Telephone Number ( ) _____
   Fax Number ( ) _____
   Email Address _____

2. Type of URO~~Utilization Review Organization~~ (check **all** that apply):

   ☐ Health Care Utilization Review (as defined in Section 4520.30 of this Part)
   ☐ Workers' Compensation Review (as defined in 50 Ill. Adm. Code 2905.10)

   Check **all** categories that apply (as applicable):
   ☐ Licensed HMO providing utilization review services outside of the HMO (as defined in 50 Ill. Adm. Code 4521.20)
   ☐ Licensed HMO providing utilization review services only within that HMO (as defined in 50 Ill. Adm. Code 4521.20)
   ☐ Third Party Administrator
   ☐ Licensed Insurance Company providing utilization review services outside of that Insurance Company
   ☐ Licensed Insurance Company providing utilization review services only within that Insurance Company
   ☐ Hospital or Medical Group providing utilization review services for other than internal purposes
   ☐ Workers' Compensation URO~~Utilization Review Organization~~
   ☐ Other (Describe) _____

3. Business Address

Street (do not use PO Box) _____
City _____ State _____ Zip _____ - _____

4. Mailing Address
Street or P.O. Box _____
City _____ State _____ Zip_____ - _____

5. Business Telephone Number ( ) _____
Toll Free Number ( ) _____
FAX Number ( ) _____
Email Address/Website _____

6. Agent for Service of Process **in Illinois**

Name _____
Street Address (do not use P. O. Box) _____
City _____ State _____ Zip _____ - _____

7. For each Utilization Review Program supply the following information:

a) The name, address, telephone number and normal business hours of the utilization programs.

b) The organization and governing structure of the utilization review programs.

c) The number of reviews in Illinois for which utilization review is conducted by each utilization program for the current year.
☐ Health Reviews
☐ Workers' Compensation Reviews

d) Hours of operation of each utilization review program.

e) Description of the grievance process for each utilization program.

f) Please check (all that apply) to determine if you are using the Health Standards and/or the Workers' Compensation Standards in order to meet or exceed ~~American Accreditation Healthcare Commission (~~URAC~~)~~ Standards and provide the Department with a copy of your current certificates, if applicable.
☐ Health Utilization Standards

☐ Workers' Compensation Standards

g) Number of reviews in Illinois for which utilization review was conducted for the previous calendar year for each utilization review program.
☐ Health Reviews
☐ Workers' Compensation Reviews

h) Written policies and procedures for protecting confidential information according to applicable State and Federal laws for each utilization review program.

i) Biographical information for organization officers and directors. The biographical affidavits shall include, but not be limited to, the following information: identifying information; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any supplement to that affidavit, that is obtained from the website of the NAIC or the Department~~, as set forth in Exhibit C or D (as appropriate)~~. Biographical affidavits shall be stamped "confidential" by the URO~~utilization review organization~~.

8. Indicate accreditation status below.

a) ☐ Health accredited by:
☐ URAC
☐ NCQA
☐ JCAHO
☐ AAAHC (as defined in 50 Ill. Adm. Code 4520.130(b))

b) ☐ Workers' Compensation accredited by:
☐ URAC Health Standards
☐ URAC Workers' Compensation Standards

c) ☐ Unaccredited

9. ☐ Check Enclosed

a) ☐ Accredited fee $1500 biennially

b) ☐ Unaccredited fee $3000 biennially

10. Affirmation (to be signed by an officer or director of the URO~~utilization review organization~~ only):

I, _____ do hereby certify that
(typed name, title)

_____
(URO~~utilization review organization~~)

complies with the Health and/or Workers' Compensation Utilization Management Standards of ~~the American Accreditation Healthcare Commission (~~URAC~~)~~ sufficient to achieve ~~American Accreditation Healthcare Commission (~~URAC~~)~~ accreditation or submits evidence of accreditation by ~~the American Accreditation Healthcare Commission (~~URAC~~) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC)~~ for its Health and/or Workers' Compensation Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

_____ _____
(signature) (date)

Please mail completed application to:
Illinois Department of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

(Source: Amended at 43 Ill. Reg. 11479, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4520.EXHIBIT C Utilization Review Organization Officers and Directors Biographical Affidavit (Repealed)

Full name and address of company (do not use group name)
In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) **If answer is "No" or "None," so state.**
1. Affiant's full name (initials not acceptable)
2a. Have you ever had your name changed? _____ If yes, give the reason for the change _____
2b. Give other names used at any time
3. Affiant's Social Security / 4. Date and place of birth
5. Affiant's business address / Business Telephone #
6. List your residences for the last ten (10) years starting with your current address, giving: Date / Address / City and State
7. Education: List dates, names, locations and degrees
College:
Graduate Studies:
Others:
8. List memberships in Professional Societies and Associations
9. Present or proposed positions with the applicant company
10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years, giving: Dates / Employer and Address / Title
Please circle one
11. May present employer be contacted? Yes No May former employers be contacted? Yes No
12a. Have you ever been in a position which required a fidelity bond? _____ If any claims were made on the bond, give details.

12b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked?___ If yes, give details. _____

(OVER)

13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination.)

_____

14. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? _____ If yes, give details.

_____

15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power). _____

If any of the stock is pledged or hypothecated in any way, give details. _____

_____

16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? _____ If any of the shares of stock are pledged or hypothecated in any way, give details.

_____

17. Have you ever been adjudged bankrupt? _____

18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _____ If yes, give details _____

_____

19. Has any company been so charged, allegedly as a result of any action or conduct on your part? _____ If yes, give details.

_____

20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? _____

21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position? _____ If yes, give details. _____

_____

Declaration

Dated and signed this _____ day of _____ at _____
I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

_____

State of _____

County of _____

Personally appeared before me the above named _____

~~personally known to me who being duly sworn deposes and says that he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his knowledge and belief.~~

~~Subscribed and sworn to before me this~~ _____ ~~day of~~ _____ ~~20~~ _____

_____
~~(Notary Public)~~

~~(SEAL)~~

~~My commission expires~~ _____

~~Important Notice: Disclosure of this information is required under Illinois Departmental Rules~~

(Source: Repealed at 43 Ill. Reg. 11479, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4520.EXHIBIT D NAIC Utilization Review Organization Officers and Directors Biographical Affidavit (Repealed)

~~NAIC BIOGRAPHICAL AFFIDAVIT~~

~~Applicant Name:~~ _____

~~NAIC No:~~ _____

~~FEIN:~~ _____

~~To the extent permitted by law, this affidavit will be kept confidential by the State insurance regulatory authority.~~

~~(Print or Type)~~

~~Full name, address and telephone number of the present or proposed entity under which this biographical statement is being required (Do Not Use Group Names).~~ _____

_____

_____

_____

~~In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.~~

~~1. a. Affiant's Full Name (Initials Not Acceptable).~~ _____

~~b. Maiden Name (if applicable).~~ _____

~~2. a. Have you ever had your name changed? If yes, give the reason for the change and provide the full name(s).~~

_____

_____

_____

~~b. Other names used at any time (including aliases).~~

_____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~3. a. Are you a citizen of the United States?~~ _____

~~b. Are you a citizen of any other country; if so, what country?~~ _____

~~4. Affiant's Occupation or Profession.~~ _____

~~5. Affiant's business address.~~ _____

~~Business telephone.~~ _____

~~6. Education and Training:~~

~~College/ University~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Graduate Studies:~~	~~College/ University~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Other Training: Name~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree/Certification Obtained~~

~~Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. (If applicable, provide the foreign student identification number in the space provided in the Biographical Affidavit Supplemental Information.)~~

~~7. List of memberships in professional societies and associations.~~

~~Name of Society/Association~~	~~Contact Name~~	~~Address of Society/Association~~	~~Telephone Number of Society/Association~~

8. ~~Present or proposed position with the applicant entity.~~ _____

_____

9. ~~List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.~~

~~Beginning/Ending Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____
~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____
~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____
~~Offices/Positions Held~~ _____
~~Supervisor/Contact~~ _____

~~Beginning/Ending Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____
~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____
~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____
~~Offices/Positions Held~~ _____
~~Supervisor/Contact~~ _____

~~Beginning/Ending Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____
~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____
~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____
~~Offices/Positions Held~~ _____
~~Supervisor/Contact~~ _____

~~Beginning/Ending Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____
~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~10.~~ ~~a.~~ ~~Have you ever been in a position that required a fidelity bond?~~ _____

~~If any claims were made on the bond, give details.~~ _____

_____

~~b.~~ ~~Have you ever been denied an individual or position schedule fidelity bond, or had a Bond canceled or revoked? If yes, give details.~~ _____

_____

~~11.~~ ~~List any professional, occupational and vocational licenses (including licenses to sell securities), issued by any public or governmental licensing agency or regulatory authority or licensing authority, that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.~~

_____

_____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____
~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~12. In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:~~

~~a. Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative or governmental licensing agency?~~

_____

~~b. Had any occupational, professional, or vocational license or permit you hold, or have held, subjected to any judicial, administrative, regulatory or disciplinary action?~~

_____

~~c. Been placed on probation or had a fine levied against you or your occupational, professional or vocational license or permit in any judicial, administrative, latory or disciplinary action?~~ _____

~~d. Been charged with, or indicted for, any criminal offenses other than civil traffic ases?~~ _____

~~e. Pled guilty or nolo contendere, or been convicted of, any criminal offense(s) other civil traffic offenses?~~ _____

~~f. Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined or placed on probation for any criminal offenses other than civil traffic offenses?~~

_____

~~g. Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory or disciplinary action, from violating any federal or state law or law of another country regulating the business of insurance, securities or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities or banking?~~

_____

~~h. Been, within the last 10 years, a party to any civil action involving dishonesty,~~

breach of trust or a financial dispute? _____

i. Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or regulation lawfully made by the Comptroller of any state or the Federal Government?

_____

j. Had a lien or foreclosure action filed against you or any entity while you were associated with that entity? _____

If the response to any question above is answered "Yes", please provide details, including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement, as appropriate.

_____

_____

13. List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person. _____

_____

_____

If any of the stock is pledged or hypothecated in any way, give details. _____

_____

14. Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated" with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or

~~is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.~~

_____

_____

~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

_____

~~15. Have you ever been adjudged bankrupt?~~ _____ ~~If yes, provide details~~ _____

_____

~~16. To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder, had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions (b) and (c), affiant should also include any events within 12 months after his or her departure from the entity.~~

~~a. Been refused a permit, license, or certificate of authority by any regulatory authority overnmental licensing agency?~~ _____

~~b. Had its permit, license or certificate of authority suspended, revoked, canceled, non-renewed or subjected to any judicial, administrative, regulatory or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?~~ _____

_____

~~c. Been placed on probation or had a fine levied against it or against its permit, license or certificate of authority in any civil, criminal, administrative, regulatory or disciplinary action?~~ _____

~~Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~Dated and signed this~~ _____ ~~day of~~ _____~~, 20~~____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

_____ _____
~~(Signature of Affiant)~~ ~~Date~~

~~State of~~ _____ ~~County of~~ _____

~~The foregoing instrument was acknowledged before me this~~ _____ ~~day of~~ _____~~,~~ ~~20~~ _____ ~~by~~ _____~~, and:~~ ☐ ~~who is personally known to me, or~~ ☐ ~~who produced the following identification:~~ _____

~~[SEAL]~~ _____
~~Notary Public~~

_____
~~Printed Notary Name~~

_____
~~My Commission Expires~~

(Source: Repealed at 43 Ill. Reg. 11479, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Health Carrier External Review

2) Code Citation: 50 Ill. Adm. Code 4530

3)

Section Numbers:	Adopted Actions:
4530.EXHIBIT C	Amendment
4530.EXHIBIT E	Repealed

4) Statutory Authority: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Rules: September 24, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 20226; November 16, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In item 6(g) of 4530.APPENDIX C, changed ", as set forth in the" to "The biographical affidavits shall include, but not be limited to, the following information: identifying information; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any

supplement to that affidavit, that is obtained from the website of the NAIC or the Department.". Deleted the added text in the next three lines.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Upon reviewing current departmental rules for those that may be duplicative or overly burdensome in nature, it was determined that Appendix E is the Illinois Biographical Affidavit form and an outdated NAIC Biographical Affidavit form. The requirements for these affidavits are now contained in the current NAIC Biographical Affidavit form, which is being placed on the Department's website. Therefore, Appendix E is no longer necessary and is being removed from the rule. Appendix C(6)(g) is also being revised to note the use of the current NAIC Biographical Affidavit and remove the reference to Appendix E.

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

Mark Thielen
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/558-4542

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4530
HEALTH CARRIER EXTERNAL REVIEW

Section
4530.10 Purpose
4530.20 Applicability and Scope
4530.30 Definitions
4530.40 Health Carrier Obligations
4530.50 Independent Review Organization Obligations
4530.60 Registration of Independent Review Organizations
4530.70 Operational Requirements
4530.80 Examination
4530.90 Random Selection of IROs by Director

4530.APPENDIX A IRO Notice of Decision Template – Non-Experimental and Investigational
4530.APPENDIX B IRO Notice of Decision Template – Experimental and Investigational
4530.APPENDIX C Independent Review Organizations – Application for Registration
4530.APPENDIX D Independent Review Organizations – Application for Reapproving Independent Review Organizations
4530.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)

AUTHORITY: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of that Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 34 Ill. Reg. 10741, effective July 19, 2010; amended at 39 Ill. Reg. 4077, effective September 1, 2015; amended at 39 Ill. Reg. 12577, effective September 1, 2015; recodified from 50 Ill. Adm. Code 5430 to 50 Ill. Adm. Code 4530 at 41 Ill. Reg. 4990; amended at 42 Ill. Reg. 20426, effective November 1, 2018; amended at 43 Ill. Reg. 11502, effective September 24, 2019.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4530.APPENDIX C Independent Review Organizations – Application for Registration

INDEPENDENT REVIEW ORGANIZATION
Registration Form

[Today's Date]

1. Name of Independent Review Organization _____

DBA _____

Type of Applicant (check one):

☐ Corporation

☐ Partnership

☐ Limited Liability

☐ Other (Describe) _____

FEIN: _____

Contact Person: _____

Business Telephone Number: ( ) _____

Fax Number: ( ) _____

Email Address: _____

2. Business Address:

Street (Do Not Use P.O. Box): _____

City: _____

DEPARTMENT OF INSURANCE

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State: _____ Zip: _____

Telephone Number: ( ) _____

Website: _____

3. Mailing Address (If Different from Business Address):

Street (Do Not Use P.O. Box): _____

City: _____

State: _____ Zip: _____

4. Contact Information To Be Used on the Department's Website of Approved Independent Review Organizations:

Contact Person: _____

Business Telephone Number: ( ) _____

Fax Number: ( ) _____

Street (Do Not Use P.O. Box): _____

City: _____

State: _____ Zip: _____

5. Agent for Service of Process in Illinois Department of Insurance:

Name _____

Street (Do Not Use P.O. Box): _____

DEPARTMENT OF INSURANCE

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City:_____

State: _____ Zip: _____

6. For Each Independent Review Program supply the following information:

a. The name, address, telephone number and hours of operation for the independent review program.

b. The organization and governing structure of the independent review program.

c. The number of reviews in Illinois for which an independent review is conducted by each independent review program for the current year.

d. Number of reviews in Illinois for which an independent review was conducted for the previous calendar year for each independent review program.

e. A copy of your most recent certificate from American Accreditation Healthcare Commission (URAC) Standards for Independent Review Organizations, if applicable.

f. Written policies and procedures for protection of confidential information according to applicable State and federal laws for each independent review program.

g. Biographical information for organization officers and directors. The biographical affidavits shall include, but not be limited to, the following information: identifying information; affiant's identifying and contact information; affiant's educational, residential and employment history; affiant's professional, business and technical licenses and memberships; a complete history of affiant's fidelity bonding; criminal charges and convictions; civil, regulatory, administrative and disciplinary actions in an individual or corporate capacity; a complete history of affiant's bankruptcy, insolvency, liens and foreclosures in an individual or corporate capacity; affiant's consent to release background reports to the Department and consent for third parties to cooperate in the gathering of background information; and affiant's and his or her immediate family's equity holdings in any entity subject to insurance regulation. The Department will accept the biographical affidavit, and any supplement to that affidavit, that is obtained

from the website of the NAIC or the Department. Biographical affidavits shall be stamped "confidential" by the independent review organization ~~(form required by Appendix E)~~.

h. A list of all contracted reviewers, the physician's license number of each reviewer and his or her contact information and area of clinical expertise.

i. All information required in 7 below.

7. Minimum Qualifications for Independent Review Organizations:

a. To be approved to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process set forth in the Act that include, at a minimum:

i. A quality assurance mechanism that ensures that:

A. External reviews are conducted within the specified timeframes and required notices are provided in a timely manner;

B. Selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the IRO and suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this objective;

C. For adverse determinations involving experimental or investigational treatments, in assigning clinical reviewers, the independent review organization selects physicians or other health care professionals who, through clinical experience in the past 3 years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment;

D. The health carrier, the covered person, and the covered person's authorized representative shall not choose or control the choice of the physicians or other health care professionals to be selected to conduct the external review;

E. Confidentiality of medical and treatment records and clinical review criteria;

F. Any person employed by or under contract with the independent review organization adheres to the requirements of the Act;

ii. A toll-free telephone service and email address operating on a 24 hours/day, 7 days/week basis that accepts, receives, and records information related to external reviews and provides appropriate instructions;

iii. Name, phone number and direct email address of contact persons who will be responsible for handling assignments of external reviews; and

iv. An agreement to maintain and provide to the Director the information set out in Section 65 of the Act.

b. All clinical reviewers assigned by an independent review organization to conduct external reviews shall be physicians or other appropriate health care providers who meet the following minimum qualifications:

i. Be an expert in the treatment of the covered person's medical condition that is the subject of the external review;

ii. Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person;

iii. Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review; and

iv. Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental, or professional competence or moral character.

c. In addition to the requirements set forth in subsection (a), an independent review organization may not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with, a health benefit plan, a national, State, or local trade association of health benefit plans, or a national, State, or local trade association of health care providers.

d. Conflicts of interest are prohibited. In addition to the requirements set forth in 7a, 7b and 7c of this Section, to be approved pursuant to the Act to conduct an external review of a specified case, neither the independent review organization selected to conduct the external review nor any clinical reviewer assigned by the IRO to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

i. The health carrier that is the subject of the external review;

ii. The covered person whose treatment is the subject of the external review or the covered person's authorized representative;

iii. Any officer, director or management employee of the health carrier that is the subject of the external review;

iv. The health care provider, the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

v. The facility at which the recommended health care service or treatment would be provided; or

vi. The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

e. An independent review organization shall be unbiased. An IRO shall establish and maintain written procedures to ensure that it is unbiased in addition to any other procedures required under this Section.

f. Nothing in this Section precludes or shall be interpreted to preclude a health carrier from contracting with approved independent review organizations to conduct external reviews assigned to it from the health carrier.

g. An independent review organization that meets or exceeds the accreditation standards for Independent Review Organizations set forth by the American Accreditation Healthcare Commission (URAC) and otherwise meets the qualifications of this Section shall be presumed to be in compliance with this Section and shall be eligible for approval.

8. Check Enclosed (Please make checks payable to Director of Insurance)

a. Accredited entity fee of $1000 biennially.

b. Unaccredited entity fee of $1500 biennially in the event that the Director determines that there are no acceptable nationally recognized private accrediting entities providing independent review organization accreditation.

9. Affirmation (to be signed by an officer or director of the independent review organization only):

I, _____ do hereby certify that
(Typed name, title)

_____
(Independent Review Organization)

complies with the Independent Review Organization Standards of the American Accreditation Healthcare Commission (URAC) and has submitted evidence of accreditation by URAC for Independent Review, and that the persons responsible for the conduct of _____
(Independent Review Organization)

are competent, trustworthy, and possess good reputations, and have appropriate experience, training or education and do hereby affirm that all of the information presented in this application is true and correct.

_____ _____
(Signature) (Date)

Please mail completed application to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

(Source: Amended at 43 Ill. Reg. 11502, effective September 24, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4530.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)

~~ILLINOIS BIOGRAPHICAL AFFIDAVIT~~

~~Full name and address of company (do not use group name)~~

_____

_____

~~In connection with the above-named company, I herewith make representations and supply information about myself as set forth in this affidavit. (Attach addendum or separate sheet if space is insufficient to answer any question fully.) If answer is "No" or "None", so state.~~

~~1. Affiant's full name (initials not acceptable)~~

~~2a. Have you ever had your name changed?~~ ☐ ~~Yes~~ ☐ ~~No~~ ~~If yes, give the reason for the change.~~

_____

~~2b. Give other names used at any time~~

~~3. Affiant's Social Security #~~ | ~~4. Date and place of birth~~

~~5. Affiant's business address~~ | ~~Business Telephone #~~

~~6. List your residences for the last 10 years starting with your current address, giving:~~

~~Date~~	~~Address~~	~~City and State~~

~~7. Education: List dates, names, locations and degrees~~

~~College:~~ _____

~~Graduate Studies:~~ _____

~~Others:~~ _____

~~8. List memberships in professional societies and associations~~

~~9. Present or proposed positions with the applicant company~~

~~10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:~~

~~Dates~~ ~~Employer and Address~~ ~~Title~~

_____

_____

~~11. May present employer be contacted? ☐ Yes ☐ No~~
~~May former employers be contacted? ☐ Yes ☐ No~~

~~12a. Have you ever been in a position that required a fidelity bond? ☐ Yes ☐ No~~
~~If any claims were made on the bond, give details.~~

_____

~~12b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? ☐ Yes ☐ No If yes, give details.~~

_____

~~13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority that you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination).~~

_____

~~14. During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? ☐ Yes ☐ No If yes, give details.~~

_____

~~15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).~~

_____

~~If any of the stock is pledged or hypothecated in any way, give details.~~

_____

~~16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? ☐ Yes ☐ No~~
~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

~~17. Have you ever been adjudged bankrupt? ☐ Yes ☐ No~~

~~18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? ☐ Yes ☐ No If yes, give details.~~

_____

~~19. Has any company been so charged, allegedly, as a result of any action or conduct on your part? ☐ Yes ☐ No If yes, give details.~~

_____

~~20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator that, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship: ☐ Yes ☐ No~~

~~21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied that position? ☐ Yes ☐ No If yes, give details.~~

_____

_____

~~Declaration~~

~~Dated and signed this~~ _____ ~~day of~~ _____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

~~State of~~ _____

~~County of~~ _____

~~Personally appeared before me the above named~~ _____
~~personally known to me who being duly sworn deposes and says that he or she executed the above instrument and that the statements and answers contained in that instrument are true and correct to the best of his or her knowledge and belief.~~

~~Subscribed and sworn to before me this~~ _____ ~~day of~~ _____ ~~20~~ ___

~~(SEAL)~~

_____

~~(Notary Public)~~

~~My commission expires:~~ _____

~~Important Notice: Disclosure of this information is required under Illinois Department of Insurance Rules.~~

~~NAIC BIOGRAPHICAL AFFIDAVIT~~

~~Applicant Name:~~ _____

~~NAIC No:~~ _____

~~FEIN:~~ _____

~~To the extent permitted by law, this affidavit will be kept confidential by the state insurance regulatory authority.~~

~~(Print or Type)~~

~~Full name, address and telephone number of the present or proposed entity under which this biographical statement is being required. (Do Not Use Group Names)~~

_____

_____

_____

~~In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.~~

~~1.~~ ~~a.~~ ~~Affiant's Full Name (Initials Not Acceptable).~~ _____

~~b.~~ ~~Maiden Name (if applicable).~~ _____

~~2.~~ ~~a.~~ ~~Have you ever had your name changed? If yes, give the reason for the change and provide the full names.~~

_____

_____

_____

~~b. Other names used at any time (including aliases).~~

_____

_____

~~3. a. Are you a citizen of the United States?~~ _____

~~b. Are you a citizen of any other country? If so, what country?~~ _____

~~4. Affiant's Occupation or Profession.~~ _____

~~5. Affiant's business address.~~ _____

~~Business telephone.~~ _____

~~6. Education and Training:~~

~~College/University~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Graduate Studies:~~

~~College/University~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree Obtained~~

~~Other Training:~~

~~Name~~	~~City/State~~	~~Dates Attended (MM/YY)~~	~~Degree/Certification Obtained~~

~~(Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. If applicable, provide the foreign student Identification Number in the space provided in the Biographical Affidavit Supplemental Information.)~~

~~7. List of memberships in professional societies and associations.~~

~~Name of~~	~~Address of~~	~~Telephone Number~~

DEPARTMENT OF INSURANCE

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~~Society/Association~~ ~~Contact Name~~ ~~Society/Association~~ ~~of Society/Association~~

_____

_____

_____

~~8.~~ ~~Present or proposed position with the applicant entity.~~ _____

~~9.~~ ~~List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.~~

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~10.~~ ~~a.~~ ~~Have you ever been in a position which required a fidelity bond?~~ _____

~~If any claims were made on the bond, give details.~~ _____

_____

~~b.~~ ~~Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? If yes, give details.~~

_____

~~11.~~ ~~List any professional, occupational and vocational licenses (including licenses to sell securities) issued by any public or governmental licensing agency or regulatory authority or licensing authority that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.~~

_____

_____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~12. In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:~~

~~a. Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative or governmental licensing agency?~~

_____

~~b. Had any occupational, professional, or vocational license or permit you hold or have held, been subject to any judicial, administrative, regulatory, or disciplinary action?~~

_____

~~c. Been placed on probation or had a fine levied against you or your occupational, professional, or vocational license or permit in any judicial, administrative, regulatory, or disciplinary action?~~

_____

~~d. Been charged with, or indicted for, any criminal offenses other than civil traffic offenses?~~

_____

~~e. Pled guilty, or nolo contendere, or been convicted of, any criminal offenses other than civil traffic offenses?~~

_____

~~f. Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined, or placed on probation for any criminal offenses other than civil traffic offenses?~~

_____

~~g. Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory, or disciplinary action, from violating any federal or state law or law of another country regulating the business of insurance, securities or banking, or~~

~~from carrying out any particular practice or practices in the course of the business of insurance, securities or banking?~~

_____

~~h.~~ ~~Been, within the last 10 years, a party to any civil action involving dishonesty, breach of trust, or a financial dispute?~~

_____

~~i.~~ ~~Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or regulation lawfully made by the Comptroller of any state or the Federal Government?~~ _____

~~j.~~ ~~Had a lien or foreclosure action filed against you or any entity while you were associated with that entity?~~ _____

~~If the response to any question above is "Yes", please provide details including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement as appropriate.~~

_____

_____

~~13.~~ ~~List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10% or more of the voting securities of any other person.~~

_____

_____

_____

~~If any of the stock is pledged or hypothecated in any way, give details.~~

_____

~~14.~~ ~~Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated"~~

~~with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.~~

_____

_____

~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

~~15. Have you ever been adjudged bankrupt?~~ _____ ~~If yes, provide details.~~

_____

~~16. To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions 16b and 16c affiant should also include any events within 12 months after his or her departure from the entity.~~

~~a. Been refused a permit, license, or certificate of authority by any regulatory authority or governmental licensing agency?~~

~~b. Had its permit, license, or certificate of authority suspended, revoked, canceled, non-renewed, or subjected to any judicial, administrative, regulatory, or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?~~

~~c. Been placed on probation or had a fine levied against it or against its permit, license, or certificate of authority in any civil, criminal, administrative, regulatory, or disciplinary action?~~

~~Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.~~

~~Dated and signed this~~ _____ ~~day of~~ _____~~, 20~~ ____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

_____ _____
~~(Signature of Affiant)~~ ~~Date~~

~~State of~~ _____ ~~County of~~ _____

~~The foregoing instrument was acknowledged before me this~~ _____ ~~day of~~ _____, ~~20~~ _____ ~~by~~ _____, ~~who is personally known to me, or who produced the following identification:~~ _____

_____
~~Notary Public~~

~~[SEAL]~~

_____
~~Printed Notary Name~~

_____
~~My Commission Expires~~

(Source: Repealed at 43 Ill. Reg. 11502, effective September 24, 2019)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3)

Section Numbers:	Adopted Actions:
240.1800	Amendment
240.1805	Amendment
240.1810	Amendment
240.1820	Amendment
240.1835	Amendment
240.1850	Amendment
240.1851	Renumbered; New Section
240.1852	Renumbered; New Section
240.1853	New Section
240.1854	New Section
240.1855	Renumbered; New Section
240.1856	New Section
240.1857	New Section
240.1858	New Section
240.1859	New Section
240.1860	Amendment
240.1861	New Section
240.1862	Renumbered
240.1880	New Section
240.1890	New Section
240.1892	New Section
240.1894	New Section
240.1898	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Gas Storage Safety Act [415 ILCS 160] and the Illinois Administrative Procedure Act [5 ILCS 100/5-45].

5) Effective Date of Rules: September 24, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including 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 *Illinois Register*: 43 Ill. Reg. 6113; May 24, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

In the Table of Contents, in Section 240.1858, "and Enforcement Cessation Orders" has been deleted; Section 240.1859 has been changed to read "Emergency Abatement Orders"; Section 240.1880 has been changed to read "Sole Source Aquifer: Natural Gas Incident Notice to Department"; Section 240.1890 has been changed to read "Sole Source Aquifer: Inspection Fees for Underground Natural Gas Storage Fields"; Section 240.1892 and Section 240.1894, "Sole Source Aquifer" has been added at beginning of title.

Section 240.1800, last sentence, "These rules" has been changed to "This Subpart"

Section 240.1805, the definition of "Dwelling" has been deleted.; "Emergency Abatement Order" or "EAO" means an order issued by the Department under Subpart H." has been added before "Fault"; in the definition of ""Natural Gas Incident" or "Incident", the "¼" has been changed to "⅛" and add after "dwelling", "used as a residence, place of business, or place of public assembly"; "10,000" has been changed to "50,000; or"; the definition of ""Release" means the escape of natural gas from an underground natural gas storage facility, regardless of whether the escape is underground or to the atmosphere." has been added before "Secretary of Transportation"; in the definition of "Underground Natural Gas Storage Facility", second indentation add "and", third indentation change "; and" to a period; fourth indentation has been brought out and "such" has been changed to "An underground natural gas storage"; "U.S.C." has been changed to "USC".

Section 240.1810, subsection (a) has been changed to read:

"Each gas storage operator shall submit to the Department, by January 1, 2020, a map for every underground gas storage field in operation on October 15, 2019. For an underground gas storage field that was not in operation on October 15, 2019, the gas storage operator shall submit its map within 90 days following the start of operations."

DEPARTMENT OF NATURAL RESOURCES

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Section 240.1810, subsection (c), "of" has been changed to "after"; and after the word "required", "in subsection (a) of this section" has been changed to "by subsection (a)"

Section 240.1851(f), "this Part" has been changed to "the more stringent rule".

Section 240.1852, subsection (b), "every year" has been changed to "annually"; subsections (b) and (c) have been deleted.

Section 240.1853, subsection(b), "be required to" has been deleted and "the following records" has been changed to a comma; subsection (b)(1), "and the reporting requirements of" has been changed to "required by"; subsection (b)(2)(B), "and the cause" has been deleted; subsection (b)(3), "monthly" has been changed to "quarterly"; subsection (c), "be required to report to the Department the following" has been changed to "submit to the Department"; subsection (c)(1), "and the reporting requirements of" has been changed to "required by"; subsection (c)(2), "is discovered by the operator" has been added after "incident"; subsection (c)(3), "all gas storage operators shall provide to the Department" has been deleted; subsection (c)(3)(A), "where" has been added after "field"; subsection (c)(3)(B), "and the cause" has been deleted; subsection (c)(4), "monthly report of the monthly" has been changed to "quarterly report of the"

Section 240.1854, ", after investigation," has been added after "determines".

Section 240.1856, subsection (d) and (d)(1), the word "agreement" has been added after the word "compromise"; subsection (g), "compromises" has been changed to "compromise agreements".

Section 204.1857, "a)" has been deleted and Section has been relabeled.

Section 240.1858, "and Enforcement of Cessation Orders" has been deleted in the heading; subsection (b)(1)(C), "as to the matter being contested" has been changed to ", subject to Section 10-50 of the Administrative Review Law [5 ILCS 100/Art. III]"; subsection (b)(2), "or cessation order" has been deleted; "Hearing Officer" has been changed to "DNR Director"; subsection (b)(5), "Department" has been changed to "Director"; subsection (d), "the cessation of" has been changed to "abatement of the"; subsections (e), (f) and (g) have been deleted.

Section 240.1859, the heading has been changed to "Emergency Abatement Orders"; subsection (a) has been changed to read:

"a) The Department may issue an emergency abatement order requiring the abatement of a violation of this Part, the Act, or the Oil and Gas Act that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property at a gas storage operation, with or without issuing a notice of probable violation under Section 240.1854."

Section 240.1859, new subsection (b) has been added to read:

"b) Before the issuance of an EAO, the Department shall:

1) Attempt to contact the operator and inform it of a condition, practice or violation that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property.

2) Attempt to resolve the condition, practice or violation with the operator within a timeframe set by the Department that takes into consideration the seriousness of the situation, the disruption, if any, to the natural gas utility customers, and the likelihood of a quick resolution.

3) Communicate and work cooperatively, as appropriate, with the Illinois Commerce Commission or any other entities in federal and State government in the resolution of the condition, practice or violation. Pursuant to the Act, the Department will at all times exercise its sole jurisdiction over the downhole portion of the underground natural gas storage facility."

Section 240.1859, subsection "b)" has been relabeled to "c)"; in new subsection (c), "any authorized employee or agent of the Department may order the immediate cessation of operations, in whole or in part. The following constitute procedures or violations that may cause the issuance of a cessation order under this subsection:" has been changed to read "and after the Department has complied with subsection (b), the Director of the Department's Oil and Gas Resource Management (OOGRM) may issue an EAO. The EAO shall be for the abatement, in whole or in part, of the condition, practice or violation.; subsections (1), (2) and (3) have been deleted; new subsection (d) has been added to read:

"d) An EAO shall include:

1) The date the EAO was issued.

2) The specific portion of the gas storage operation that is the subject of the EAO.

3) A description of the condition, practice or violation that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property.

4) The date and location of the condition, practice or violation.

5) A detailed description of the circumstances that support the issuance of an EAO.

6) The timeframe in which required corrective action must be completed.

7) The date, location and procedures for the hearing that shall be held pursuant to subsection (h).

8) Notice to the operator of the right to request a temporary relief hearing under Section 240.1860.

"e) The Department will immediately notify the Illinois Commerce Commission upon the issuance of an EAO."

Section 240.1859, subsection "c)" has been relabeled to "f)" and changed to read:

"f) If a responsible party cannot be readily located, in the judgment of the OOGRM Director, or fails, within the time frame specified in the EAO, to correct the condition endangering the public heal, safety or environment, the OOGRM Director may order any Department agent or employee to take any action the OOGRM Director deems necessary to cause an abatement of the condition, practice or violation."

Section 240.1859, subsection "d)" has been relabeled to "g)" and "The cessation order: has been changed to "Notice of the EAO"; subsection "e)" has been relabeled to "h)" and "cessation order" has been changed to "EAO" and "30" has been changed to "15"; the

following has been added to the end of subsection (h):

> "If a settlement agreement is entered into at any stage of the hearing process, the person to whom the EAO was issued will be deemed to have waived all right to further review, except as otherwise expressly provided for in the settlement agreement. The settlement agreements shall contain a waiver clause to this effect. All settlement agreements shall be executed by the DNR Director and shall constitute the Department's final administrative decision as to the matter being contested."

Section 240.1859, subsection "f)" has been relabeled to "i)"; "cessation order" has been changed to "EAO"; "request" has been deleted; "14 days from the date of issuance of the cessation order, in accordance with Section" has been changed to "5 days after a request for a temporary relief hearing is served upon the Department, in accordance with Section"

Section 240.1859, subsection "g)" has been relabeled to "j)"; new subsection (j) has been changed to read:

"j) The EAO hearing shall be held to determine whether the person or gas storage operator has complied with the EAO. The Department shall have the burden of proving the facts of the violation alleged in the EAO. The standard of proof shall be a preponderance of the evidence. The Hearing Officer shall conduct the hearing, hear the evidence, and, at the conclusion of the hearing, render findings of fact and conclusions of law. The DNR Director shall issue the final administrative decision of the Department under Section 10 of the Illinois Oil and Gas Act."

Section 240.1859, subsection "h)" has been relabeled to "k)"; new subsection (k) has been changed to read:

"k) An EAO issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. The filing of a request for temporary relief under Section 240.1860 shall not operate as a stay of the EAO. The EAO may be stayed by the grant of temporary relief in accordance with Section 240.1860 or by voluntary order of the Department."

Section 240.1860, subsection (a), "240.1859(e)" has been changed to "240.1859"; "240.1858(E)" and "240.1858" have been deleted; in subsection (a), (d) and (e),

"cessation order" has been changed to "EAO"; subsection (d), ", conclusions of law and" has been changed to "conclusions of law, and shall make recommendations to the DNR Director regarding"; subsection (e), "Hearing Officer" has been changed to "DNR Director" and after "decision", ", under Section 10 of the Illinois Oil and Gas Act," has been added; ", pursuant to Section 10 of the Illinois Oil and Gas Act" has been deleted after "record".

Section 240.1861(c), "Service of a subpoena may be provided prima facie" has been changed to "Prima facie evidence of service of a subpoena may be proven".

Section 240.1880, the heading has been changed to read: "Sole Source Aquifer: Natural Gas Incident Notice to Department"; subsection (a), "facilities" has been changed to "facility"; "as such" has been deleted; "United States" has been changed to "U.S."

Section 240.1890, the heading has been changed to read: "Sole Source Aquifer: Inspection Fees for Underground Natural Gas Storage Fields".

Section 240.1892, the heading has been changed to read: "Sole Source Aquifer: When Annual Inspection Fees are Due".

Section 240.1894, the heading has been changed to read: "Sole Source Aquifer: Opportunity to Contest Billing".

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 Part has been amended to implement the Illinois Underground Gas Storage Safety Act [415 ILCS 160] pursuant to PA 100-1172, related to the underground storage of natural gas, to ensure that the rule is consistent with current Department policies, to increase protections to the People and environment of Illinois, and to account for changes in industry practices and activities.

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

John Fischer, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240
THE ILLINOIS OIL AND GAS ACT

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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)
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240.130 Hearings – Notices (Repealed)
240.134 Lease Validation Petitions
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240.131 Unitization Hearings
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240.133 Hearings to Establish Pool-Wide Drilling Units
240.140 Notice of Noncompliance
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240.170 Cessation Order (Repealed)
240.180 Enforcement Hearings
240.185 Cessation of Operations Orders
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240.190 Temporary Relief Hearings
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240.210 Application for Permit to Drill, Deepen or Convert to a Production Well
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240.230 Authority of Person Signing Application
240.240 Additional Requirements for Directional Drilling
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240.250 Issuance of Permit to Drill or Operate
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240.255 Conversion of a Production Well to a Water Well
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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

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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
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240.390 Permit Amendments
240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

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240.530 Completion Fluid and Completion Fluid Waste Handling and Storage
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Disposal Wells (Repealed)
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240.1910 Contents of Application for Permit to Drill or Convert to a Service Well
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AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].

DEPARTMENT OF NATURAL RESOURCES

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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; amended at 38 Ill. Reg. 22052, effective November 14, 2014; amended at 40 Ill. Reg. 7051, effective April 22, 2016; expedited correction at 40 Ill. Reg. 11042, effective April 22, 2016; emergency amendment at 40 Ill. Reg. 13265, effective September 1, 2016, for a maximum of 150 days; emergency expired January 28, 2017; amended at 41 Ill. Reg. 2957, effective February 21, 2017; amended at 42 Ill. Reg. 5811, effective March 14, 2018; emergency amendment at 43 Ill. Reg. 4650, effective April 4, 2019, for a maximum of 150 days; emergency expired August 31, 2019; amended at 43 Ill. Reg. 10459, effective September 6, 2019; amended at 43 Ill. Reg. 11524, effective September 24, 2019.

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

Section 240.1800 Applicability

The provisions of this Subpart apply to the design, installation, testing, construction, extension, replacement, maintenance, groundwater protection requirements and operating requirements of Underground Gas Storage Fields; the drilling and conversions of gas storage and observation wells in an Underground Gas Storage Field, and permitting requirements in Underground Gas

Storage Fields for oil and gas production and Class II wells covered by Subparts B and C and Test Wells covered by Subpart L. This Subpart shall apply to the downhole portion of an underground natural gas storage facility.

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1805 Definitions

"Act", for the purposes of this Subpart, means the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160].

"Downhole" means the portion of an underground natural gas storage facility from the first flange attaching the wellhead to the pipeline equipment and continuing down the well casing to and including the storage reservoir. (Section 5 of the Act)

"Emergency Abatement Order" or "EAO" means an order issued by the Department under Subpart H.

"Fault" means a fracture surface or zone of fractures in Earth materials along which there has been vertical and/or horizontal displacement or movement of the strata on opposite sides relative to one another.

"Fluid" means any material or substance that flows or moves, whether semisolid, liquid, gas, or steam.

"Gas Storage Operator", "Operator" or "Owner" means any entity that owns or operates an underground gas storage field.

~~a)~~"Gas Storage Well" means a well drilled for input and/or withdrawal of natural gas or manufactured gas in a gas storage field.

"Natural Gas Incident" or "Incident" means an event that involves a release of stored natural gas from the downhole portion of an underground natural gas storage facility located in this State that:

results in the unintentional estimated gas loss of 3,000,000 cubic feet or more;

results in the unintentional estimated gas loss of 500,000 cubic feet or more that occurs within ⅛ mile of a dwelling used as a residence, place of business, or place of public assembly;

results in death;

causes personal injury necessitating in-patient hospitalization;

causes property damage in excess of $50,000; or

results in an emergency shutdown of an underground natural gas storage facility.

Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.

~~b)~~"Observation Well" means a well drilled to monitor subsurface conditions in oil and gas projects or gas storage fields.

"Person" means an individual, firm, joint venture, partnership, corporation, company, limited liability company, firm, association, municipality, cooperative association, or joint stock association. "Person" includes a trustee, receiver, assignee, or personal representative of the person. (Section 5 of the Act).

"Produced Fluid" means liquids regardless of chloride and total dissolved solids content, that is produced in conjunction with oil or natural gas production or natural gas storage operations.

"Release" means the escape of natural gas from an underground natural gas storage facility, regardless of whether the escape is underground or to the atmosphere.

"Secretary of Transportation" means the U.S. Secretary of Transportation or his or her designee.

"Sole Source Aquifer" means an aquifer that:

is the sole or principal drinking water source for an area; and

if contaminated, would create a significant hazard to public health as defined in 42 USC 300h-3(e) and further defined in the Sole Source Aquifer Designation Decision Process, Petition Review Guidance (USEPA; 1987; this incorporation by reference includes no later editions or amendments).

"Stored Natural Gas" means natural gas that is:

transported by pipeline into an underground natural gas storage facility for the purpose of storage prior to transmission back to the pipeline; and

stored within the underground gas storage field.

"Underground Natural Gas Storage Facility" means a facility that stores natural gas in an underground natural gas storage field incident to natural gas transportation, including:

a depleted hydrocarbon reservoir;

an aquifer reservoir;

a solution-mined salt cavern reservoir; and

associated material and equipment used for injection, withdrawal, monitoring, or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment.

An underground natural gas storage facility is subject to regulation by the Illinois Department of Natural Resources and has not been preempted by the United States Government pursuant to 49 USC 60104(c).

~~c)~~"Underground Gas Storage Field" means an area of land that is contained within the lowest closing structural contour for which gas can be stored in a subsurface stratum.

"Violation" means a failure to comply with any provision of the Act or any Department order or rule under the Act. (Section 35 of the Act)

~~d) "Gas Storage Operator" means any entity that owns or operates an underground gas storage field.~~

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1810 Submission of Underground Gas Storage Field Map

a) Each gas storage operator shall submit to the Department, by January 1, 2020, ~~annually~~ a map for every underground gas storage field in operation on October 15, 2019. For an underground gas storage field that was not in operation on October 15, 2019, the gas storage operator shall submit its map within 90 days following the start of operations.~~showing:~~

b) All maps required to be filed with the Department pursuant to subsection (a) shall include:

1) The lowest closing contour at which gas can be stored;

2) The area of land currently under a valid lease or storage rights agreement, including the top and bottom depths of the lease; ~~and~~

3) Any protective boundaries established by a governmental agency; and~~.~~

4) Any known faults located in the storage area.

c) All maps submitted to the Department shall be updated by the operator within 30 days after discovery by the operator that there has been a change to any item required by subsection (a).

d~~b~~) Upon written request to the Department, the information listed in subsection (a) will be considered proprietary information and shall be held confidential.

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1820 Permit Requests in a Underground Gas Storage Field

a) When the proposed location to drill, deepen, convert or amend an oil or gas production or Class II well, as defined in Subparts B and C, or a test hole, as defined in Subpart L, occurs within the limits of an underground gas storage field,

or within any protective boundary shown on the gas storage operators map submitted to the Department, a permit shall not be issued until the applicant complies with subsection (a)(1) or (2):

1) The applicant enters into an agreement with the gas storage operator, outlining safety precautions and well drilling, completion, operating and plugging specifications. The agreement shall be signed by the applicant and the gas storage operator and shall be submitted with the permit application.

2) The applicant submits a copy of an agreement previously reached with the gas storage operator that~~which~~ governs the relationship between the applicant and the gas storage operator with respect to safety precautions and well drilling, completion, operating and plugging issues. The agreement must be in full effect and cover the proposed drilling location.

3) If an agreement cannot be reached after the applicant has exercised due diligence~~dilligence~~ in negotiations, the applicant shall notify the gas storage operator of the proposed location and depth of the well by certified mail, return receipt requested. The certified mail receipt shall be attached to the permit application. If a written objection is not received by the Department within 15 days after the date of receipt, the permit shall be issued, subject to the fulfillment of all other requirements for the issuance of a permit under this Part, the Act, or the Illinois Oil and Gas Act. If a written objection to the application is filed with the Department within 15 days after receipt of the notice of application, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a question regarding public safety, resource ownership or sufficiency of application, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

b) Administrative~~Public~~ Hearing

1) Any ~~public~~ hearing held pursuant to this Section shall be a formal hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised by the objection.

2) Notice of the hearing shall be sent by the Department to the applicant and

to the objector by mailing the notice by U.S. Mail~~United States mail~~, postage prepaid, addressed to their last known home or business addresses.

3) A certified court reporter shall record the hearing at the Department's expense.

4) A Hearing Officer designated by the Department shall conduct the hearing. The Hearing Officer shall allow all parties at the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determines the evidence is irrelevant, immaterial, unduly repetitious, or of such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.

5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.

6) Within 30 days after the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

7) All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois by a Hearing Officer designated by the Director and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1835 Contents of Application for Permit to Drill or Convert to an Observation or Gas Storage Well

The application for a permit shall include:

a) the name of the well;

b) the surveyed well location, the GPS latitude and longitude location, and ground elevation of the well. All GPS locations shall be recorded as degrees and minutes with the minutes recorded to 6 decimal places in the North American Datum 1983

projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement. All well locations shall be surveyed by a registered Illinois Land Surveyor or an Illinois Registered Professional Engineer. A~~; a~~ survey is not required for a converted or deepened well or a drilled out plugged hole if the original well location was surveyed;

c) a brief statement of the purpose of the well and a schematic showing the proposed construction of the well;

d) certification~~Certification~~, under penalty of perjury, that the applicant has the right, pursuant to valid and subsisting oil and gas leases, documents or memoranda of public record and/or any statute or regulation, to drill for and operate a well on the lands and formations required for the proposed well, as set forth in Subpart D;

e) a statement as to whether the proposed well location is within the limits of any incorporated city, town, or village (and a certified copy of the official consent of the municipal authorities if the well is within the corporate limits);

f) the name and address of the drilling contractor and the type of drilling method~~tools or equipment~~ to be used;

g) a statement whether the well is located over an active mine or~~,~~ temporarily abandoned mine, or within the undeveloped limits of a mine, and whether the coal rights are owned by someone other than the lessor under the oil and gas lease;

h) the proposed depth of the well and the name of the lowest geologic formation to be penetrated; and~~.~~

i) an email address by which the gas storage operator may be served with a notice of probable violation of the Act. All such email addresses shall be updated by the gas storage operator or person authorized to sign for the gas storage operator within 3 days after any email address becoming inactive or unmonitored. Any application not containing an email address for the owner or gas storage operator will be denied by the Department.

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1850 Issuance of Permit

a) If the applicant satisfies the requirements of the Illinois Oil and Gas Act, the Act and this Part, the Department shall issue a permit.

b) A permit shall not be issued to an applicant if:~~not in compliance with Section 240.250(b).~~

1) the applicant has falsified or otherwise misstated any information on or relative to the permit application;

2) the applicant has failed to abate a violation of the Illinois Oil and Gas Act or the Act as specified in a final administrative decision of the Department;

3) an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5%, was or is an officer, director, partner, agent, power of attorney or person with an interest exceeding 5% in another entity that failed to abate a violation of the Illinois Oil and Gas Act or the Act as specified in a final administrative decision of the Department;

4) the applicant was or is an officer, director, power of attorney, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Illinois Oil and Gas Act or the Act as specified in a final administrative decision of the Department;

5) funds have been expended and remain outstanding from the Plugging and Restoration Fund (PRF) to plug wells (see Subpart P) for which the applicant was a previous permittee; or the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5% in a permittee for which funds were expended; or an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5%, was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee for which funds were expended; or

6) the applicant is delinquent in the payment of Annual Well Fees; or the applicant was or is an officer director, agent, power of attorney, partner, or person with an interest exceeding 5% in another permittee who is

delinquent in payment of Annual Well Fees; or an officer, director, agent, power of attorney or partner in the applicant, or person with an interest in the applicant exceeding 5%, was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.

c) Gas storage, observation and other service well permits shall expire 1 year from the date of issuance unless acted upon by the commencement of drilling or converting operations authorized by the permit.

d) Gas storage, observation and other service well permits are not transferable prior to the drilling of the well or test hole.

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1851~~240.1852~~ Gas Storage and Observation Well Safety, Construction, and Operating ~~and Reporting~~ Requirements

a) All underground natural gas storage facilities and gas storage operators shall comply with the safety standards adopted by the Secretary of Transportation under 49 USC 60141 and 49 CFR 192.12. These standards are in addition to and supplement any other standards in this Part.

b) The standards adopted under 49 USC 60141 and 49 CFR 192.12 shall apply to the design, installation, inspection, testing, construction, extension, operation, replacement, conversion, and maintenance of underground natural gas storage facilities. These standards are in addition to and supplement any other standards in this Part.

c~~a~~) Wells shall, at a minimum, be constructed in accordance with Section 240.610(a) ~~and (b)~~.

d) All applicable facilities in a storage field and general storage field operation shall be conducted in accordance with Subpart H.

e~~b~~) Wells shall be subject to the operating requirements of Section 240.630(a), (b) and (c) and the leaking well provisions of Section 240.1610. Production of hydrocarbon from a well permitted as an observation well is prohibited until a permit is obtained to convert the well to a production well under Section 240.210.

f) If there is a conflict between 49 USC 60141, 49 CFR 192.12 and any provision of this Part, the more stringent rule shall control.

~~e) Wells shall be subject to the reporting requirements of Section 240.640 and confidentiality provisions of Section 240.650.~~

(Source: Section 240.1851 renumbered from Section 240.1852 and amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1852 Inspection and Maintenance Plan

a) In addition to Section 240.640, every gas storage operator shall file with the Department a plan for inspection and maintenance of the downhole portion of each underground natural gas storage facility owned or operated in whole or in part in the State of Illinois.

b) All plans must be submitted by December 1 annually for the succeeding year.

(Source: Former Section 240.1852 renumbered to Section 240.1851; new Section 240.1852 added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1853 Gas Storage and Observation Well Records and Reporting Requirements

a) *A person who operates an underground natural gas storage facility shall:*

1) *after the date any applicable safety standard established under the Act takes effect, comply with the requirements of that standard at all times;*

2) *file and comply with the plan of inspection and maintenance required by Section 20;*

3) *keep records, make reports, provide information, and permit inspection of that person's books, records, and facilities as the Department reasonably requires to ensure compliance with the Act and this Subpart R; and*

4) *file with the Department, under this Section, reports of all accidents involving or related to the downhole portion of an underground natural gas storage facility.* (Section 25 of the Act)

b) Records. All underground natural gas storage facilities and gas storage operators shall maintain, for the life of the underground natural gas storage facility:

1) the reports required by Section 240.640;

2) a report of all intentional or unintentional natural gas releases greater than 500,000 cubic feet. These records shall include, at a minimum:

A) the underground natural gas storage field where the release occurred;

B) the origin and extent of the release, including the name and location of the well;

C) the cause of the release; and

D) any corrective action taken by the gas storage operator to address the release or an explanation why corrective action was not taken; and

3) a quarterly loss estimate of gas migrating from a storage formation.

c) Reporting. All underground natural gas storage facilities and gas storage operators shall submit to the Department:

1) the reports required by Section 240.640;

2) within 24 hours after an incident is discovered by the operator, reports of all natural gas incidents involving or related to the downhole portion of an underground natural gas storage facility;

3) unless otherwise directed by this Part, a report of all natural gas releases greater than 500,000 cubic feet. This report is to be filed with the Department by the 10th of every month for the previous month. This report shall indicate:

A) the underground natural gas storage field where the release occurred;

B) the origin and extent of the release, including the name and location of the well;

C) the cause of the release; and

D) any corrective action taken by the gas storage operator to address the release or an explanation why corrective action was not taken; and

4) a quarterly report of the loss estimate of gas migrating from a storage formation for each underground natural gas storage facility.

d) Confidentiality. All reports required under this Section are subject to the confidentiality provisions of Section 240.650.

e) If not previously provided pursuant to Section 240.1835(m), all gas storage operators shall provide to the Department an email address by which the gas storage operator may be served with a notice of probable violation. All such email addresses shall be updated by the gas storage operator or person authorized to sign for the gas storage operator within 3 days after any email address becomes inactive or unmonitored.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1854 Notice of Probable Violation, Complaints, Hearings and Civil Penalties

When an inspector or authorized employee or agent of the Department determines, after investigation, that any permittee, or any person engaged in conduct or activities required to be permitted under the Act, is in violation of any requirement of the Act, the Illinois Oil and Gas Act, or this Part, or any permit condition, or has falsified or otherwise misstated any information on or relative to the permit application, a notice of probable violation shall be completed and delivered to the Director.

a) *A notice of probable violation shall include:*

1) *the date the notice of probable violation was issued and served;*

2) *a description of the violation or violations alleged, including a citation of*

the specific Section of the Department's rules or Section of the Act alleged to have been violated;

3) *the date and location of the safety incident, if applicable, related to each alleged violation;*

4) *a detailed description of the circumstances that support the determination of each proposed violation;*

5) *a detailed description of the corrective action required with respect to each proposed violation;*

6) *the amount of the penalty, if any, recommended with respect to each proposed violation;*

7) *the applicable recommended deadline for payment of each proposed penalty and completion of each proposed corrective action;*

8) *notification that any such recommended deadline may be extended by mutual agreement of the parties for the purpose of facilitating settlement or compromise; and*

9) *a brief description of the procedures by which any recommended penalty or proposed corrective action may be challenged at the Department or approved pursuant to Section 30(f) of the Act.* (Section 35 of the Act)

b) Unless otherwise specified in this Subpart, all notices of violations, Director's Decisions or hearing shall be created or conducted pursuant to Subpart A.

c) Failure of the owner to timely request a hearing within 30 days after notice or, if a civil penalty has been assessed, to timely tender the assessed civil penalty to the Department shall constitute a waiver of all legal rights to contest the notice of probable violation, including the amount of the civil penalty.

d) Any underground natural gas storage facility or gas storage operator that violates the Act or this Part regarding an underground natural gas storage facility is subject to a civil penalty not to exceed the maximum penalties established by 49 USC 60122(a)(1) for each day the violation persists.

e) Whenever the Department is required to serve upon a gas storage operator a notice of probable violation, the Department shall give that notice:

1) personally;

2) by first class U.S. Mail sent to the operator's last known address; or

3) by email sent to the email address filed with the Department (see Section 240.1835 or 240.1853).

f) Any notice of probable violation issued and served as described in this Section may also be posted on the Department's website as a public document.

g) All such notices of probable violation sent to the gas storage operator by email shall be deemed to be served on the gas storage operator once the notice is sent by the Department to the most recent email address that has been submitted to the Department.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1855 Civil Complaint

a) The Department may elect to request the Attorney General to file an action with or without issuing a notice of probable violation pursuant to Section 240.1854.

b) In accordance with Section 11 of the Illinois Oil and Gas Act, the Department, through the Attorney General, shall bring an action in the name of the People of the State of Illinois in the circuit court of the county in which any part of the land or any activity that is the subject matter of the action is located, or a final administrative order was entered, to restrain that person from continuing the violation or from carrying out the threat of violation. In such action, the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders, as the facts may warrant, including but not limited to:

1) an assessment of civil penalties;

2) submission of a bond in accordance with Subpart O; or

3) denial of new drilling and/or operating permits.

c) This Section applies to the following:

1) violations of any requirement of the Act that the Department determines creates a substantial and imminent danger to the health or safety of the public;

2) violations of the Act that pose an imminent danger of substantial environmental harm or cause environmental damage to property or contamination of surface or ground waters of the State as a result of improper disposal, release or discharge of produced fluid or fluid; or

3) the permittee has shown a pattern of documented events involving improper disposal, release, or discharge of produced fluids or fluids within the previous 2 years from the date of the most recent event.

(Source: Former Section 240.1855 renumbered to Section 270.1862; new Section 240.1855 added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1856 Determination of Penalty

a) *In determining the amount of the penalty, the Department shall consider the standards set forth in 49 USC 60122(b).* (Section 30 of the Act) The Director shall determine whether to assess civil penalties based on the factors set forth in subsection (b).

b) In determining the amount of a civil penalty:

1) the Department shall consider:

A) the nature, circumstances and gravity of the violation, including adverse impact on the environment;

B) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business; and

C) good faith in attempting to comply.

2) the Department may consider:

A) the economic benefit gained from the violation without any reduction because of subsequent damages; and

B) other matters that justice requires.

c) Penalty Range. All civil penalties issued under the Act shall not exceed the maximum penalties established by 49 USC 60122(a)(1) for each day of the violation.

d) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund.

e) Upon further investigation, the Department may enter into a compromise agreement.

1) A compromise agreement may be issued to:

A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the notice of probable violations;

B) reduce the civil penalty assessed in the notice of probable violation; or

C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.

2) An amended notice of probable violation shall be issued to:

A) extend the amount of time provided to complete remedial action necessary to abate the violation set forth in the notice of probable violation; or

B) reduce the civil penalty assessed in the notice of probable violation.

3) An amended notice of probable violation shall be issued to correct an administrative error contained in the notice of probable violation.

4) The permittee shall have no right to hearing associated with the issuance of an amended notice of probable violation, but shall have a right to hearing on the underlying violation that the amended notice of probable violation is seeking to enforce.

f) If the notice of probable violation includes the assessment of a civil penalty, and the person or permittee named in the notice of probable violation does not request a hearing in accordance with Section 240.1858 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the notice of probable violation.

g) All civil penalties or compromise agreements shall be submitted to the Director for approval, pursuant to Section 30 of the Act.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1857 Director's Approval of Penalty or Agreed Compromise

Upon receipt of a notice of penalty or compromise, the Director shall conduct an investigation and may affirm, or enter into a hearing concerning, the propriety of the applicable notice of probable violation, payment or compromise.

a) The Director must consider:

1) the nature, circumstances and gravity of the violation, including adverse impact on the environment;

2) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business; and

3) good faith in attempting to comply.

b) The Director may consider:

1) the economic benefit gained from the violation without any reduction

because of subsequent damages; and

2) other matters that justice requires.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1858 Enforcement Hearings

a) *The person charged in the applicable notice of probable violation shall have 30 days from the date of service of the notice of probable violation to request a hearing*. (Section 35 of the Act) A gas storage operator seeking to contest any notice of probable violation in which a civil penalty has been assessed shall submit the assessed amount to the Department, by cashier's check or money order, together with a timely request for hearing. The assessed amount shall be deposited by the Department pending the outcome of the hearing. The assessed amount shall be refunded to the gas storage operator at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Department's office located in Springfield, Illinois.

b) Upon receipt of a request for hearing submitted in accordance with subsection (a), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. The hearing shall be conducted by a Hearing Officer designated by the Director and shall be conducted in accordance with the following procedures:

1) Pre-Hearing Conference

A) A pre-hearing conference shall be scheduled within 30 days after the request for hearing:

i) to define the factual and legal issues to be litigated at the administrative hearing;

ii) to determine the timing and scope of discovery available to the parties;

iii) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list

of all witnesses the parties intend to have testify, and a summary of the testimony of each witness;

iv) to schedule a date for the administrative hearing; and

v) to arrive at an equitable settlement of the hearing request, if possible.

B) Pre-hearing conferences under this Section may be conducted via telephone conference if that procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted at the place designated by the Hearing Officer.

C) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders, and motions for orders compelling discovery. The Department's Hearing Officer shall render an order granting or denying motions filed within 15 days after service. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final administrative decision, subject to Section 10-50 of the Administrative Review Law [5 ILCS 100/Art. III].

2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of probable violation was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the DNR Director and shall constitute the Department's final administrative decision as to matter being contested.

3) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield to the production and/or injection/disposal well identified in the Director's decision being contested if facilities are available, convenient and

satisfactory to the Department.

4) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the notice of probable violation at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the Hearing Officer if the person or permittee believes the Hearing Officer is prejudiced against him or her or has a conflict of interest. If the Hearing Officer disqualifies himself or herself, the Director shall designate a new Hearing Officer. The Hearing Officer shall conduct the hearing, hear the evidence and, at the conclusion of the hearing, render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

5) The Director shall review the administrative record in conjunction with the Hearing Officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Director shall issue a final administrative decision.

c) *Failure of the person or permittee to timely request a hearing or, if a civil penalty has been assessed, to timely tender the assessed civil penalty shall constitute a waiver of all legal rights to contest the notice of probable violation, including the amount of any civil penalty*. (Section 35 of the Act)

d) If, at the expiration of the period of time originally fixed in the notice of probable violation or at the expiration of any subsequent extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order abatement of the operations or the portions of the operation relevant to the violations.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1859 Emergency Abatement Orders

a) The Department may issue an emergency abatement order requiring the

abatement of a violation of this Part, the Act, or the Oil and Gas Act that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property at a gas storage operation, with or without issuing a notice of probable violation under Section 240.1854.

b) Before the issuance of an EAO, the Department shall:

1) Attempt to contact the operator and inform it of a condition, practice or violation that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property.

2) Attempt to resolve the condition, practice or violation with the operator within a timeframe set by the Department that takes into consideration the seriousness of the situation, the disruption, if any, to the natural gas utility customers, and the likelihood of a quick resolution.

3) Communicate and work cooperatively, as appropriate, with the Illinois Commerce Commission or any other entities in federal and State government in the resolution of the condition, practice or violation. Pursuant to the Act, the Department will at all times exercise its sole jurisdiction over the downhole portion of the underground natural gas storage facility.

c) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this Part or any permit condition, and that the condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, and after the Department has complied with subsection (b), the Director of the Department's Office of Oil and Gas Resource Management (OOGRM) may issue an EAO. The EAO shall be for the abatement, in whole or in part, of the condition, practice or violation.

d) An EAO shall include:

1) The date the EAO was issued.

2) The specific portion of the gas storage operation that is the subject of the

EAO.

3) A description of the condition, practice or violation that is creating an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property.

4) The date and location of the condition, practice or violation.

5) A detailed description of the circumstances that support the issuance of an EAO.

6) The timeframe in which required corrective action must be completed.

7) The date, location and procedures for the hearing that shall be held pursuant to subsection (h).

8) Notice to the operator of the right to request a temporary relief hearing under Section 240.1860.

e) The Department will immediately notify the Illinois Commerce Commission upon the issuance of an EAO.

f) If a responsible party cannot be readily located, in the judgment of the OOGRM Director, or fails, within the time frame specified in the EAO, to correct the condition endangering the public health, safety or environment, the OOGRM Director may order any Department agent or employee to take any action the OOGRM Director deems necessary to cause an abatement of the condition, practice or violation.

g) Notice of the EAO shall be served by personal delivery to the person or gas storage operator named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or gas storage operator as soon as is practicably possible but in no event later than 5 days after its issuance.

h) The EAO shall contain a date for a hearing that shall be held within 15 days after the issuance of the EAO. The hearing shall be conducted by a Hearing Officer, designated by the Director, held in the Department's office in Springfield, Illinois, and conducted in accordance with Article 10 of the Illinois Administrative

Procedure Act. If a settlement agreement is entered into at any stage of the hearing process, the person to whom the EAO was issued will be deemed to have waived all right to further review, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the DNR Director and shall constitute the Department's final administrative decision as to the matter being contested.

i) The EAO shall also provide that the person or gas storage operator named in the order has the right to a temporary relief hearing, within 5 days after a request for a temporary relief hearing is served upon the Department, in accordance with Section 240.1860. The EAO shall be considered served when personally delivered to the person or gas storage operator named in the order or when the cessation order is mailed by certified mail, return receipt requested, to the person or permittee at his or her last known address.

j) The EAO hearing shall be held to determine whether the person or gas storage operator has complied with the EAO. The Department shall have the burden of proving the facts of the violation alleged in the EAO. The standard of proof shall be a preponderance of the evidence. The Hearing Officer shall conduct the hearing, hear the evidence, and, at the conclusion of the hearing, render findings of fact and conclusions of law. The DNR Director shall issue the final administrative decision of the Department under Section 10 of the Illinois Oil and Gas Act.

k) An EAO issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. The filing of a request for temporary relief under Section 240.1860 shall not operate as a stay of the EAO. The EAO may be stayed by the grant of temporary relief in accordance with Section 240.1860 or by voluntary order of the Department.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1860 Temporary Relief Hearings~~Storage Field Operating Requirements~~

a) Pending the holding of a hearing in accordance with Section 240.1859 relating to an EAO issued under Section 240.1859, the person or gas storage operator affected by the Department's action may file a written request for temporary relief from the EAO, together with a detailed statement giving reasons for granting that

relief. The person or gas storage operator shall serve the request for temporary relief within 14 days after service of the EAO to the Department's offices located in Springfield, Illinois.

b) The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant that relief, under such conditions as it may prescribe, if the person or gas storage operator requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to the gas storage operator and the relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property.

c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.

d) At the hearing, the gas storage operator shall have the burden of proving that temporary relief from the EAO will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The Hearing Officer shall conduct the hearing, hear the evidence, and, at the conclusion of the hearing, render findings of fact and conclusions of law, and shall make recommendations to the DNR Director regarding the disposition of the case.

e) The DNR Director shall issue a final administrative decision, under Section 10 of the Illinois Oil and Gas Act, granting or denying temporary relief from the EAO within 7 days after the close of the administrative record. Temporary relief shall not extend for more than 90 days, after which the EAO shall be reinstated pending the outcome of the EAO and pending a resolution of the violations of the Act specified in the EAO.

~~All applicable facilities in a storage field and general storage field operation shall be conducted in accordance with Subpart H of this Part.~~

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1861 Subpoenas

a) Any party to proceedings brought under this Subpart may apply for subpoenas to

compel the attendance of witnesses and the production of relevant documents.

b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.

c) The Hearing Officer shall issue subpoenas within 7 calendar days from receipt of a request made in accordance with subsection (b) and deliver the subpoena to the Petitioner, who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if a voucher for payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Prima facie evidence of service of a subpoena may be proven by a return receipt signed by the witness or his or her authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a State voucher for the fee and mileage enclosed.

d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this Section shall set forth a factual and/or legal basis for granting that relief.

e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days after receipt of the motion.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1862~~240.1855~~ Well Drilling Completion and Workover Requirements

All wells shall be drilled and all drilling waste disposed in accordance with Subpart E of this Part.

(Source: Section 240.1862 renumbered from Section 240.1855 at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1880 Sole Source Aquifer: Natural Gas Incident Notice to Department

a) Applicability. This Section applies to all natural gas incidents from an underground natural gas storage facility that lies on the footprint of a Sole Source

Aquifer designated by the U.S. Environmental Protection Agency.

b) For all natural gas incidents, the permittee shall immediately notify the District Office in which the underground natural gas storage facility is located and provide public notice in compliance with Section 7.5 of the Illinois Oil and Gas Act.

c) *In addition, all private residents, owners and operators of private water systems, or businesses, including agricultural operations, located within 1.5 miles of the boundaries of the natural gas incident must be notified as soon as practically possible. Notices to private residents and businesses must be attempted through verbal communication, whether in person or by telephone. If verbal communication cannot be established, a physical notice must be posted on the premises of the private residence or business in a conspicuous location where it is easily seen by the inhabitants of the private residence or employees at the business. The physical notice shall carry the following text in at least 18-point font: "NATURAL GAS INCIDENT NOTICE – READ IMMEDIATELY". Notices required under this Section shall be provided whether or not the threat of exposure has been eliminated. Both verbal and physical notices shall include the location of the natural gas incident, the date and time that the natural gas incident was discovered, contact information of the operator of the natural gas storage field, and any applicable safety information.* (Section 7.5 of the Illinois Oil and Gas Act)

d) *The operator of a natural gas storage field has a continuous and ongoing obligation to further notify the affected parties as necessary if it is determined that the boundaries of the natural gas incident have increased, moved, or shifted. This notice requirement shall be construed as broadly as possible.* (Section 7.5 of the Illinois Oil and Gas Act)

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1890 Sole Source Aquifer: Inspection Fees for Underground Natural Gas Storage Fields

a) *The Department will conduct annual inspections at all gas storage fields lying on the footprint of a Sole Source Aquifer designated as such in 2015 by USEPA in the State to ensure that there are no infrastructure deficiencies or failures that could pose any harm to public health. The owner of the gas storage field shall cover the costs of the annual inspection.* (Section 7.6 of the Illinois Oil and Gas

Act.)

b) Beginning on January 1, 2019, the Department will assess an inspection fee during each fiscal year for the total costs incurred by the Department to perform annual inspections of all wells permitted under the Act and this Section, present at an underground natural gas storage facility located within the footprint of a Sole Source Aquifer, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by the Department. The permittee for each well is responsible for paying the full assessed amount.

c) Assessment of Inspection Fees

1) No later than December 31, 2019, the Department will calculate the applicable Department inspection fees incurred by the permittee during the period of January 1, 2019 through June 30, 2019 and issue that assessment to the permittee.

2) For the fiscal year beginning on July 1, 2019 and for every fiscal year thereafter, no later than December 31, the Department will calculate the applicable annual inspection fees incurred by the permittee during the preceding fiscal year and issue the assessment to the permittee.

d) Liability for assessed inspection fees does not cease until full payment is received by the Department.

e) If a permittee fee check is returned due to insufficient funds or because payment was stopped, the permittee is required to repay fees for that fiscal year by cashier's check or money order.

f) All fees collected under this Subpart shall be deposited into the Department's Underground Resources Conservation Enforcement Fund.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1892 Sole Source Aquifer: When Annual Inspection Fees Are Due

Annual inspection fees assessed under Section 240.1890 shall become due upon assessment and shall be deemed delinquent if not paid within 90 days after the initial assessment date. Any permittee with delinquent annual inspection fees shall not operate, permit or transfer wells within

the State of Illinois without first paying all delinquent fees and associated civil penalties assessed under the Act.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1894 Sole Source Aquifer: Opportunity to Contest Billing

a) Permittees may contest the amount of annual inspection fees assessed under Section 240.1890 by submitting a written objection to the billing no later than 30 days after the assessment date.

b) The objection must be in writing, signed by the permittee, or by an individual authorized to sign for the permittee, and must identify the nature of the objection. The written objection shall be mailed to the Department at its Springfield, Illinois location and must include a statement of the facts supporting the objection.

c) The Department shall respond to any valid objections within 30 days and either deny the objection or affirm and issue an amended assessment. The Department's decision to deny or affirm the objection is a final administrative decision of the Department for purposes of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

Section 240.1898 Waiver

a) Subject to 49 USC 60118(d), the Department, upon application by any gas storage operator, may waive, in whole or in part, compliance with any standard established under this Subpart or the Act if the Department determines that the waiver is consistent with the safety of the underground natural gas storage facility and the protection of the environment and natural resources of the State of Illinois.

b) All waiver requests shall be made by the gas storage operator on Department created waiver forms and shall include all information requested in the forms.

c) The waiver forms shall include:

1) name of the underground natural gas storage facility;

2) if the waiver is related to a well, an underground gas storage field map of the natural gas storage facility and a brief statement of the purpose of the well and a schematic of the well;

3) a description of the waiver that is being requested;

4) written technical justifications as to why compliance with a provision of this Subpart or the Act is not practicable and not necessary for safety with respect to specified underground storage facilities or equipment. The justifications for any deviation from any provision of this Subpart or the Act must be technically reviewed and documented by a subject matter expert to ensure there will be no adverse impact on design, construction, operations, maintenance, integrity, emergency preparedness, the environment, response, and overall safety and must be dated and approved by a senior executive officer, vice president, or higher office with responsibility for the underground natural gas storage facility;

5) a full description of any safety and environmental protection procedures that will be implemented or modified if the waiver is granted;

6) certification, under penalty of perjury, that the applicant has the right, pursuant to valid and subsisting oil and gas leases, documents or memoranda of public record and/or any statute or regulation, to drill or operate an underground natural gas storage facility on the lands and formations, as set forth in Subpart D;

7) a statement as to whether the underground natural gas storage facility is located within the limits of any incorporated city, town or village (and a certified copy of the official consent of the municipal authorities if the underground natural gas storage facility is within the corporate limits);

8) a statement as to whether the underground natural gas storage facility is located over an active mine or temporarily abandoned mine, or within the undeveloped limits of a mine, and whether the coal rights are owned by someone other than the lessor under the oil and gas lease; and

9) if the waiver is related to a well, the proposed depth of the well and the name of the lowest geologic formation that is to be, or is, penetrated.

d) The gas storage operator must provide the Department with any additional information the Department requires to ensure that the requirements of this Subpart are met. If the application does not contain all the required information documents, or there is other information that the Department requests, 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.

e) All waiver requests submitted to the Department will be reviewed by the Department. The Department may issue such a waiver at its sole discretion. The waiver request will be denied if the purpose of the waiver is outweighed by safety or environmental contamination concerns, as determined at the sole discretion of the Department.

f) No waiver may be granted if:

1) the gas storage operator, or any corporate or business entity of which the gas storage operator is a part, has active or pending violations, or has unpaid fines or penalties as a result of any violation, of the Illinois Oil and Gas Act, or the Act;

2) the applicant has falsified or otherwise misstated any information on, or relative to, the permit application;

3) the applicant has failed to abate a violation of the Illinois Oil and Gas Act or the Act specified in a final administrative decision of the Department;

4) an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5% was or is an officer, director, partner, agent, power of attorney or person with an interest exceeding 5% in another entity that failed to abate a violation of the Illinois Oil and Gas Act or the Act specified in a final administrative decision of the Department;

5) the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5% in another entity that has

failed to abate a violation of the Illinois Oil and Gas Act or the Act specified in a final administrative decision of the Department;

6) funds have been expended and remain outstanding from the PRF to plug wells (see Subpart P) for which the applicant was a previous permittee; or the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5% in a permittee for which funds were expended; or an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5% was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee for which funds were expended; or

7) the applicant is delinquent in the payment of Annual Well Fees; or the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5% in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, agent, power of attorney or partner in the applicant, or person with an interest in the applicant exceeding 5% was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.

g) A waiver may be granted by the Department upon review of the waiver form and any additional information requested by the Department.

h) Waivers are valid for one year from the date of issuance. A waiver may be renewed upon application by the applicant and subject to the requirements of this Section.

i) The Department shall give the Secretary of Transportation written notice of any issued waiver at least 60 days before the effective date of the waiver and any such waiver issued by the Department is subject to 49 USC 60118(d). Any waiver granted shall take effect 61 days after notice of approval by the Department is issued to the gas storage operator.

j) An operator must discontinue use of any waiver if the Department determines, at any time, and provides written notice that the waiver adversely impacts design, construction, operations, maintenance, integrity, emergency preparedness and response, the environment, or overall safety. An operator must discontinue the

use of the waiver listed in the Department's written notice within 14 days after receipt of the notice. The written notice shall be served by certified mail or by personal service.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 35 Ill. Adm. Code 401

3)

Section Numbers:	Adopted Actions:
401.101	Repealed
401.102	Amendment
401.103	Amendment
401.104	Amendment
401.105	Amendment
401.106	Repealed
401.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4730; April 26, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted amendments streamline, update, and clarify the existing Subtitle D rules, including those in Part 401.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

312/814-6085
tim.fox@illinois.gov

Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-24 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 401
GENERAL PROVISIONS

Section
401.101 Authority (Repealed)
401.102 Policy
401.103 Purpose
401.104 Compliance with Other Laws Required
401.105 Severability~~Validity Not Affected~~
401.106 Repealer (Repealed)

401.APPENDIX A References to Previous Rules

AUTHORITY: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527, effective August 10, 1981; amended in R18-24 at 43 Ill. Reg. 11574, effective September 25, 2019.

Section 401.101 Authority (Repealed)

~~Pursuant to authority granted by Section 12 and 13 of the Environmental Protection Act (Act), which empower the Board to designate equipment or facilities capable of causing or contributing to water pollution; to set standards for the issuance of permits for the construction, installation and operation and for the inspection of said equipment or facility; to prohibit the sale, offer or use of articles for reasons of water pollution control; to set standards limiting the amounts or concentrations of contaminants that may be discharged into the waters of the State; to set standards for the filling or sealing of abandoned holes in order to protect groundwater; and to adopt requirements, standards and procedures to enable the state to implement and participate in the NPDES program established by the Federal Water Pollution Control Act of 1972 (FWPCA), as amended, (33 U.S.C. 1251 et seq.), the Board adopts the following rules and regulations.~~

(Source: Repealed at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.102 Policy

A policy of the General Assembly in adopting the Environmental Protection Act [415 ILCS 5] is to restore, maintain and enhance the purity of the water of Illinois~~ in order~~ to protect health, welfare, property and the quality of life. It is determined that mining activities including the preparation, operation and abandonment of mines, mine refuse areas and mine related facilities without environmental planning and safeguards and using~~the use of~~ certain refuse materials can cause, threaten or allow the discharge of contaminants into the waters of Illinois. Causing, threatening, or allowing these discharges can~~so as to~~ cause or threaten to cause a nuisance or~~ to~~ render these~~such~~ waters harmful or detrimental to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses including use by livestock, wild animals, birds, fish or other aquatic life and riparian vegetation.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.103 Purpose

The purpose of~~ this~~ Subtitle D is to prevent pollution of waters of Illinois caused by failure to plan proper environmental safeguards for the location, preparation, operation and abandonment of mining activities, mining and mine refuse operations. Subtitle D establishes a~~A~~ permit system ~~is established~~ to control~~ the multitude of~~ contaminating point and non-point source discharges, visible and hidden, continuous and fluctuating, that~~which~~ are potentially present in mining activities, mining and mine refuse operations. To~~In order to~~ ensure that these~~such~~ activities meet environmental standards, Subtitle D establishes water quality and effluent standards~~ are established~~ to limit discharges from point sources and~~as well as~~ to protect waters for beneficial uses. Subtitle D establishes~~In addition,~~ procedural safeguards~~ are established~~ to ensure the protection of waters. It~~Furthermore, it~~ is the purpose of~~ this~~ Subtitle D to meet the requirements of Section 402 of the Federal Water Pollution Control Act of 1972 (FWPCA).

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.104 Compliance with Other Laws Required

Nothing in this Part~~regulation~~ is intended to be inconsistent with or impair the obligation to comply with the provisions of the~~an Act entitled, "The~~ Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]~~" of Illinois~~ or with any other State~~state~~ or federal law affecting the duties of an operator.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.105 SeverabilityValidity Not Affected

If any provision of this Subtitle D, Chapter I is adjudged invalid or if the application to any person or in any circumstances is adjudged invalid, thesuch invalidity willshall not affect the validity of this Subtitle D, Chapter I as a whole or of any Partpart, Subpartsubpart, sentence or clause thereof not adjudged invalid.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.106 Repealer (Repealed)

Chapter 4: Mine Related Pollution, effective May 23, 1972 and all amendments thereto heretofore adopted are hereby superseded.

(Source: Repealed at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers withto current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part I, General Provisions	35 Ill. AdmAdmin. Code Part 401
Rule 101	Section 401.101
Rule 102	Section 401.102
Rule 103	Section 401.103
Rule 104	Section 401.104
Rule 105	Section 401.105
Rule 106	Section 401.106

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Definitions

2) Code Citation: 35 Ill. Adm. Code 402

3)

Section Numbers:	Adopted Actions:
402.100	Amendment
402.101	Amendment
402.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 4737; April 26, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted amendments streamline, update, and clarify the existing Subtitle D rules, including those in Part 402.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

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Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-24 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 402
DEFINITIONS

Section
402.100 Terms Defined Elsewhere
402.101 Definitions

402.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 12 and 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527; amended in R84-29 at 11 Ill. Reg. 12890, effective July 27, 1987; amended in R18-24 at 43 Ill. Reg. 11580, effective September 25, 2019.

Section 402.100 Terms Defined Elsewhere

Unless otherwise stated or unless the context clearly indicates a different meaning, the definition of terms used in Subtitle D~~this Chapter~~ are the same as those found in the Illinois Environmental Protection Act [415 ILCS 5] (Act), ~~(Ill. Rev. Stat. 1979, ch. 111½, Section 1001 et seq.)~~ 35 Ill. Adm. Code Subtitle C, Chapter I,~~the Water Pollution Regulations of the Illinois Pollution Control Board (subtitle C, chapter I)~~ and the Federal Water Pollution Control Act of 1972 (FWPCA)~~,~~ (33 USC~~U.S.C.~~ 1251~~ et seq., 1972 as amended~~). ~~The following definitions which apply to this Chapter can be found in the Act, Subtitle C, Chapter I or the FWPCA: Administrator, Agency, Board, Contaminant, Effluent, Federal Water Pollution Control Act (FWPCA), National Pollutant Discharge Elimination System (NPDES), Point Source Discharge, Pollutant, Refuse, Storet, Treatment Works, Underground Waters, Wastewater, Wastewater Source, Water Pollution and Waters.~~

(Source: Amended at 43 Ill. Reg. 11580, effective September 25, 2019)

Section 402.101 Definitions

For purposes of this Subtitle D,~~Chapter~~ the following terms are defined:

"Abandon": to transfer ownership of or to close down mining activities, a mine or mine refuse area with no intention by the~~that~~ operator to reopen the affected land. A mine or mine refuse area that~~which~~ has been inoperative for one year is~~shall be~~ rebuttably presumed~~ to be~~ abandoned.

"Acid or Ferruginous Mine Drainage": mine drainage that~~which~~, before any treatment, has a pH of less than 6.0 or a total iron concentration greater than 10 mg/L.

"Acid-producing Material": material that,~~which~~ when exposed to air and water, may cause~~is capable of causing~~ drainage containing sulfuric acid. In determining whether material is acid-producing, consideration must~~shall~~ be given to the sulfur content of the material, the size and spatial distribution of pyritic compounds and other compounds of sulfur, the neutralizing effect of surrounding intermixed materials, and the quality of drainage produced by mining on sites with similar soils.

"Affected Land": any land owned,~~ or~~ controlled, or otherwise used by the operator in connection with mining activities, except the surface area above underground mine workings that is not otherwise used for mining activities. The term does not include offsite office buildings and farming operations or recreational activities on undisturbed land. Land described in a certificate of abandonment issued by the Agency under 35 Ill. Adm. Code~~Section~~ 405.110(e) is no longer part of the affected land.

"Alkaline Mine Drainage": mine drainage that~~which~~, prior to treatment, has a pH equal to or greater than 6.0 and a total iron concentration of less than 10 mg/L~~/~~.

"Aquifer": *saturated (with groundwater) soils and geologic materials that are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients.* [415 ILCS 55/3(b)]~~A zone, stratum or group of strata which can store and transmit water in sufficient quantities for a specific use.~~

"Base Flow": any flow that~~which~~ is not a result of immediate runoff from precipitation. It includes~~, but is not limited to,~~ groundwater flow, mechanical pumpages, springs, discharges from subsurface drainage systems, and controlled outfalls from other treatment works. It is normally any flow beyond 24 hours

after the rainfall ceases.

"Coal Preparation Plant": a facility where coal is subjected to cleaning, concentrating, or other processing or preparation~~ in order~~ to separate coal from its impurities.

"Coal Preparation Plant Associated Areas": coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

"Coal Refuse Disposal Pile": any coal refuse permanently deposited on the earth or stored for more than 180 days. It does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

"Coal Transfer Facility" or "Coal Storage Yard": any area where coal is transferred from one mode of transportation to another or where coal is dumped, piled, stored or blended. The term includes~~ but is not limited to~~ coal docks, blending yards, conveyor belts and pipelines. As used in this Subtitle D~~Chapter~~, the terms mining activity and mine related facility~~ shall~~ include coal transfer facilities and coal storage yards.

"Construction Authorization": authorization under 35 Ill. Adm. Code~~Section~~ 403.104 to prepare land for mining activities or to construct mine related facilities. Construction authorization is issued to a person who holds or is required to have a National Pollutant Discharge Elimination System~~an~~ (NPDES) permit.

"Construction Permit": a State~~state~~ permit issued under 35 Ill. Adm. Code~~Section~~ 404.101 that~~which~~ allows the operator to prepare land for mining activities or to construct mine related facilities.

"Controlled Surface Mine Drainage": any surface mine drainage that is pumped or siphoned from a mine area or mined area.

"Domestic Retail Sales Yard": a business that~~which~~ stockpiles coal or other minerals solely to supply~~for the purpose of supplying~~ homeowners, small businesses, small industries or other institutions with~~ the~~ minerals~~mineral~~ for~~ their~~ individual consumption. The term does not include any sales yard located at a mine.

"Drainage Course": any natural or man-made channel or ditch that directs~~which serves the purpose of directing~~ the flow of water into a natural waterway.

"Facility": a contiguous area of land, including all structures above or below the ground,~~ which is~~ owned or controlled by one person.

"Mine Area" or "Mined Area": the surface and subsurface land where mining has occurred or is occurring. The term does not include the unmined surface land directly above underground mine workings that~~which~~ is not otherwise disturbed by mining activities.

"Mine Discharge": any point source discharge, whether natural or man-made, from a mine related facility. Such discharges include~~ but are not limited to~~ mechanical pumpages, pit overflows, spillways, drainage ditches, seepage from mine or mine refuse areas, and effluent from processing and milling or mineral preparation plants. Other discharges including~~ but not limited to~~ sanitary sewers and sewage treatment works are not mine discharges. The term mine discharge includes surface runoff discharged from a sedimentation pond but does not include non-point source mine discharges.

"Mine Refuse": gob, coal, rock, slate, shale, mill tailings, boney, clay, pyrites and other unmerchantable solid or slurry material intended to be discarded that~~which~~ results from~~is connected with the~~ cleaning and preparation of mined materials at a preparation plant or washery. It includes sludge or other precipitated matter produced by the treatment of acid mine drainage but does not~~ otherwise~~ generally include sediment from alkaline mine drainage. The term also includes acid-producing spoil.

"Mine Refuse Area": any land used for dumping, storing~~storage~~ or disposing~~disposal~~ of mine refuse.

"Mine Refuse Pile": any deposit of solid mine refuse~~ which is~~ intended for~~to serve as~~ permanent disposal~~ of such material~~.

"Mine Related Facility": a portion of a facility that~~which~~ is related to mining activities. The term includes~~, but is not limited to,~~ the following:

Affected land;

Coal storage yard or transfer facility;

Mine;

Mine drainage treatment facility;

Mine refuse area; and

Processing or mineral preparation plant.

"Mining": the surface or underground extraction or processing of natural deposits of coal, clay, fluorspar, gravel, lead bearing ores, peat, sand, stone, zinc bearing ores or other minerals using~~by the use of~~ any mechanical operation or process. The term also includes recovering~~the recovery~~ or processing~~ of the~~ minerals from a mine refuse area. It does not include drilling for oil or natural gas.

"Mining Activities": all activities on a facility that~~which are~~ directly further~~in furtherance of~~ mining, including activities before, during and after mining. The term does not include land acquisition, exploratory drilling, surveying and similar activities. The term includes~~, but is not limited to,~~ the following:

Preparation of land for mining activities;

Construction of mine related facilities that~~which~~ could generate refuse, result in a discharge or have the potential to cause water pollution;

Ownership or control of a mine related facility;

Ownership or control of a coal storage yard or transfer facility;

Generation or disposal of mine refuse;

Mining;

Opening a mine;

Production of a mine discharge or non-point source mine discharge;

Surface drainage control; and

Use of acid-producing mine refuse.

"Mountaintop Removal": surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removal of all of the overburden and create a level plateau or gently rolling contour with no highwalls remaining.

"New Source Coal Mine": a coal mine, including an abandoned mine that~~which~~ is being remined, at which:

Construction commenced after May 4, 1984; or

A major alteration has resulted in a new, altered or increased discharge of pollutants. Major alterations are:

Extraction from a coal seam not previously extracted by that mine;

Discharge into a drainage area not previously affected by wastewater discharge from that mine;

Extensive new surface disruption at the mining operation; and

Construction of a new shaft, slope or drift.

"Non-point Source Mine Discharge": surface runoff from the affected land. The term does not include surface runoff~~ which is~~ discharged from a sedimentation pond or seepage from a mine or mine refuse area.

"Opening a Mine": any construction activity related to preparation for mining on a facility.

"Operating Permit": a State~~state~~ permit required of a person carrying out mining activities.

"Operator": a person who carries out mining activities.

"Permittee": a person who holds a State~~state~~ or NPDES permit issued under~~ this~~ Subtitle D~~, Chapter I~~. In some contexts, the term permittee also includes a permit

applicant.

"Person": any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State~~state~~ agency, or any other legal entity, or their legal representative, agent or assigns.

"Processing or Mineral Preparation Plant": a facility used to size or separate~~for the sizing or separation from the ore or raw mineral of~~ coal, clay, fluorspar, gravel, lead bearing ores, peat, sand, stone, zinc bearing ores, or other materials from the ore or raw mineral.

"Reclamation Area": the surface area of a coal mine~~ which has been~~ returned to the contour required by permit and on which revegetation work has begun~~commenced~~.

"Slurry": mine refuse separated from the mineral in the cleaning process, consisting of readily pumpable fines and clays and other materials in the preparation plant effluent. This term includes mill tailings.

"Spoil": the accumulation of excavated overburden or other earth, dirt or rock overlying the mineral seam or other deposit excavated from its original location by surface or underground mining.

"State Permit": a construction permit or operating permit issued by the Agency. NPDES permits are not State~~state~~ permits.

"Steep Slope": any slope of more than 20 degrees.

"Surface Drainage Control": control of surface water on the affected land by a person~~ who is~~ engaging in mining activities. Control of surface water includes diverting~~diversion of~~ surface waters around or away from the active mining area or mine refuse area and diverting~~diversion~~, redirecting~~redirection~~ or impounding~~impoundment of~~ a stream or impounding~~impoundment of~~ water to augment~~for~~ flow~~ augmentation~~ or control~~controlled~~ release of effluents.

"Surface Mining": mining conducted in an open pit, including area and contour strip mining.

"Underground Mining": mining conducted below the surface by means of constructing an access facility to the mineral deposit. The term includes slope, drift, shaft mines and auger or punch mining.

"Use of Acid-producing Mine Refuse": use of acid-producing mine refuse includes any use, offer for sale, sale or offer for use in roadway projects, mine roads, mine yards or elsewhere.

(Source: Amended at 43 Ill. Reg. 11580, effective September 25, 2019)

Section 402.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers to with current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part II, Definitions	35 Ill. AdmAdmin. Code Part 402
Rule 200	Section 402.100
Rule 201	Section 402.101

(Source: Amended at 43 Ill. Reg. 11580, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: NPDES Permits

2) Code Citation: 35 Ill. Adm. Code 403

3)

Section Numbers:	Adopted Actions:
403.100	Amendment
403.101	Amendment
403.102	Amendment
403.103	Amendment
403.104	Amendment
403.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 4749; April 26, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted amendments streamline, update, and clarify the existing Subtitle D rules, including those in Part 403.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

312/814-6085
tim.fox@illinois.gov

Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-24 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 403
NPDES PERMITS

Section
403.100 Preamble
403.101 Incorporation of NPDES Water Rules
403.102 NPDES Permits Required of Certain Dischargers
403.103 Application
403.104 Construction Authorization

403.APPENDIX A References to Previous Rules

AUTHORITY: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527, effective August 10, 1981; amended in R18-24 at 43 Ill. Reg. 11591, effective September 25, 2019.

Section 403.100 Preamble

a) Part 403 governs mining activities and permit issuance for~~with respect to holders of an~~ NPDES permit holders and persons required to obtain an NPDES permit for a facility.

b) Under 35 Ill. Adm. Code~~As provided by Section~~ 404.102, ~~those~~ facilities operating~~which operate~~ under an NPDES permit need not obtain a State~~state~~ permit so long as the Agency administers the NPDES permit program.

c) Under 35 Ill. Adm. Code 404.102, Part 404 does not apply~~is inapplicable~~ to NPDES permit holders~~, as provided by Section 404.102~~.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.101 Incorporation of NPDES Water Rules

Except for 35 Ill. Adm. Code 309.154, 35 Ill. Adm. Code 309.Subpart A applies to NPDES permits required by Subtitle D. In the event of a conflict between Subtitle D and 35 Ill. Adm. Code 309.Subpart A, Subtitle D applies to mine related facilities.~~The rules contained in Subpart A, Part 309, Subtitle C: Water Pollution shall apply to NPDES permits required under this Subtitle D, Chapter I, except for Section 309.154*, Authorization to Construct; provided, however, that in the event conflict arises between Subtitle D, Chapter I and Subpart A, Part 309, Subtitle C, Chapter I, the requirements of Subtitle D, Chapter I shall apply to Mine related facilities.~~

~~*Prior to codification, Rule 910(n) of Chapter 3.~~

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.102 NPDES Permits Required of Certain Dischargers

~~Except as in compliance with the provisions of the Act, Board regulations, the FWPCA and the provisions and conditions of the NPDES permit issued to the discharger,~~ The~~the~~ discharge of contaminants~~any contaminant~~ or pollutants~~pollutant~~ by any person into the waters of the State~~state~~ from a point source or into a well is~~shall be~~ unlawful, except when complying with provisions of the Act, Board regulations, the FWPCA (32 USC 1251 et seq.), and the provisions and conditions of the discharger's NPDES permit.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.103 Application

a) A person required to obtain an NPDES permit must~~shall~~ file an application complying~~in accordance~~ with 35 Ill. Adm. Code~~Section~~ 405.104 on forms provided by the Agency~~ or the United States Environmental Protection Agency as applicable~~.

b) A person who holds an NPDES permit~~ for a facility~~ or who submits an NPDES permit application for a~~that~~ facility need not apply for a State~~state~~ permit unless ~~and until~~ the Agency notifies that person that a State~~state~~ permit is required~~ for that facility~~.

c) Application for a renewed or modified~~supplemental~~ NPDES permit is governed by the rules on NPDES applications~~ in general~~.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.104 Construction Authorization

a) If an NPDES permit is required to~~No person shall~~ prepare land for mining activities or construct a mine related facility, a person must, before preparing land or constructing a facility ~~for which an NPDES permit is required unless~~:

1) Hold~~The person holds~~ an NPDES permit including~~containing as~~ a condition authorizing the permit holder to prepare land or construct a facility~~a construction authorization for the preparation or construction~~; or

2) Hold~~The person holds~~ a construction permit under 35 Ill. Adm. Code 404.101 to prepare land or construct a facility~~for the preparation or construction issued pursuant to Section 404.101~~.

b) A~~No~~ permittee must not construct~~shall cause or allow the construction of~~ a new mine related facility or modify~~modification of~~ a mining activity or mine related facility for which the permittee holds an NPDES permit ~~is held~~ unless the NPDES permit includes ~~as~~ a condition authorizing the~~a construction authorization for such~~ construction or modification.~~;~~ If the modification is already covered under the existing permit condition, a separate authorization from the Agency is not required.~~provided, however, that construction authorization is not required for modification which would not cause a violation of conditions of the existing permit.~~

c) Any person required to obtain a construction authorization must apply~~shall make application~~ at least 180 days before~~in advance of~~ the date ~~on which~~ construction or modification begins~~is to begin~~.

d) Any person seeking a construction authorization must submit~~shall furnish information and complete~~ an application under 35 Ill. Adm. Code~~as provided in Section~~ 405.104. The rules governing issuance~~Issuance~~ of ~~a construction authorization shall be governed by the rules which govern issuance of~~ an NPDES permit, including 35 Ill. Adm. Code~~Sections~~ 405.101 and 405.102, also apply to issuing a construction authorization.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers withto current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part III, NPDES Permits	35 Ill. AdmAdmin. Code Part 403
Rule 300	Section 403.100
Rule 301	Section 403.101
Rule 302	Section 403.102
Rule 303	Section 403.103
Rule 304	Section 403.104

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Permits

2) Code Citation: 35 Ill. Adm. Code 404

3)

Section Numbers:	Adopted Actions:
404.101	Amendment
404.102	Amendment
404.103	Amendment
404.104	Amendment
404.105	Amendment
404.106	Amendment
404.107	Amendment
404.108	Amendment
404.109	Amendment
404.110	Amendment
404.111	Amendment
404.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4756; April 26, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted amendments streamline, update, and clarify the existing Subtitle D rules, including those in Part 404.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

312/814-6085
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Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-24 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 404
STATE PERMITS

Section
404.100 Preamble
404.101 Construction and Operating Permits: State Permits
404.102 Exemption from State Permit: NPDES Holder
404.103 Exemption from State Permit: Coal Piles and Small Mines
404.104 Applications: Deadline to Apply
404.105 Permit Application: Signatures and Authorizations Required
404.106 Permit Applications: Registered or Certified Mail or Hand Delivery Required
404.107 Supplemental State Permits
404.108 Violation of Conditions and Standards in a Permit
404.109 State Permit Term
404.110 Permit No Defense to Certain Violations
404.111 Permit Review

404.APPENDIX A References to Previous Rules

AUTHORITY: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527, effective August 10, 1981; amended in R18-24 at 43 Ill. Reg. 11597, effective September 25, 2019.

Section 404.101 Construction and Operating Permits: State Permits

a) Except as provided in 35 Ill. Adm. Code~~Sections~~ 404.102 and 404.103, a person must obtain ~~no person shall~~:

1) A construction permit before preparing~~Prepare~~ land for mining activities or constructing~~construct~~ a mine related facility that~~which~~ could generate refuse, result in a discharge, or potentially~~have the potential to~~ cause water pollution ~~without a construction permit~~; and~~or~~

2) An operating permit before carrying~~Carry~~ out mining activities~~ without an operating permit~~.

b) The~~For administrative covenience the~~ Agency may issue joint construction and operating permits. Whether a State~~state~~ permit is construction, operating, or joint must~~shall~~ be determined from the document's language~~ of the entire document~~. The permit title is~~given it by the Agency shall~~ not ~~be~~ determinative.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.102 Exemption from State Permit: NPDES Holder

a) A permittee who holds an NPDES permit for a facility need not have a State~~state~~ permit for that facility.

b) This exemption is~~shall be~~ inapplicable if~~in the event~~ the Agency ceases to administer the NPDES permit program. If this occurs,~~In this event~~ the Agency must~~shall~~ notify permittees that State~~state~~ permits are required and must determine deadlines, of at least 45~~set dates, not less than forty-five~~ days after notification, by~~on~~ which the Agency must receive State~~state~~ permit applications ~~are to be received~~.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.103 Exemption from State Permit: Coal Piles and Small Mines

a) Unless the Agency determines that the facility will cause or threaten ~~to cause~~ water pollution or violate~~violation of~~ applicable regulations, the following facilities need not obtain State~~state~~ permits:

1) Domestic retail sales yards;

2) Consumer stockpiles located at the consuming facility, including ~~but not limited to~~ power plants and steel mills; or

3) Any facility where mining occurs that~~takes place which~~ affects less than ten acres of land per year and ~~which~~ does not include a coal, fluorspar, lead or zinc mine related facility.

b) A facility~~An~~ operator ~~of a facility~~ claiming exemption under subsection (a)(3) must~~of this Section shall~~ notify the Agency in writing of the facility's location ~~of the facility~~ and the basis for exemption. The exemption takes~~shall be of no~~ effect once the~~prior to the time such~~ notice is mailed.

c) If~~In the event~~ the Agency determines that a facility will cause or threaten ~~to cause~~ water pollution or violate~~violation of~~ applicable regulations, or that a facility claiming exemption is not exempt, the Agency must~~shall~~ notify the operator that a permit is required. If~~An exemption which is valid except that~~ the Agency has determined that an exempt~~the~~ facility will cause or threaten ~~to cause~~ water pollution or violate~~violation of~~ applicable regulations, the exemption continues ~~shall continue~~ for 45~~forty-five~~ days after notification that the facility requires a permit and during the pendency of a permit application before the Agency.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.104 Applications: Deadline to Apply

A person required to have a State~~state~~ permit must~~shall~~ file an application with the Agency at least 90~~ninety~~ days before the date ~~on which~~ the permit is required.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.105 Permit Application: Signatures and Authorizations Required

a) If~~An application~~ submitted by a corporation, the permit application must~~shall~~ be signed by a principal executive officer of at least the level of vice president or his or her duly authorized representative, if the~~such~~ representative is responsible for the overall operation of the facility where~~from which~~ the discharge ~~described in the application form~~ originates.

b) If submitted by~~In the case of~~ a partnership or a sole proprietorship, the permit application must~~shall~~ be signed by a general partner or the proprietor, respectively.

c) For all other persons, the permit application must~~shall~~ be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.106 Permit Applications: Registered or Certified Mail or Hand Delivery Required

a) All State~~state~~ permit applications must~~shall~~ be mailed or delivered to the appropriate address designated by the Agency. Any application or revised application sent by mail must~~shall~~ be sent by registered or certified mail, return receipt requested.

b) Any application or revised application~~Applications which are~~ hand delivered to the Agency must be~~shall be~~ delivered to an authorized employee of the Agency's permit section or~~and receipted for by any authorized person employed in the permit section of~~ the Agency's Mine Pollution Control Program, and the authorized employee must provide the applicant with a delivery receipt.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.107 Supplemental State Permits

a) A permittee may apply for a new or supplemental State~~state~~ permit whenever ~~circumstances arise such that~~ there could be a violation of its previous permit or in other appropriate circumstances.

b) Applications for new or supplemental State~~state~~ permits are~~shall be~~ subject to the rules on applications in general.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.108 Violation of Conditions and Standards in a Permit

a) A~~No~~ permittee must not~~shall~~ violate the conditions and standards contained in its State~~state~~ permit.

b) In addition to ~~the~~ other sanctions under~~provided by~~ the Act~~act~~ and ~~this~~ Subtitle D, ~~Chapter I,~~ the Board may revoke a State~~state~~ permit in appropriate circumstances, including ~~but not limited to~~ the following:

1) Due to~~Because of~~ existing geological conditions, an operator cannot carry out mining activities without causing~~so as not to cause~~ a violation of the Act or ~~this~~ Subtitle D~~, Chapter I~~; ~~or~~

2) A permittee's history of chronic disregard ~~by the permittee~~ for the Act or Board regulations; ~~or~~

3) Obtaining a permit by misrepresentation or failure to disclose ~~fully~~ all relevant facts; or

4) Other circumstances in which~~where~~ it is affirmatively shown that the general standard for permit issuance under 35 Ill. Adm. Code~~contained in Section~~ 405.102 would not be met if the permittee submitted a new permit application ~~for permit were made~~.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.109 State Permit Term

State permits will~~shall~~ have a duration not exceeding~~to exceed~~ five years ~~as specified in the permit~~.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.110 Permit No Defense to Certain Violations

Possessing~~The possession of~~ a State~~state~~ permit is not a defense to violation of the Act or Subtitle D, ~~Chapter I~~ except for a complaint alleging mining activity without a permit.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.111 Permit Review

a) If the Agency fails to notify the applicant within 30 days after filing an application that the application is incomplete and the reason the Agency deems it incomplete, the application will be deemed to have been filed on the date of the purported filing. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review.

b) If the Agency fails to take final action by granting or denying the permit as requested or modifying it with conditions within 90 days after the filing of the application, the applicant may deem the permit granted for a one year period beginning on the 91st day after the application was filed.

c) If the Agency notifies an applicant that a permit application is incomplete or inadequate, modifies any condition or term of a State permit, or revokes an existing permit, it is considered a permit denial for purposes of appealing the Agency's decision to the Board under Section 40 of the Act.

~~Any condition or term in a state permit or Agency notification that a permit application is incomplete or inadequate or Agency notification of modification or revocation of an existing permit is a permit denial entitling a person to appeal the Agency's decision to the Board under Section 40 of the Act.~~

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

Section 404.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers to with current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part IV, State Permits	35 Ill. Adm.Admin. Code Part 404
Rule 400	Section 404.100
Rule 401	Section 404.101
Rule 402	Section 404.102
Rule 403	Section 404.103
Rule 404	Section 404.104
Rule 405	Section 404.105
Rule 406	Section 404.106
Rule 407	Section 404.107
Rule 408	Section 404.108
Rule 409	Section 404.109
Rule 410	Section 404.110
Rule 411	Section 404.111

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State and NPDES Permits

2) Code Citation: 35 Ill. Adm. Code 405

3)

Section Numbers:	Adopted Actions:
405.101	Amendment
405.102	Amendment
405.103	Amendment
405.104	Amendment
405.105	Amendment
405.106	Amendment
405.107	Amendment
405.108	Amendment
405.109	Amendment
405.110	Amendment
405.111	Amendment
405.112	Amendment
405.113	Amendment
405.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4766; April 26, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted amendments streamline, update, and clarify the existing Subtitle D rules, including those in Part 405.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

312/814-6085
tim.fox@illinois.gov

Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-24 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 405
STATE AND NPDES PERMITS

Section
405.100 Preamble
405.101 Special Conditions~~: Agency Guidance Document~~
405.102 Standard for Permit Issuance or Certification
405.103 Permit Modification When New Regulations Are~~are~~ Adopted
405.104 Permit Applications
405.105 Surface Drainage Control
405.106 Refuse Disposal
405.107 Experimental Permits for Refuse Disposal
405.108 Permit for Use of Acid-producing Mine Refuse
405.109 Abandonment Plan
405.110 Cessation, Suspension or Abandonment
405.111 Emergency Procedures To Control Pollution
405.112 Mine Entrances
405.113 Permit Area

405.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 12 and 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R76-20, R77-10, 39 PCB 196, at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 8527; amended in R83-6A at 8 Ill. Reg. 13267, effective July 16, 1984; amended in R07-9 at 32 Ill. Reg. 15004, effective September 8, 2008; amended in R18-24 at 43 Ill. Reg. 11606, effective September 25, 2019.

Section 405.101 Special Conditions~~: Agency Guidance Document~~

~~a)~~In addition to the standards and conditions required by this Subtitle D, ~~Chapter I,~~ the Agency may, in granting permits, impose ~~such~~ conditions ~~as may be~~ necessary to accomplish the purposes of the Act that~~and which~~ are not inconsistent with Subtitle D~~, Chapter I~~. All NPDES permits must~~shall~~ contain ~~those~~ terms and conditions, including ~~but not limited to~~ schedules of

compliance, which may be required to accomplish the purposes and provisions of the Act.

~~b) The Agency shall adopt such procedures as are necessary for permit issuance under this Subtitle D, Chapter I. Such procedures shall be included in an Agency guidance document.*~~

~~c) The Agency may adopt criteria for the design, operation, maintenance and abandonment of mine related facilities and other wastewater sources. Such criteria as are adopted shall be set forth in an Agency guidance document and shall be revised from time to time to reflect current engineering judgement and advances in the state of the art.*~~

~~d) In adopting new or revised criteria or procedures, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1979, ch. 127, §1001 et seq.~~

~~e) To the extent the Agency adopts such criteria, they will represent a formal Agency interpretation of what is consistent with the Act and Subtitle D, Chapter I and necessary to accomplish the purposes of the Act.~~

~~f) In adopting new or revised criteria the Agency shall consider other applicable state and federal statutes and regulations and shall avoid issuing criteria which conflict with such.~~

~~*35 Ill. Admin. Code Part 450 et seq.~~

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.102 Standard for Permit Issuance or Certification

a) The Agency will~~shall~~ issue or certify a permit if ~~and only if~~ the operator submits adequate proof that the mine related facilities and mining activities will be constructed, prepared and operated without causing~~so as not to cause~~ a violation of the Act or Subtitle D~~, Chapter I~~.

~~b) If an Agency guidance document is promulgated and if it contains criteria with regard to any condition of a permit, then for purposes of permit issuance proof of conformity with the Agency guidance document shall be prima facie evidence of no violation. However, nonconformity with the Agency guidance document shall~~

~~not be grounds for permit denial if the condition of subsection (a) of this Section is met.~~

b~~c~~) The Agency may issue ~~under Section 405.107~~ an experimental permit under 35 Ill. Adm. Code 405.107 despite~~,~~ subsection (a) ~~of this Section notwithstanding~~.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.103 Permit Modification When New Regulations Are Adopted

If the Board adopts new regulations affecting the terms and conditions of a permit that is in effect~~an outstanding permit~~, the Agency may issue ~~to the permittee~~ a new, modified, or supplemental permit including terms and conditions reflecting the new regulations~~setting forth the affected terms and conditions as modified~~.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.104 Permit Applications

a) Plans, reports, specifications and application forms submitted to the Agency as part of a State~~state~~ or NPDES permit application must~~shall~~ be certified by a registered professional engineer when required by the Illinois Professional Engineering Act [225 ILCS 325]~~, Ill. Rev. Stat., 1979, ch. 111, par. 5101 et seq~~.

b) An application for a State~~state~~ or NPDES permit must~~shall~~ include:

1) The location~~Location of the affected land~~ and the maximum extent of the affected land during the term of the requested permit;

2) Activities on the affected land to prepare the site for mining activities, including all earth moving, grading activities, construction and any other preparatory activity;

3) Measures to be taken to avoid violating ~~violation of~~ the Act and Subtitle D;~~, Chapter I.~~

4) The location of all streams, creeks, bodies of water, and aquifers that~~which~~ receive drainage from the affected land;

5) The location of all private water supplies on or within one mile of the affected land;

6) The name, type and location of all public water supplies within ten miles of the affected land;

7) Plans for surface drainage control under ~~as required by~~ Section 405.105;~~.~~

8) Affected land areas~~Areas~~ ~~of the affected land~~ where mining will occur;

9) Affected land areas~~Areas of the affected land~~ where mine refuse and spoil will be deposited;~~.~~

10) The general characteristics of the mine refuse and spoil~~ according to the classification scheme set forth in the Agency Guidance Document or any other general soil classification system acceptable to the Agency~~;

11) The proposed method of mining;

12) A refuse disposal plan under~~as required by~~ Section 405.106 or ~~Section~~ 405.107;

13) The location of all bore holes, mine shafts, and wells on the affected land;

14) An estimate certified by an engineer of the quality and quantity of drainage from the mine area and mine refuse area, including estimated~~estimates of~~ concentrations of chloride, sulfate,~~ total dissolved solids~~ and all Section 406.106 contaminants ~~regulated under Section 406.106, together~~ with an explanation for~~a statement of~~ the basis of the estimates;

15) The location of all mine discharges~~discharge points~~ and non-point source mine discharges~~discharge sources~~, method or type of sediment basins, erosion control devices and wastewater treatment facilities for all mine related facilities, including identifying~~designation of~~ collection points for water discharged from all mechanical pumping or gravity flow systems used for draining the mine and mine refuse area;

16) An abandonment plan under~~as required by~~ Section 405.109; and

17) If the applicant intends to use acid-producing mine refuse, a plan under~~as required by~~ Section 405.108.

c) The Agency may require~~specify~~ other necessary information when considering~~necessary for consideration of~~ the permit application. This may be done through~~by way of~~ an application form~~, through the Agency guidance document~~ and through requests for information directed to the applicant.

d) This Section does not limit~~ section shall not be construed as limiting~~ the Agency's authority to enter into an agreement with the Illinois Department of Natural Resources, Office of Mines and Minerals for joint permit applications.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.105 Surface Drainage Control

a) A State~~state~~ or NPDES permit must~~shall~~ include a plan for surface drainage control as a condition.

b) The applicant's plan for surface drainage control must~~shall~~ be incorporated into a permit by reference if it meets the standard of Section 405.102(a); otherwise, the Agency must~~shall either~~ deny the permit or issue it with a modified plan~~ modified by conditions subject to the provisions of Section 405.101~~.

c) Mining activities and depositing~~the deposition of~~ mine refuse must~~shall~~ be planned and conducted so as to avoid contact or interference with waters of the State that could reasonably cause water pollution~~ state where such contact can reasonably be expected to cause or allow pollution of such waters~~.

d) Stream diversion~~Diversion~~, redirection or impoundment ~~of streams~~ must~~shall~~ not be undertaken when~~where~~ the Agency demonstrates that there is an economically reasonable alternative.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.106 Refuse Disposal

a) A State~~state~~ or NPDES permit must~~shall~~ include a refuse disposal plan as a

condition.

b) The applicant's refuse disposal plan must~~shall~~ be incorporated into the permit by reference if it meets the standard of Section 405.102(a); otherwise the Agency must~~shall either~~ deny the permit or issue it with a modified plan~~ modified by conditions subject to the provisions of Section 405.101~~.

c) Seepage from a refuse disposal area is considered a mine discharge and~~as defined by Section 402.101 which~~ is subject to 35 Ill. Adm. Code~~the standards contained in Part~~ 406~~ of this Subtitle D~~.

d) The mine refuse area must~~shall~~ not encompass~~be located in an area of~~ natural springs or an aquifer recharge area or intercept a drainage course unless special provisions protect them~~have been made to protect such~~. The Agency has the burden to prove~~of proof shall be on the Agency to show~~ that an area is an aquifer recharge area.

e) Acid-producing solid mine refuse must~~shall~~ be immediately spread, ~~and~~ compacted in layers, and covered ~~as necessary~~ with suitable non-acid-producing material as necessary. If wetness prohibits immediate spreading, the refuse must~~shall~~ be spread and compacted as soon as possible and prior to depositing~~the deposition of~~ a subsequent layer of refuse or cover material. The~~However, the~~ Agency may permit alternate refuse disposal methods.

f) Any refuse disposal plan constituting a change from the permitted refuse disposal plan is a revised refuse disposal plan.

g) Implementing~~Implementation of~~ a revised refuse disposal plan requires ~~shall require~~ a new, ~~or~~ modified~~revised~~, or supplemental NPDES or State~~state~~ permit. Applications must~~Application shall~~ be submitted~~made~~ within the time limits in 35 Ill. Adm. Code 403.104 and 404.104~~prescribed~~ for the respective permits~~ as provided by Sections 403.104 and 404.104~~.

h) Subsection (e) does~~shall~~ not apply to acid-producing solid mine refuse disposed of underground or in strip pits where disposal is below the level of natural drainage; however, a layer containing~~of~~ at least two feet of suitable non-acid-producing material must~~shall~~ be applied no later than one year after completion of a refuse pile in an open pit.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.107 Experimental Permits for Refuse Disposal

a) To promote technological development~~the development of the technology~~ of mine refuse pollution control, the Agency may issue experimental permits for refuse disposal not satisfying the requirements of Section 405.102 if the applicant demonstrates that the process, technique, or system has a reasonable chance of complying~~for compliance~~ with the Act and Subtitle D~~, Chapter I~~.

b) During operation, drainage from an experimental refuse area must~~shall~~ be monitored for~~to determine~~ compliance with the Act and Subtitle D~~, Chapter I~~.

c) As a permit condition, the~~The~~ Agency may require ~~as a permit condition that~~ the permittee to submit performance data and cost information while operating~~during the operation of~~ an experimental refuse area.

d) Applications for experimental permits must~~shall~~ comply with ~~the requirements of~~ Section 405.104~~ of this Subtitle D~~.

e) After the Agency approves an experimental permit, it may terminate the permit if data or maintenance practices indicate that the experimental method is no longer likely to meet the requirements of the Act and Subtitle D. Within 45 days after termination, the Agency will reimpose the requirements of Section 405.102.~~Agency approval of an experimental permit may be terminated at any time and the requirements of Section 405.102 reimposed within forty-five days whenever data or maintenance practices indicate that the experimental method no longer appears likely to meet the requirements of the Act and Subtitle D, Chapter I.~~

f) Within 12~~twelve~~ months after terminating an~~of the termination of the~~ experimental permit, the permittee must~~shall~~ complete the abandonment plan in the permitted mine refuse disposal area unless otherwise approved by the Agency.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.108 Permit for Use of Acid-producing Mine Refuse

a) Using acid-producing mine refuse requires, as a permit condition, an adequate

plan within a State~~A state~~ or NPDES permit~~ shall include as a condition an adequate plan for use of acid-producing mine refuse if the operator is to use such~~.

b) Using~~As defined by Section 402.101, use of~~ acid-producing mine refuse is a mining activity that may require~~for which~~ a permit ~~may be required~~ under 35 Ill. Adm. Code~~Section~~ 404.101.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.109 Abandonment Plan

a) A State~~state~~ or NPDES permit must~~shall~~ include, as a condition, an abandonment plan~~ as a condition~~.

b) An abandonment plan must~~shall~~ be incorporated into the permit by reference if it:

1) Contains~~Includes~~ a time schedule for executing~~establishing that the abandonment plan will be executed~~ and completing the plan~~completed~~ within a reasonable time after abandonment considering any potential adverse environmental impact~~impact on the environment~~ pending the plan's completion ~~of the plan~~ and the amount of time necessary to complete all~~required to carry out the~~ steps within it. One~~in the plan; one~~ year is assumed to be a reasonable time unless the operator demonstrates that a longer time is reasonable; and

2) Shows that the mine related facilities and mining activities will be abandoned without violating~~so as not to cause a violation of~~ the Act or Subtitle D~~this Chapter~~.

c) If the abandonment plan does not meet ~~the standard of~~ subsection (b) requirements, the Agency may either deny the permit or issue it with a modified~~an~~ abandonment plan~~ modified by conditions subject to Section 405.101~~.

d) The time limit under~~provided by~~ subsection (b)(1) is inapplicable to abandonment plans for surface coal mines that~~which~~ are approved as reclamation plans under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

e) Any abandonment plan constituting a substantial change from the permitted

abandonment plan is a revised abandonment plan.

f) A permittee must~~shall~~ apply for a new, ~~or~~ modified, ~~revised~~ or supplemental NPDES or State permit before implementing~~prior to implementation of~~ a revised abandonment plan within the time limits of~~provided by~~ 35 Ill. Adm. Code 403.104(c).

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.110 Cessation, Suspension or Abandonment

a) A permittee must~~shall~~ notify the Agency in writing by certified mail within 30~~thirty~~ days after~~of any of~~ the following:

1) Abandonment; or

2) Cessation or suspension of active mining for 30~~thirty~~ days or more unless caused by a labor dispute.

b) Regardless of the cause, ~~During~~ cessation or suspension of active mining requires~~, whether caused by a labor dispute or not,~~ the permittee to undertake~~shall provide~~ whatever interim impoundment, drainage diversion, or ~~and~~ wastewater treatment is necessary to avoid violating ~~violations of~~ the Act or Subtitle D~~this Chapter~~.

c) Upon abandonment, the permittee must~~shall~~ execute and complete the permitted abandonment plan, unless~~; provided, however, that the permittee need not execute and complete the permitted abandonment plan if~~ the abandonment arises solely from transfer of ownership to a responsible party.

d) A responsible party is a person who holds a State~~state~~ or NPDES permit and all other necessary permits for the same facility. If a~~such~~ permit is issued following~~subsequent to~~ the transfer, it must~~shall~~ relieve the transferor of any further~~the~~ obligation to execute~~of further executing~~ the abandonment plan.

e) Upon request by the permittee, the Agency must~~shall~~ issue a certificate of abandonment whenever the permittee demonstrates that:

1) The abandonment plan has been satisfactorily executed; and

2) The requirements of Section~~Sections~~ 405.109(b)(2)(A) and (b)(2)(B) have been met.

f) Refusal to issue a certificate of abandonment is a permit denial for purposes of appeal.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.111 Emergency Procedures To Control Pollution

a) A permittee must~~shall~~ notify the Agency within one hour of becoming aware of an emergency situation concerning mining activities that~~which~~ causes or threatens ~~to cause~~ a discharge of contaminants into the waters of Illinois. The permittee must~~shall~~ initially notify the Agency by telephone and then by~~follow this with~~ written notice, including a description of corrective measures taken. The permittee must~~shall~~ immediately undertake necessary corrective measures consistent with Agency approval under subsection~~paragraph~~ (b)~~ of this Section~~. Emergency situations~~,~~ likely to violate~~cause a violation of~~ the Act or Subtitle D~~this Chapter I,~~ include~~ but are not limited to the following~~:

1) Dike, levee, dam or pipeline rupture;

2) Flooded pit containing waters that~~which~~ do not meet the standards of 35 Ill. Adm. Code~~Part~~ 406;

3) Power failure or mechanical breakdown of any wastewater treatment facility.

b) The Agency may temporarily suspend the permit requirement ~~that a permit be obtained~~ to install and operate any device or facility necessary to correct the emergency situation.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.112 Mine Entrances

Bore holes, openings, drill holes, entrances to underground mines, and auger or punch mine entries must~~shall~~ be plugged and sealed to the extent necessary to avoid the threat of water pollution.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.113 Permit Area

A State~~state~~ or NPDES permit must~~shall~~ specify a permit area. During the permit term, ~~no portion of~~ the affected land, or any portion of it, must not ~~shall~~ be outside the permit area.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

Section 405.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers to with current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part V, State and NPDES Permits	35 Ill. Adm.Admin. Code Part 405
Rule 500	Section 405.100
Rule 501	Section 405.101
Rule 502	Section 405.102
Rule 503	Section 405.103
Rule 504	Section 405.104
Rule 505	Section 405.105
Rule 506	Section 405.106
Rule 507	Section 405.107
Rule 508	Section 405.108
Rule 509	Section 405.109
Rule 510	Section 405.110
Rule 511	Section 405.111
Rule 512	Section 405.112
Rule 513	Section 405.113

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Mine Waste Effluent and Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 406

3)

Section Numbers:	Adopted Actions:
406.100	Amendment
406.101	Amendment
406.102	Amendment
406.103	Amendment
406.104	Amendment
406.105	Amendment
406.106	Amendment
406.107	Amendment
406.108	Amendment
406.109	Amendment
406.110	Amendment
406.202	Amendment
406.204	Amendment
406.205	Amendment
406.206	Amendment
406.207	Amendment
406.208	Amendment
406.APPENDIX A	Amendment

4) Statutory Authority: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5/12, 13, 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted ruels are available on the Board's website (https://pcb.illinois.gov) under docket number R18-24 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4781; April 26, 2019

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: In 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules, including those in Subtitle D. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them as necessary. The Board and IEPA proposed non-substantive amendments. The adopted rules streamline, update, and clarify the existing Subtitle D rules, including those in Part 406.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago IL 60601

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE D: MINE RELATED WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 406
MINE WASTE EFFLUENT AND WATER QUALITY STANDARDS

SUBPART A: EFFLUENT STANDARDS

Section
406.100 Preamble
406.101 Averaging
406.102 Sampling, Reporting and Monitoring
406.103 Background Concentrations
406.104 Dilution
406.105 Commingling of Waste Streams
406.106 Effluent Standards for Mine Discharges
406.107 Offensive Discharges
406.108 Non-Point Source Mine Discharges
406.109 Effluent Standards for Coal Mine Discharges~~Discharge~~ from Reclamation Areas
406.110 Alternate Effluent Standards for Coal Mine Discharges During Precipitation Events

SUBPART B: WATER QUALITY STANDARDS

Section
406.201 Temporary Exemption from Section 406.105 (Repealed)
406.202 Violation of Water Quality Standards
406.203 TDS Related Permit Conditions (Repealed)
406.204 Good Mining Practices
406.205 Contact with Disturbed Areas
406.206 Retention and Control of Exposed Waters
406.207 Control of Discharge Waters
406.208 Unconventional Practices
406.209 Expiration of Former Exemptions (Repealed)

406.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 12 and 13 and authorized by Section 27 of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R76-20, R77-10, 39 PCB 196, at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 8527; emergency amendment in R83-6B at 7 Ill. Reg. 8386, effective July 5, 1983, for a maximum of 150 days; amended in R83-6B at 7 Ill. Reg. 14510, effective October 19, 1983; amended in R83-6A at 8 Ill. Reg. 13239, effective July 16, 1984; amended in R84-29 at 11 Ill. Reg. 12899, effective July 27, 1987; amended in R07-9 at 32 Ill. Reg. 15009, effective September 8, 2008; amended in R18-24 at 43 Ill. Reg. 11620, effective September 25, 2019.

SUBPART A: EFFLUENT STANDARDS

Section 406.100 Preamble

a) Part 406 applies to mine discharges and non-point source mine discharges as defined by 35 Ill. Adm. Code~~Section~~ 402.101.

b) Other discharges, including sanitary sewers, are regulated under Subtitle C, Chapter I: Water Pollution.

c) A facility that~~which~~ has another discharge will be subject to both Subtitle C and Subtitle D. Subtitle D governs mining activities, including mine discharges and non-point source mine discharges. Subtitle C governs other discharges.

d) Except as~~to the extent~~ provided in this Part 406, 35 Ill. Adm. Code~~Part~~ 304 of Subtitle~~subtitle~~ C is inapplicable to mine discharges and non-point source mine discharges.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.101 Averaging

a) Compliance with the numerical standards of this Part must~~part shall~~ be determined based on ~~the basis of~~ 24-hour composite samples averaged over any calendar month. A~~In addition, no~~ single 24-hour composite sample must not~~shall~~ exceed two times the numerical standards ~~prescribed~~ in this Part, and~~part nor shall~~ any grab sample taken individually or as an aliquot of any composite sample must not exceed five times the numerical standards ~~prescribed~~ in this Part~~part~~.

b) Despite subsectionSubsection (a) of this section notwithstanding, if a permittee elects monitoring and reporting by grab samples underas provided in Section 406.102(f), then compliance with the numerical standards mustof this part shall be determined based on the basis of three or more grab samples averaged over a calendar month. AIn addition, no single grab sample must notshall exceed two times the numerical standards prescribed in this Partpart.

c) The numerical standards for settleable solids are maximum values not to be exceeded at any time and are not subject to averaging.

d) The numerical standards for pH mustshall be within the specified range at all times and are not subject to averaging.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.102 Sampling, Reporting and Monitoring

a) WhenWhere treatment is provided for a discharge, effluent samples mustshall be taken at a point after the final treatment process and before entry into or mixture with any waters of the Statestate.

b) TheWhere treatment is provided the permittee mustshall design or modify structures that allowso as to permit the taking of effluent samples by the Agency at the required point. c)WhenWhere treatment is not provided for a discharge, effluent samples mustshall be taken at the nearest point of access to the discharge source at a point where the discharge leaves the mine, or mine area, or other portions of the affected land. All, but in all cases effluent samples mustshall be taken before entry into or mixture with waters of the Statestate.

cd) The Agency will determineAt a reasonable frequency at whichto be determined by the Agency, the permittee mustshall report the actual concentration or level of any parameter identified in the Statestate or NPDES permit.

1) Each report submitted underpursuant to this subsection (c) mustshall include at least three samples taken from each pond discharge during three separate periods occurring during that reporting period in which the alternate limitations for precipitation events under Sectionsof Section 406.109 and 406.110 were in effect.

2) If ~~such~~ alternate limitations under Sections 406.109 and 406.110 are in effect on fewer than three separate occasions during a reporting period, one sample must~~shall~~ be taken from~~of~~ each pond discharge on~~during~~ each occasion during~~in~~ that period when the alternate limitations are in effect. The operator has~~shall have~~ the burden of proof that the applicable precipitation event caused the discharge or increase in discharge~~ was caused by the applicable precipitation event~~.

d~~e~~) The Agency may ~~by permit condition~~ require monitoring and reporting based on ~~the basis of~~ 24-hour composite samples averaged over calendar months as a permit condition. The Agency may permit~~However,~~ grab samples or composite samples of shorter duration ~~may be permitted by the Agency~~ after the permittee demonstrates~~demonstration~~ that the~~such~~ samples reflect discharge levels over standard operating conditions.

e~~f~~) Despite subsection~~Subsection~~ (d~~e~~)~~ of this Section notwithstanding~~, if a permittee ~~so~~ requests, the Agency may~~shall by permit condition~~ require monitoring and reporting based on ~~the basis of~~ grab samples as a permit condition, in which case Section 406.101(b) will apply.

f~~g~~) Monitoring must~~as required in this rule shall~~ continue after abandonment until the permittee has reasonably established that drainage complies with and will continue to comply with the requirements of the Act and this Subtitle D~~Chapter~~.

g~~h~~) All methods of sample collection, preservation and analysis used in applying ~~any of~~ the requirements of Subtitle D must~~this Chapter shall~~ be in accord with USEPA's~~the United States Environmental Protection Agency's~~ current practice manual ~~of practice~~ or ~~with~~ other procedures acceptable to USEPA~~the United States Environmental Protection Agency~~ and the Agency.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.103 Background Concentrations

Because the effluent standards in this Part~~part~~ are based upon concentrations achievable with conventional treatment technology that is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting background concentrations. This Part~~However, it is not the intent of these regulations~~ is not intended to require users to clean up contamination caused ~~essentially~~ by upstream sources or to require

treatment when only traces of contaminants are added to the background. Complying ~~Compliance~~ with the numerical effluent standards is ~~therefore~~ not required when effluent concentrations exceeding~~in excess of~~ the standards result entirely from ~~the contamination of~~ influent contamination before it enters the affected land. Background concentrations or discharges upstream from affected land are rebuttably presumed not to have caused a violation of this Part~~part~~.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.104 Dilution

a) Dilution of an effluent from a treatment works or from any wastewater source is not acceptable as a wastewater treatment method ~~of treatment of wastes in order~~ to meet the effluent standards ~~set forth~~ in this Subpart D. Rather, ~~it shall be the obligation of~~ any person discharging contaminants ~~of any kind~~ to the waters of the State~~state~~ must ~~to~~ provide the best degree of wastewater treatment ~~of wastewater~~ consistent with technological feasibility, economic reasonableness, and sound engineering judgment.

b) When determining~~In making determinations as to what kind of treatment is~~ the best degree of treatment under~~within the meaning of~~ this Section, the following will be considered:~~;~~

1) The~~What~~ degree of waste reduction that can be achieved by process change, improved housekeeping, and recovery of individual waste components for reuse; and

2) Whether individual process wastewater streams should be segregated or combined.

c) Concentrations measured for ~~the purpose of~~ determining compliance with Section 406.106 must~~shall~~ be recomputed to exclude the effect of any dilution that is improper under this Section.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.105 Commingling of Waste Streams

When~~Where~~ waste streams from any facility ~~described in this Part~~ are combined for treatment or

discharge, pollutants~~ with other waste streams from another facility, the concentration of each pollutant~~ in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component waste stream of the discharge.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.106 Effluent Standards for Mine Discharges

a) The effluent limitations ~~contained~~ in 35 Ill. Adm. Code 304 do~~shall~~ not apply to mine discharges or non-point source mine discharges.

b) Except as provided in Sections 406.109 and 406.110, a mine discharge effluent must~~shall~~ not exceed the following levels~~ of contaminants~~:

Constituent	~~Storet Number~~	Concentration
Acidity	~~00435~~	(total acidity must~~shall~~ not exceed total alkalinity)
Iron (total)	~~01045~~	• 3.5 mg/L~~l~~
Lead (total)	~~01051~~	• 1 mg/L~~l~~
Ammonia Nitrogen (as N)	~~00610~~	• 5 mg/L~~l~~
pH (range)	~~00400~~	• ~~(range~~ 6~~ to~~9~~)~~
Zinc (total)	~~01092~~	• 5 mg/L~~l~~
Fluoride (total)	~~00951~~	• 15 mg/L~~l~~
Total suspended solids	~~00530~~	• 35 mg/L~~l~~
Manganese	~~01055~~	• 2.0 mg/L~~l~~

1) The ammonia nitrogen standard applies~~is applicable~~ only to discharges from facilities using~~an operator utilizing~~ ammonia in wastewater treatment.

2) The manganese effluent limitation applies~~is applicable~~ only to discharges from facilities where chemical addition is required to meet the iron or pH effluent limitations. The upper limit of pH must~~shall~~ be 10 for any ~~such~~ facility ~~that is~~ unable to comply with the manganese limit at pH 9. The manganese standard is not applicable to mine discharges ~~which are~~ associated with areas where no active mining, processing, or refuse disposal has taken place since May 13, 1976.

c) New source coal mines are~~shall be~~ subject to a total iron limitation of 3.0 mg/L~~1~~ in addition to the requirements of subsection (b)~~ above~~.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.107 Offensive Discharges

In addition to the other requirements of Subtitle D~~this Chapter~~, ~~no~~ mine discharge effluent must not~~shall~~ contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color, odor, and turbidity must~~shall~~ be reduced ~~to~~ below obvious levels.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.108 Non-Point~~point~~ Source Mine Discharges

Surface drainage from the affected land of a coal mine, including disturbed areas that~~which~~ have been graded, seeded, or planted, must pass~~shall be passed~~ through a sedimentation pond or a series of sedimentation ponds before leaving the facility.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.109 Effluent Standards for Coal Mine Discharges from Reclamation Areas

a) The effluent limitations at~~contained in~~ 35 Ill. Adm. Code 304 and Section 406.106 do~~shall~~ not apply to mine discharges from reclamation areas.

b) A mine discharge effluent from a reclamation area must~~shall~~ not exceed the following levels of contaminants:

Constituent	~~Storet Number~~	Concentration
Settleable solids		0.5 ml/L~~l~~
pH (range)	~~00400~~	~~(range~~ 6-9~~)~~

c) Notwithstanding subsection (b),~~ above,~~ any discharge~~,~~ or increase in discharge~~the~~ volume ~~of discharge~~ caused by precipitation within a~~any~~ 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) is~~shall be~~ subject only to a pH limitation ~~(~~range of 6-9~~)~~.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.110 Alternate Effluent Standards for Coal Mine Discharges During Precipitation Events

a) Discharges ~~of alkaline mine drainage (except discharges from underground mines that are not commingled with other discharges eligible for these alternate limits), discharges~~ from mountaintop removal areas~~operations~~, ~~discharges from~~ steep slope areas, and ~~discharges from~~ coal preparation plants and plant associated areas, and discharges of alkaline mine drainage~~except for drainage from coal refuse disposal piles~~ are eligible for alternate effluent limitations during precipitation events. Discharges ineligible for alternate effluent limitations during precipitation events include drainage from coal refuse piles and discharges of alkaline mine drainage from underground mines that are not commingled with other eligible discharges. Any discharge or increase in discharge~~the~~ volume ~~of a discharge~~ caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of those in Section 406.106(b):

Constituent	~~Storet Number~~	Concentration
Settleable solids		• 0.5 ml/L~~l~~
pH (range)	~~00400~~	• ~~(range~~ 6-9~~)~~

b) Discharges of acid or ferruginous mine discharge from coal refuse disposal piles are eligible for alternate effluent limitations during precipitation events. Any discharge or increase in discharge~~the~~ volume ~~of a discharge~~ caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event and less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of those in Section 406.106(b):

Constituent	~~Storet Number~~	Concentration
Settleable solids		• 0.5 ml/L~~l~~
pH (range)	~~00400~~	• ~~(range~~ 6-9~~)~~

c) Discharges of acid or ferruginous mine drainage (excluding~~except for~~ discharges in subsection (b), ~~above,~~ mountaintop removal area discharges~~areas~~, steep slope area discharges~~areas~~, controlled surface mines discharges, and discharges from

underground workings) caused by precipitation:

1) Within~~caused by precipitation within~~ any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of those in Section 406.109(b):

Constituent	~~Storet Number~~	Concentration
Settleable solids		• 0.5 ml/L~~l~~
Iron (total)	~~101045~~	• 3.5 mg/L~~l~~
pH (range)	~~00400~~	• ~~(range~~ 6-9~~)~~

2) Within~~Caused by precipitation within~~ any 24-hour period greater than the 2-year, 24-hour precipitation event but less than or equal to the 10-year, 24-hour precipitation event must comply with~~shall be subject to the requirements of~~ subsection (c)(1), ~~above,~~ except for the total iron effluent standard.

d) All discharges mentioned in subsections (a), (b), and (c)~~ of this section~~, discharges of acid or ferruginous mine drainage from underground workings that~~which~~ are commingled with other discharges, and controlled acid or ferruginous surface mine discharges caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) are~~shall be~~ subject only to a pH limitation ~~(~~range of 6-9~~)~~.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

SUBPART B: WATER QUALITY STANDARDS

Section 406.202 Violation of Water Quality Standards

In addition to the other requirements of this Part, ~~no~~ mine discharges and~~discharge or~~ non-point source mine discharges~~discharge shall~~, alone or in combination with other sources, must not cause a violation of any water quality standards under~~of~~ 35 Ill. Adm. Code 302 or 303. If~~When~~ the Agency finds that a discharge that~~which~~ would comply with Subtitle D effluent standards ~~contained in this Part~~ would cause or is causing a violation of water quality standards, the Agency will~~shall~~ take appropriate action under Section 31 or 39 of the Environmental Protection Act [415 ILCS 5] and~~to~~ require the discharge to meet ~~whatever~~ effluent limits ~~are~~ necessary to

comply~~ensure compliance~~ with the water quality standards. When ~~such~~ a violation is caused by the cumulative effect of more than one source, several sources may be joined in an enforcement or variance proceeding, and measures for necessary effluent reductions will be determined based on ~~the basis of~~ technical feasibility, economic reasonableness, and fairness to all dischargers.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.204 Good Mining Practices

Good~~In determining whether an operator is utilizing good~~ mining practices are designed to minimize discharge of total dissolved solids, chloride, sulfate, iron, and manganese. The~~, the~~ Agency must~~shall~~ consider whether the operator is using~~utilizing~~ the following good mining practices~~, further defined in the Sections indicated~~:

a) Practices that~~which~~ may stop or minimize water from coming into contact with disturbed areas (Section 406.205);

b) Retention and control ~~within the site~~ of waters exposed to disturbed materials (Section 406.206);

c) Control and treatment of waters discharged from the site (Section 406.207);

d) Unconventional practices (Section 406.208).

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.205 Contact with Disturbed Areas

The~~In considering whether an operator is utilizing practices which may stop or minimize water from coming into contact with disturbed areas, the~~ Agency must~~shall~~ consider whether the operator's practices stop or minimize water from coming into contact with disturbed areas by considering~~the extent to which the operator is utilizing~~ erosion controls, including:

a) Diversions

1) Bypass diversions that~~to~~ collect and convey water around or through disturbed areas to ~~a~~ receiving stream waters that would otherwise flow over or through disturbed areas.

2) On-site diversions that~~to~~ convey water around or over~~:~~ disturbed areas~~;~~ or~~,~~ undermined areas connected to the surface.

3) Interception diversions that~~to~~ isolate on-site critical areas, including~~, but not limited to:~~ raw spoils, partially stabilized spoils, and highway access roads.

b) Runoff Controls

1) Clearing~~Staging of clearing~~, grubbing, scalping, grading and reclamation to keep~~operations so that the various~~ stages of the mining operation ~~are kept~~ concurrent with extraction operations~~,~~ and to allow only a minimum disturbed surface area to be ~~is~~ exposed at any one time.

2) Keeping gradients and inclines to the active pit as short as possible ~~in order~~ to minimize the amount of drainage going to the active pit.

3) Soil stabilization ~~through~~ measures such as revegetation and mulching to reduce the potential for exposing materials that~~which~~ may produce dissolved solids.

4) Sealing ~~of~~ boreholes acting as conduits allowing~~which allow the~~ uncontrolled entrance of water to underground mines or to active pit areas of surface mines.

5) Leaving sufficient barriers whenever mining adjacent to abandoned underground workings that may be inundated with water.

6) Prompt disposal~~Disposal~~ of potential contaminant-producing materials ~~as soon as possible~~ in areas that will prohibit or minimize contact with surface and groundwater.

7) Covering or treating potential contaminant-producing materials ~~so as~~ to minimize adverse effects on water quality.

8) Sealing ~~of~~ water-yielding fracture zones encountered during underground mining to reduce the flow of high total dissolved solids waters when geologic conditions permit successful sealing and when the flow from the fracture zone contributes significantly to the total dissolved solids load in

the mine discharge.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.206 Retention and Control of Exposed Waters

The~~In considering whether an operator is utilizing practices leading to the retention and control within the site of waters exposed to disturbed materials, the~~ Agency must~~shall~~ consider the following to determine whether the operator's practices retain and control waters exposed to disturbed materials~~extent to which the operator is utilizing~~:

a) Erosion Controls: grading, sloping, and revegetating~~revegetation~~ of disturbed soil surfaces to reduce and detain runoff.

b) Sedimentation Controls: routing and segregating~~segregation~~ or combining~~combination of~~ wastewater and mine runoff water to minimize any effect on the receiving stream's quality~~ of the receiving stream~~.

c) Reuse of Discharges: reusing~~Reuse of~~ water with~~bearing~~ high concentrations of total dissolved solids, whenever possible, including:

1) Recirculation ponds to recycle water to the preparation plant.

2) Recirculation ponds to provide water for underground dust control.

3) Holding ponds to provide irrigation waters to reclaimed land ~~and/~~or adjacent crop land tolerating~~with tolerances to accept~~ higher concentrations of total dissolved solids.

d) Minimum Exposure of Waters to Disturbed Materials:

1) Applying~~Application of~~ water management practices, either continuously or at frequent intervals, ~~in order~~ to minimize water contact with disturbed materials.

2) Preventing water~~Prevention of~~ accumulation ~~of waters~~ in active pits, benches, terraces, roads, processing areas, surface depressions, and underground mine workings and cavities where ~~the dissolution of~~ contaminants will be dissolved~~facilitated~~.

3) Promptly removing~~Removal of~~ water to diversions and appropriate impoundments ~~as soon as possible~~ to minimize additional loadings of total dissolved solids.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.207 Control of Discharge Waters

The~~In considering whether an operator is utilizing practices leading to control and treatment of waters discharged from the site containing elevated levels of total dissolved solids, chloride or sulfate, the~~ Agency must~~shall~~ consider the following practices to determine whether an operator is controlling and treating waters containing elevated levels of total dissolved solids, chloride, or sulfate discharged from the site~~extent to which the operator is utilizing~~:

a) Regulating~~Regulation of~~ discharges when other control methods are insufficient and chemical treatment is economically unfeasible, including:

1) Regulating the flow of discharges high in total dissolved solids according to~~in accordance with~~ fluctuating or intermittent stream flows so that the ~~concentration of~~ total dissolved solids concentration remains within established water quality standards; or

2) Regulating the flow or fluctuation of receiving streams by timely discharge of water from existing impoundments that~~which~~ have suitable discharge control structures.

b) Rerouting over economically feasible distances, involving collecting discharges and conveying them to more suitable discharge points, such as large holding ponds located adjacent to more suitable receiving streams where dilution ~~and/~~or water quality is better.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.208 Unconventional Practices

The~~In considering whether an operator is utilizing unconventional practices to prevent production or discharge of elevated levels of total dissolved solids, chloride and sulfate, the~~ Agency must~~shall~~ consider the following unconventional practices in considering whether an

operator's practices avoid producing or discharging elevated levels of total dissolved solids, chloride, and sulfate~~extent to which the operator is utilizing~~:

a) Diverting~~Diversion of~~ groundwater by intercepting the flow path before~~prior to~~ entering a surface or underground mine when ~~it is determined by~~ the mine operator determined it to be economically preferable to treating contaminated water after it passes through a mine.

b) Dewatering practices that remove clean formation water before contacting dissolved solids-producing materials, including techniques used~~which can be employed~~ to tap nonpolluted aquifers ~~in order~~ to reduce the amount of water entering a mine.

c) Any additional practices ~~which~~ the operator uses effectively to reduce~~demonstrates to be effective in reducing~~ levels of total dissolved solids, chloride, sulfate, iron and manganese in discharges.

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

Section 406.APPENDIX A References to Previous Rules

The following table is provided to correlate previousaid in referencing old Board rule numbers withto current Illinois Administrative Code Sectionsection numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part VI, Effluent and Water Quality Standards	35 Ill. AdmAdmin. Code Part 406
Rule 600	Section 406.100
Rule 601	Section 406.101
Rule 602	Section 406.102
Rule 603	Section 406.103
Rule 604	Section 406.104
Rule 605	Section 406.105
Rule 605.1	Section 406.201
Rule 606	Section 406.106
Rule 607	Section 406.107
Rule 608	Section 406.108

(Source: Amended at 43 Ill. Reg. 11620, effective September 25, 2019)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination

2) Code Citation: 35 Ill. Adm. Code 1600

3)

Section Numbers:	Adopted Actions:
1600.100	Repealed
1600.105	Repealed
1600.110	Amendment
1600.115	Amendment
1600.200	Amendment
1600.205	Amendment
1600.210	Amendment
1600.300	Amendment
1600.305	Amendment
1600.310	Amendment
1600.315	Amendment
1600.320	Amendment
1600.325	Amendment
1600.330	Amendment
1600.335	Amendment
1600.340	Amendment
1600.Appendix A	Amendment

4) Statutory Authority: Implementing and authorized by Sections 25d-3(c), 25d-7(a), and 27 of the Environmental Protection Act [415 ILCS 5/25d-3(c), 25d-7(a), 27].

5) Effective Date of Rules: September 25, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov) under docket number R18-30 and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 6881; June 14, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications from its second-notice proposal to the final.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: In the summer of 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. In January 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. IEPA proposed to amend numerous Board rules but its proposal did not include amendments to the Board's Right-to-Know (RTK) rules. On its own motion, the Board proposed non-substantive amendments to streamline, update, and clarify the existing RTK rules.

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6983
richard.mcgill@illinois.gov

Copies of the Board's opinions and orders through the Clerk's Office On-Line on the Board's website (https://pcb.illinois.gov). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to the docket number R18-30 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE O: RIGHT TO KNOW
CHAPTER I: POLLUTION CONTROL BOARD

PART 1600
STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS AND FOR COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION WITH AGENCY NOTICES OF THREATS FROM CONTAMINATION

SUBPART A: GENERAL

Section
1600.100 Purpose and Scope (Repealed)
1600.105 Applicability (Repealed)
1600.110 Definitions
1600.115 Severability

SUBPART B: STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS

Section
1600.200 Purpose and Scope
1600.205 Applicability
1600.210 Procedures for Potable Water Supply Well Surveys

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES

Section
1600.300 Purpose and Scope
1600.305 Applicability
1600.310 Notices and Community Relations Plans for Limited Community Relations Activities
1600.315 Notices, Fact Sheets and Community Relations Plans for Expanded Community Relations Activities
1600.320 Establishment of Document Repository
1600.325 Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans for Review

1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans
1600.335 Implementation of Community Relations Plans and Distribution of Notices and Fact Sheets; Records Retention
1600.340 Compliance

1600.APPENDIX A Contents of a Model Community Relations Plan

AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-7(a) of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended in R14-23 at 39 Ill. Reg. 3968, effective February 26, 2015; amended in R18-30 at 43 Ill. Reg. 11637, effective September 25, 2019.

SUBPART A: GENERAL

Section 1600.100 Purpose and Scope (Repealed)

~~a) The purpose of this Part is to set forth in accordance with Section 25d-7 of the Act [415 ILCS 5/25d-7] the minimum procedures for conducting potable water supply well surveys pursuant to applicable Board rules and for the documentation and reporting of the results of those surveys to the Agency. In addition, the purpose of this Part is to set forth in accordance with Section 25d-7 of the Act standards and requirements for the performance of community relations activities when the Agency has authorized a person to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act [415 ILCS 5/25d-3(a) and (c)] as part of the Agency-approved community relations activities.~~

~~b) Subsection (a) of Section 25d-3 of the Act requires that the Agency provide notice under certain specified circumstances while subsection (c) of Section 25d-3 provides that the Agency may authorize a person who has implemented community relations activities to provide the notice in place of the Agency.~~

~~c) The standards and requirements in Subpart C of this Part are for community relations activities performed by parties authorized to provide notice in place of the Agency. This Part establishes the minimum standards and requirements for the performance of the potable water supply well surveys and the development, review, implementation and distribution of notices, fact sheets and community~~

~~relations plans and the establishment and maintenance of document repositories. Nothing in this Part relieves an authorized party from reporting and notice obligations under other federal and State environmental laws.~~

(Source: Repealed at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.105 Applicability (Repealed)

~~Subparts B and C of this Part contain separate and independent applicability provisions.~~

(Source: Repealed at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.110 Definitions

Unless otherwise provided~~Except as stated~~ in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of the Environmental Protection Act apply to the same words or terms in this Part~~ shall be the same as that applied to the same words or terms in Title I or Title VI-D of the Environmental Protection Act~~.

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

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

"Authorized party" means a person authorized by the Agency under~~ subsection (c) of~~ Section 25d-3(c) of the Act [415 ILCS 5~~/25d-3(c)~~] and Subpart C ~~of this Part~~ to provide notice as part of Agency-approved community relations activities in lieu of a notice required to be given by the Agency.

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

"Building control technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing or preventing contaminant migration to the indoor air.

"Class I groundwater quality standards" means the Class I groundwater quality standards specified in~~located at~~ 35 Ill. Adm. Code 620.410.

"Contaminant" is any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/3.165]

"CRP" means the community relations plan required under Title VI-D of the Act and Subpart C~~ of this Part~~.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency, and instrumentality of the United States. [415 ILCS 5/58.2]

"Person performing a response action" means the person or persons taking responsibility for addressing a release by authorizing or approving the performance of a response action (e.g., Leaking Underground Storage Tank Program owner or operator, Site Remediation Program Remediation Applicant, permittees). The phrase does not include persons who have been hired or authorized to perform the response action by the person taking responsibility for the release or persons with whom the person taking responsibility for the release has contracted or subcontracted to perform the response action.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS 5/3.395]

"Response action" means any action or series of actions taken to address a release of contaminants or its effects as may be necessary or appropriate to protect human health or the environment. A response action may include~~, but is not limited to,~~ release investigation and characterization, soil remediation, and groundwater remediation.

"Soil gas" means the air existing in void spaces in the soil between the

groundwater table and the ground surface. [415 ILCS 5/25d-1]

"Tier 1 remediation objectives" means the Tier 1 remediation objectives specified in~~located at~~ 35 Ill. Adm. Code 742.

"Volatile chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than 1.9 x 10^{-2} or a vapor pressure greater than 0.1 Torr (mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental mercury is included in this definition.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.115 Severability

If any provision~~ of this Part is adjudged invalid,~~ or its~~if the~~ application to any person or ~~in any~~ circumstance is adjudged invalid, the adjudication~~such invalidity~~ will not affect the validity of this Subtitle~~Part~~ as a whole or any Subpart, Section, subsection, sentence or clause ~~thereof~~ not adjudged invalid.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

SUBPART B: STANDARDS AND REQUIREMENTS FOR
POTABLE WATER SUPPLY WELL SURVEYS

Section 1600.200 Purpose and Scope

~~The purpose of this~~ Subpart B establishes~~is to establish~~ minimum standards and requirements for performing potable water supply well surveys to ensure ~~that~~ these wells are accurately identified and located to determine the~~so that~~ impacts and potential impacts to these~~such~~ wells from soil, soil gas, or groundwater contamination~~, or both, can be identified~~. The effects of soil contamination on groundwater contamination are evaluated as the soil component of the groundwater ingestion exposure route using modeling as referenced in this Subpart~~ B~~. This Subpart~~ B~~ sets forth the procedures persons ~~subject to this Subpart B~~ must use when performing these~~to perform potable water supply~~ well surveys and documenting~~for the documentation of~~ the results ~~of well surveys~~ in reports to the Agency.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.205 Applicability

a) ~~Except as provided in subsection (b) of this Section, this~~ Subpart B applies to persons required under Board rules to perform~~performing~~ response actions for soil and groundwater contamination. The~~pursuant to applicable Board rules. Whenever a response action for soil or groundwater contamination, or both, is required pursuant to applicable Board rules, the person subject to those rules must comply with the~~ standards and requirements of this Subpart apply if, as part of the response action,~~B when~~ a well survey is required to determine the existence and location of potable water supply wells. The ~~When determining the existence and location of these wells, the~~ person performing the well survey must also ~~must~~ identify and locate setback zones and regulated recharge areas associated with the wells.

1) ~~This~~ Subpart B does not contain an independent requirement to perform a potable water supply well survey. If ~~the~~ Board rules governing the response action require ~~the performance of~~ a well survey as part of the response action, ~~this~~ Subpart B sets forth the minimum standards and requirements for~~that must be satisfied when~~ performing that well survey and documenting it~~preparing the documentation~~ for submission to the Agency. The Board's response action rules also govern~~In addition, the~~ submission and review of well survey documentation and appeals of Agency final determinations regarding~~concerning~~ well survey procedures and reporting~~ are subject to the rules governing the response action~~.

2) ~~Applicable~~ Board rules requiring potable water supply well surveys as part of response actions may supersede the requirements of ~~this~~ Subpart B only to the extent their express provisions are equivalent to, or more stringent than, the standards and requirements of this Subpart~~ B~~.

~~b) Persons performing response actions pursuant to applicable Board rules who already have initiated the response action for a release as of September 15, 2006 may be required by the Agency to perform an otherwise required potable water supply well survey in accordance with this Subpart B if:~~

~~1) The Agency requires the performance of a well survey in accordance with the applicable Board rules; and~~

~~2) The well survey:~~

~~A)~~ ~~has not been performed as of September 15, 2006; or~~

~~B)~~ ~~has been performed but has not been approved by the Agency as of September 15, 2006 and the well survey performed does not satisfy the requirements of this Subpart B.~~

b~~c~~) Nothing in ~~this~~ Subpart B is intended to prohibit the use of all or some of the standards and requirements set forth in this Subpart ~~B~~ in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.210 Procedures for Potable Water Supply Well Surveys

a) When ~~applicable~~ Board rules require a well survey to determine the existence and location of potable water supply wells, the following must be identified:

1) All~~persons subject to this Subpart B must identify all~~ private, semi-private, and non-community water system wells located at the property where the release occurred or within 200 feet of the property where the release occurred;~~,~~

2) All~~all~~ community water system (~~"~~CWS~~"~~) wells located at the property where the release occurred or within 2,500 feet of the property where the release occurred;~~,~~ and

3) All~~all~~ setback zones and regulated recharge areas in which all or any portion of the property where the release occurred is located.

b) The person performing the well survey must take action~~Actions taken~~ to identify the wells and associated protected areas, including ~~must include, but are not limited to,~~ the following:

1) Contacting the Agency's Division of Public Water Supplies to identify community water system wells and associated setback zones and regulated recharge areas;

2) Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health

(or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells, other than community water system wells, and their setback zones; and

3) Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.

c) In addition to ~~identifying potable water supply wells and associated protected areas pursuant to~~ subsections (a) and (b)~~ of this Section~~, persons subject to ~~this~~ Subpart B may be required to~~must~~ expand the area of the potable water supply well survey.

1) An expanded well survey is required if measured or modeled groundwater contamination extends beyond a boundary of the property where the release occurred in concentrations exceeding the ~~applicable~~ remediation objectives of 35 Ill. Adm. Code 742.Appendix B: Table E for the groundwater ingestion exposure route or the ~~applicable~~ groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III).

A) If there is no Table E objective or Part 620 standard, the Agency will determine or approve an objective according to~~shall be determined or approved by the Agency in accordance with~~ 35 Ill. Adm. Code 620.Subpart F.

B~~1~~) The extent of modeled groundwater contamination must be determined using the procedures of 35 Ill. Adm. Code 742 or another model ~~or methodology~~ approved by the Agency. When modeling the extent of groundwater contamination, the modeling must include the impact from soil contamination in concentrations exceeding the ~~applicable~~ remediation objectives for the soil component of the groundwater ingestion exposure route.

2) At a minimum, the expanded well survey must identify the following:

A) All private, semi-private, and non-community water system wells located within 200 feet, and all community water system wells located within 2,500 feet, of the measured or~~and~~ modeled ~~extent of~~ groundwater contamination exceeding the ~~applicable~~ remediation

objectives of Part 742 for the groundwater ingestion exposure route or ~~the applicable~~ Part 620 groundwater quality standards; and

B) All setback zones and regulated recharge areas in which any portion of the measured or modeled ~~extent of~~ groundwater contamination exceeding the ~~applicable~~ remediation objectives of Part 742 for the groundwater ingestion exposure route or Part 620 remediation objectives is located.

d) The Agency may, based on site-specific circumstances or information collection deficiencies (e.g., incomplete, conflicting or imprecise information, information assembled from unverified sources), require additional investigation to determine the existence or location of potable water supply wells, setback zones or regulated recharge areas. The additional investigation may include~~, but is not limited to,~~ physical well surveys (e.g., interviewing property owners, investigating individual properties for wellheads, distributing door hangers or other materials requesting information about the existence of potable water supply wells).

e) Documentation of a potable water supply well survey conducted under~~in accordance with~~ this Section must include~~, but is not limited to,~~ the following:

1) One or more maps to a scale depicting~~clearly showing~~ the following:

A) The locations of the community water system wells and other potable water supply wells identified under~~pursuant to~~ this Section; ~~and~~

B) The location and extent of setback zones and regulated recharge areas identified under~~pursuant to~~ this Section; and~~.~~

C~~2~~) The ~~maps showing the well locations, setback zones and regulated recharge areas pursuant to subsection (e)(1) of this Section must show those~~ areas identified in subsections (A) and (B) in relation to the measured or modeled ~~extent of~~ groundwater contamination exceeding the ~~applicable~~ remediation objectives of Part 742 for the groundwater ingestion exposure route or ~~the applicable~~ Part 620 groundwater quality standards;~~.~~

2~~3~~) One or more tables listing the ~~applicable~~ setback zones and regulated recharge areas for each community water system well and other potable water supply wells identified under~~pursuant to~~ this Section; and~~.~~

3~~4~~) A narrative that, at a minimum, lists~~identifies~~ each entity contacted to identify potable water supply wells and protected areas~~ pursuant to this Section~~, the name and title of each person contacted~~ at each entity~~, and any field observations while identifying and locating~~, if any, associated with the identification and location of~~ potable water supply wells.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES

Section 1600.300 Purpose and Scope

a) ~~The purpose of this~~ Subpart C establishes~~is to establish the~~ minimum standards and requirements for an authorized party developing and implementing~~the development and implementation of~~ community relations activities under Title IV-D of the Act. ~~in accordance with Section 25d-7 of the Act when the Agency has authorized a person to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of the Agency-approved community relations activities. In addition, it is the purpose of this Part to ensure that these~~ Community~~community~~ relations activities must fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil, soil gas, or groundwater contamination~~, or any combination thereof~~ and the responses to those~~such~~ impacts. ~~This~~ Subpart C contains the minimum requirements for the content, submission for review, distribution and implementation of notices, contact lists, fact sheets and CRPs, and the establishment and maintenance of document repositories.

b) Subpart C Not a Limitation:

1) ~~This Subpart C establishes minimum requirements for community relations activities when such activities are to be performed in place of a notice by the Agency in accordance with subsection (a) of Section 25d-3 of the Act.~~ Nothing in this Subpart ~~C~~ is intended to prohibit ~~or prevent~~ a person from implementing other community relations activities sooner

than required, ~~by this Subpart~~ or under circumstances in addition to those described, in this Subpart. The Agency may recommend alternative times and other circumstances for performing~~that~~ community relations activities ~~be performed at other times and under other circumstances~~ and may assist in developing~~offer assistance with development~~ and implementing these~~implementation of such~~ activities ~~where resources permit~~.

2) Nothing in ~~this~~ Subpart C is intended to limit ~~in any way~~ the Agency's authority to provide independent notice of threatened~~threats of~~ exposure ~~to the public~~ from soil, soil gas, or groundwater contamination, according to~~or any combination thereof, in accordance with~~ Title VI-D of the Act [415 ILCS 5/25d-1 through 25d-10] ~~and implementing rules~~ or under any other authority.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.305 Applicability

a) When~~Whenever~~ the Agency determines that it must provide notice under~~pursuant to subsection (a) of~~ Section 25d-3(a) of the Act, the Agency may authorize a person to provide the notice as part of the Agency-approved community relations activities developed and implemented under~~in accordance with~~ this Subpart ~~C~~.

b) A person must develop~~Nothing in this Subpart C requires the development~~ and implement~~implementation of~~ community relations activities under~~in accordance with~~ this Subpart only if~~unless~~:

1) The Agency informs~~notifies~~ the person in writing that a notice must be issued under ~~subsection (a) of~~ Section 25d-3(a) of the Act;

2) In that same writing~~As a part of the written notice to the person~~, the Agency offers the person the opportunity to provide the notice in lieu of the Agency issuing it~~the notice~~; and

3) The person accepts the Agency's offer and notifies the Agency in writing within seven days after receiving~~receipt of~~ the Agency's offer letter (unless a longer period ~~of time~~ is provided in the offer~~Agency's notice~~ letter) that the person~~it~~ intends to provide the notice in place of the Agency as part of the community relations activities developed and

implemented under~~in accordance with~~ Subpart C~~ of this Part in lieu of the Agency providing the notice~~.

c) Limited community relations activities apply when five or fewer offsite properties or potable supply wells, other than a community water supply well, are impacted by the release. Expanded community relations activities apply when one or more public water supply wells or more than five offsite properties or potable supply wells, other than a community water supply well, are impacted by the release.

1) Limited community relations activities include developing a notice, contact list, and fact sheet. (Refer to Section 1600.310 for more specific information.)

2) Expanded community relations activities include developing a notice, CRP, and fact sheet, as well as establishing a document repository. (Refer to Section 1600.315 for more specific information.)

d~~e~~) Nothing in ~~this~~ Subpart C is intended to prohibit the use of all or some of the standards and requirements under~~set forth in~~ this Subpart ~~C~~ in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.310 Notices and Community Relations Plans for Limited Community Relations Activities

a) An authorized party~~Authorized parties~~ must develop a notice and CRP consisting of a contact list and fact sheet under~~comply with community relations requirements in~~ this Section if, at five or fewer offsite properties or potable supply wells other than a community water supply well, the:

1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards~~ at five or fewer offsite private, semi-private, or non-community water system wells~~;

2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses ~~at five or fewer offsite properties~~;

3) Offsite soil contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses ~~at five or fewer offsite properties~~; or

4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses ~~at five or fewer offsite properties~~.

b) Notice and CRP~~An authorized party, within the limits set forth in subsection (a) of this Section, must develop a notice and CRP consisting of a contact list and fact sheet in accordance with this subsection (b).~~

1) Notices issued under this Section~~subsection (c) of Section 25d-3 of the Act and this Part~~ must be distributed to the contact list according to~~in accordance with~~ Section 1600.335~~ of this Part to the contact list as derived from subsection (b)(2) of this Section~~ and may contain the following information:

A) *The name and address of the site or facility where the release occurred or is suspected to have occurred;*

B) *The identification of the contaminant released or suspected to have been released;*

C) *Information as to whether the contaminant was released or suspected to have been released into the air, land, or water;*

D) *A brief description of the potential adverse health effects posed by the contaminant;*

E) *A recommendation that water systems with wells impacted or potentially impacted by the contamination be appropriately tested; and*

F) *The name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained.* [415 ILCS 5/25d-3(c)]

2) A contact list must be prepared by the~~The~~ authorized party consisting~~must prepare a contact list, which must consist~~ of affected, potentially affected, and interested persons, including~~, but not limited to~~:

A) Owners of offsite properties served by private, semi-private, or non-community water system wells that have been or may be impacted by groundwater contamination from the release;

B) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

C) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals posing~~that poses~~ a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

D) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

E) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

F) Occupants of the properties identified in subsections (b)(2)(A), (b)(2)(C), (b)(2)(D), and (b)(2)(E) ~~of this Section~~ to the extent reasonably practicable, including~~. The contact list must include~~ the methods used in attempting~~by which the authorized party has attempted~~ to identify the occupants; and

G) Government officials~~Officials of units of government~~ serving the affected or potentially affected properties, including ~~but not limited~~

~~to~~ State and federal legislators, county board chairs and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and local health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required under~~pursuant to~~ subsections (b)(2)(A) through (b)(2)(F)~~ of this Section~~.

3) A fact sheet for the release and response action must be developed by the authorized party and~~The authorized party must develop a fact sheet for the release and response action. The fact sheet must be~~ distributed to the contact list according to~~in accordance with~~ Section 1600.335~~ of this Part to the contact list as derived from subsection (b)(2) of this Section~~. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates must contain, at a minimum, the following information if~~to the extent~~ available:

A) The nature and extent of the ~~contaminant or~~ contaminants identified onsite~~on~~ and offsite~~off the site~~ where the release occurred;

B) A brief description of the potential exposure~~pathway or~~ pathways ~~of potential exposure~~ and the potential adverse public health effects posed by the ~~contaminant or~~ contaminants;

C) A description of the appropriate actions that affected or potentially affected persons should take to evaluate the potential ~~for~~ threats to human health via a completed exposure pathway, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if appropriate;

D) A non-technical description of the proposed steps ~~that are proposed~~ to address the contamination, such as~~including, but not limited to,~~ soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;

E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;

F) The closure documentation expected from the Agency (e.g., focused or comprehensive No Further Remediation (NFR) Letter, permit modification, or Section 4(y) letter) and a summary of ~~the contents of~~ the closure documentation (e.g., reliance on engineered barriers, institutional controls, or building control technologies);

G) Responses to key community concerns as expressed by affected, potentially affected, and interested persons;

H) The ~~date of~~ preparation date of the fact sheet, the name and contact information of ~~the representative or representatives of~~ the business, site, or facility representatives from whom information and site-related documents may be obtained~~, and e-mail address, postal address and telephone number where the representative or representatives can be reached~~; ~~and~~

I) The name and contact information~~, e-mail address, postal address, and telephone number~~ of the Agency's designated staff person; and

J) An explanation of how additional information and site-related documentation can be obtained, including how to access the information by:

i) Using the Agency's website;

ii) Contacting~~a statement that additional information and site-related documents may be available by contacting~~ the Agency's designated staff person; and ~~or~~

iii) Filing a request with the Agency under~~by filing a request for site-specific information with the Agency in accordance with~~ the Freedom of Information Act [5 ILCS 140].

c) If any information under subsection (b)(3) is unavailable when submitting~~For information that is not available when a fact sheet is prepared pursuant to~~

~~subsection (b)(3) of this Section, the submission of~~ the fact sheet to the Agency, ~~for review must be accompanied by~~ an explanation detailing~~of~~ why the information is unavailable is required. An~~at the time of the submission of the fact sheet and an~~ estimate of when the missing information will be supplied in a revised fact sheet must also be included.

d) Fact sheets and contact lists developed under~~in accordance with~~ this Section must be updated and redistributed whenever new information is obtained or ~~developed or circumstances change so that~~ there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.315 Notices, Fact Sheet and Community Relations Plans for Expanded Community Relations Activities

a) An authorized party~~Authorized parties~~ must develop a notice, CRP, and fact sheet under~~comply with the community relations requirements in~~ this Section if:

1) At more than five offsite properties or potable water supply wells other than a community water supply well, the:

A) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards~~at more than five offsite private, semi-private, or non-community water system wells or one or more community water system wells~~;

B~~2~~) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses~~at more than five~~

~~offsite properties~~;

C~~3~~) Offsite soil contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses ~~at more than five offsite properties~~; or

D~~4~~) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses; or ~~at more than five offsite properties.~~

2) At one or more community water supply wells, measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards.

b) Notice, CRP, and Fact Sheet~~An authorized party exceeding the limits set forth in subsection (a) of this Section must develop a notice and a CRP and fact sheet in accordance with this subsection (b). Appendix A of this Part contains the outline of a model CRP that may be appropriate for a site subject to this Section.~~

1) Notices must be developed according to~~in accordance with subsection (b)(1) of~~ Section 1600.310(b)(1) ~~of this Part~~ and distributed to the contact list according to~~in accordance with~~ Section 1600.335 ~~of this Part to the contact list as derived from subsection (b)(2)(D) of this Section~~.

2) The CRP must be implemented according to~~in accordance with~~ Section 1600.335 ~~of this Part~~ and must include~~, but is not limited to,~~ the following elements to the extent related to the ~~contaminant or~~ contaminants ~~being~~ addressed in the response action:

A) A description of the site or facility and details of the release, including~~and~~ any related soil, soil gas, or groundwater contamination;

B) A list of community issues and concerns collected from affected, potentially affected, and interested persons identified through~~though~~ the process outlined in subsection (b)(2)(D)~~ of this Section~~;

C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested persons, and a schedule for activities and objectives; and

D) A contact list, along with the~~The~~ process for identifying and updating the ~~contact~~ list, consisting~~which must consist~~ of affected, potentially affected, and interested persons, including~~, but not limited to~~:

i) Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;

ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

iii) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

iv) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals posing~~that poses~~ a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

v) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

vi) Owners of offsite properties with measured soil gas

contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

vii) Occupants of the properties identified in subsections (b)(2)(D)(i), (b)(2)(D)(iv), (b)(2)(D)(v), and (b)(2)(D)(vi) ~~of this Section~~ to the extent reasonably practicable. The CRP must include the methods by which the authorized party will attempt to identify the occupants;

viii) Government officials~~Officials of units of government~~ serving the affected and potentially affected properties, including ~~but not limited to~~ federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required under~~pursuant to~~ subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) ~~of this Section~~; and

ix) Citizens, identified groups, organizations or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may include ~~(e.g.,~~ public and private school administrators, parent organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups~~)~~. If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

3) A fact sheet for the release and response action must be developed by the authorized party and~~Along with the development of a notice and CRP in~~

~~accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be~~ distributed to the contact list according to~~in accordance with~~ Section 1600.335~~ of this Part to the contact list as derived from subsection (b)(2)(D) of this Section~~. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any updates to the fact sheet must be produced and distributed in English and any other predominant languages spoken in the affected area. The fact sheet and any required updates must contain, at a minimum, the following information if~~to the extent~~ available:

A) The nature and extent of the ~~contaminant or~~ contaminants identified on-site and off-site ~~of the site~~ where the release occurred;

B) A brief description of the potential exposure pathways~~pathway or pathways of potential exposure~~ and the ~~potential~~ adverse public health effects posed by the ~~contaminant or~~ contaminants;

C) A description of the appropriate actions that affected or potentially affected persons should take to evaluate the potential ~~for~~ threats to human health via a completed exposure pathway, including potable water supply well sampling, soil gas sampling, and any other actions, and, if appropriate,~~as well as~~ any precautionary measures necessary to avoid or reduce public health impacts~~, if appropriate~~;

D) A non-technical description of the proposed steps ~~that are proposed~~ to address the contamination, including~~, but not limited to,~~ soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;

E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;

F) The closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of ~~the contents of~~ the closure documentation (e.g., reliance on engineered barriers, institutional controls, or building control technologies);

G) Responses to key community concerns ~~as~~ expressed by affected, potentially affected, and interested persons;

H) The website~~World Wide Web address~~ of the document repository~~Document Repository~~ established under ~~pursuant to~~ Section 1600.320 ~~of this Part~~ and, if a physical location is also required, its ~~the~~ address and hours ~~of the document repository established at a physical location, if also required pursuant to Section 1600.320 of this Part~~;

I) The date ~~of preparation of~~ the fact sheet was prepared, the name and contact information of the individual~~representative or representatives of the business, site or facility~~ from whom information and copies of repository and other site-related documents may be obtained~~, and e-mail address, postal address and telephone number where the representative or representatives can be reached~~; ~~and~~

J) The name and contact information~~, e-mail address, postal address and telephone number~~ of the Agency's designated staff person; and

K) An explanation of how additional information and site-related documentation can be obtained, including how to access the information by:

i) Using the Agency's website;

ii) Contacting~~a statement that additional information and site-related documents may be available by contacting~~ the Agency's designated staff person; and ~~or~~

iii) Filing a request with the Agency under the~~by filing a request for site-specific information with the Agency in~~

~~accordance with the~~ Freedom of Information Act ~~[5 ILCS 140]~~.

c) If any information under subsection (b)(3) is unavailable when submitting~~For information that is not available when a fact sheet is prepared pursuant to subsection (b)(3) of this Section, the submission of~~ the fact sheet to the Agency, ~~for review shall be accompanied by~~ an explanation detailing~~of~~ why the information is unavailable is required. An~~at the time of the submission of the fact sheet and an~~ estimate of when the missing information will be supplied in a revised fact sheet must also be included.

d) Updates

1) Fact sheets developed under~~in accordance with~~ subsection (b)(3) ~~of this Section~~ must be updated and redistributed whenever new information is obtained or ~~developed or circumstances change so that~~ there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

2) The CRP ~~including, but not limited to~~, the contact list, and related documents under this Section must be reviewed on a regular basis and updated, as necessary, to ensure ~~that~~ timely and accurate information is provided to affected, potentially affected, and interested persons and communities about contaminant releases ~~of contaminants~~ with actual or potential impacts to offsite wells and~~,~~ offsite property uses~~, or both~~. A current version of the publicly available CRP must be kept in the document repository described in Section 1600.320.

e) Appendix A of this Part contains the outline of a model CRP that may be appropriate for a site subject to this Section.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.320 Establishment of Document Repository

An authorized party~~Authorized parties~~ developing a CRP under~~pursuant to~~ Section 1600.315 ~~of this Part~~ also must establish a document repository for document viewing and copying~~the purpose of displaying documents and providing copies of those documents~~. The document repository must be available online~~established at a World Wide Web site~~. A document repository at a physical location, as described under subsection (c), ~~of this Section~~ also must be established if a request for one~~a repository~~ at a physical location is made to the authorized party or ~~to~~ the Agency.

a) The document repository must include the notice, CRP, all public notices (e.g., proof of publication for newspaper or other published notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as an NFR Letter, permit modification, or other project completion documentation.

1) The authorized party must update the repository promptly and continuously as notices, fact sheets, plans, reports, comment packages, and Agency decisions are generated throughout the process.

2) The documents must be created, organized and indexed so that affected, potentially affected, or interested persons can identify, locate, and download documents of interest.

3) The repository must include the business, site or facility representative's contact information~~e-mail, postal address, and telephone number~~ where inquiries can be directed and persons can request copies of repository documents and other site-related documents~~ by mail~~.

b) Online Repositories~~ at World Wide Web Sites~~

1) Documents~~The documents~~ must be in a readily available format for downloading and printing (e.g., portable document format (.pdf), graphic interchange format (.gif), tagged image file format (.tiff), joint photographic group format (.jpg)) with links to download~~web sites where~~ software for viewing~~to view~~ and printing~~print~~ the documents~~ may be downloaded~~.

2) Documents that cannot be converted to a readily available format for downloading and printing must be described in the document index, identified as available upon request, and made available according to~~in accordance with~~ subsection (a)(3)~~ of this Section~~.

3) System capacity must be sufficient to accommodate the anticipated number of viewers and to support the viewing and downloading of ~~the documents in the~~ repository documents~~and to accommodate the anticipated number of viewers~~.

c) Repositories at Physical Locations

1) Repositories ~~established~~ at physical locations must be established no later than ten business days after receiving either~~receipt of~~ a request for a repository at a physical location or Agency~~receipt of the Agency's~~ notification that a request has been made to the Agency, whichever is earlier.

2) Repositories established at a physical location must be at a public location (e.g., public library, city hall) and open to the public at times convenient to affected, potentially affected, or interested persons.

d) Information deemed trade secrets or non-disclosable under~~in accordance with~~ Board procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code 1828 may be redacted or excluded from the repository~~ consistent with the requirement for providing the public all documents that have not been deemed confidential~~. Information to be added to the document repository also must be screened to ensure that personal information identifying affected, potentially affected, or interested persons or their exact property locations is not disclosed.

e) The document repository must remain accessible for at least~~may be discontinued no less than~~ 180 days after the recording of the NFR Letter or Agency~~the~~ issuance of other project completion documentation ~~by the Agency~~ (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))).

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.325 Submission of Notices, Contact Lists, and Fact Sheets and Community Relations Plans for Review

a) Except as provided in subsection (b)~~ of this Section~~ or Section 1600.330(d)~~ of this Part~~, within 30 days after the date of acceptance, the authorized party~~parties~~ must~~, within 30 days after the date of their acceptance~~:

1) Submit to the Agency a notice and CRP satisfying the requirements of Section 1600.310(b) ~~of this Part~~ or a notice, CRP, fact sheet, and contact list satisfying the requirements of Section 1600.315(b)~~ of this Part~~; and

2) Establish an online~~a World Wide Web site~~ document repository if required under~~in accordance with~~ Section 1600.320~~ of this Part~~.

b) Updates of CRPs, fact sheets or ~~both and updates of~~ contact lists ~~prepared pursuant to Section 1600.310(d) or Section 1600.315(d) of this Part~~ also must be submitted to the~~for~~ Agency for review ~~in accordance with subsection (a) of this Section, except that the updates must be submitted to the Agency~~ within ten days after preparing the revised CRP or developing or obtaining new information that would materially change the information required or provided~~ in the fact sheet~~.

c) If authorized by the Agency, CRPs, notices, contact lists or fact sheets may be filed in specified electronic formats.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans

a) The Agency has 30 days from receipt of a notice, contact list, fact sheet, CRP, or related updates ~~of such documents~~ to conduct a review approving, approving with conditions or modifications,~~and approve~~ or disapproving~~disapprove of~~ the documents~~document(s) or approve of the document(s) with conditions or modifications~~. All reviews must be based on the standards for review set forth in subsection (b)~~ of this Section~~.

1) The Agency's record of the date it received~~of receipt of~~ a notice, contact list, fact sheet, or CRP will be deemed conclusive unless a contrary date is proved by a signed, dated receipt from the Agency or certified mail or registered mail.

2) An authorized partyparties may waive the time period for review upon a request from the Agency or at the authorized party's discretion.

b) When reviewing documents under this Section,a notice, contact list, fact sheet or CRP, the Agency must consider:

1) Whether the notice complies with Section 1600.310(b)(1) or Section 1600.315(b)(1)the requirements of subsection (b) of Section 1600.310(b) of this Part or Section 1600.315(b) of this Part;

2) Whether the CRP contains the elements required by Section 1600.315(b)(2) of this Part;

3) Whether the fact sheet contains the elements required by Section 1600.310(b)(3) of this Part or Section 1600.315(b)(3) of this Part including, but not limited to, any explanation of why specified information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet;

4) Whether the information in the notice, contact list, fact sheet, or CRP is consistent with the information contained in the Agency's records and any field observations; and

5) Whether the authorized party hasparties have clearly defined:

A) Persons required to be included in the contact list for notices and fact sheets underin accordance with Section 1600.310(b) of this Part or Section 1600.315(b) of this Part; or

B) The demographics of nearby populations potentiallythat may be affected by or concerned about site activities for notification purposes of notification under the CRP, including, but not limited to, residences, businesses, day care centers, schools, nursing homes, hospitals and clinics.

c) Upon completingcompletion of the review, the Agency must notify the authorized party in writing whether the notice, contact list, fact sheet, or CRP is approved, approved with conditions or modifications, or disapproved. The notification must

be made by certified mail or registered mail postmarked with a date stamp and with return receipt requested, or by email with consent of the recipient. If the Agency disapproves a document, or approves a document with conditions or modifications, the notification must contain the following information, as applicable:

1) An explanation of the specific information or documentation~~, if any,~~ that the Agency determines is lacking, missing,~~the authorized party did not provide~~ or ~~is~~ inconsistent with the information contained in the Agency's records and any field observations;

2) A list of the provisions of this Part that may be violated if the document is approved as submitted;

3) A statement of the reasons why the provisions cited in subsection (c)(2) ~~of this Section~~ may be violated if the document is approved as submitted; and

4) An explanation justifying the inclusion of any~~the reasons for~~ conditions or modifications~~ if conditions or modifications are required~~.

d) If the Agency disapproves of a document under this Section~~notice, contact list, fact sheet or CRP~~ or approves it~~of a notice, contact list, fact sheet or CRP~~ with conditions or modifications, the authorized party must submit a revised version of the document to the Agency within ten days after receiving the Agency's decision~~disapproval or approval with conditions or modifications~~.

e) If a revised notice, contact list, fact sheet, or CRP is not received by the Agency within ten days, or if a revised document is not approved on the second Agency review, the Agency, in addition to ~~any~~ other remedies that may be available, may provide notice to the public and seek cost recovery from the authorized party under~~pursuant to~~ Title VI-D of the Act, or pursue an enforcement action against the authorized party for failure to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP.

1) In addition to any other defenses that may be available to the authorized party, it is~~shall be~~ a defense to an Agency action to obtain cost recovery for notification or for an alleged violation of the requirement to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP that the document submitted to and rejected by the Agency satisfies the

requirements of~~for such documents as set forth in~~ Sections 1600.310 or~~and~~ 1600.315~~ of this Part~~.

2) The defense described in subsection (e)(1) does not limit the use of this defense in other circumstances where appropriate.

f) To~~The Agency will, to~~ the extent consistent with review deadlines, the Agency will provide the authorized party with a reasonable opportunity to correct deficiencies within a notice, contact list, fact sheet, or CRP prior to sending a disapproval ~~of a notice, contact list, fact sheet or CRP~~ or an approval with conditions or modifications of these documents. However, resubmitting a document to correct~~the correction of such~~ deficiencies ~~by the submission of additional information~~ may, in the sole discretion of the Agency, restart the time for review.

g) If the Agency does not issue its final determination on the notice, contact list, fact sheet, CRP, or updates of these~~such~~ documents within 30 days after receiving~~the receipt of~~ the document, the document will be deemed approved as submitted.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.335 Implementation of Community Relations Plans and Distribution of Notices and Fact Sheets; Records Retention

a) Implementing~~Implementation of~~ the CRP or distributing~~distribution of~~ a notice or fact sheet must begin within five days after receiving~~receipt of~~ the Agency's approval of the document or within ten days after the date the document is deemed approved under~~pursuant to~~ Section 1600.330(g)~~(f) of this Part~~.

b) The authorized party~~Authorized parties~~ must:

1) Provide ~~to~~ the Agency copies of all public notices (including~~, but not limited to,~~ proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and

2) Inform the Agency in writing two weeks prior~~in advance of plans~~ to holding~~hold~~ public meetings or press conferences about site activities or developments.

c) The authorized party~~Authorized parties~~ must retain records and documents demonstrating compliance with the requirements of ~~this~~ Subpart C for at least one year after the recording of the NFR Letter or the issuance of other project completion documentation by the Agency (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))). The retention period for the records and documents is extended automatically during ~~the course of~~ any disputes or unresolved enforcement actions regarding the community relations activities or as requested in writing by the Agency. Records may be preserved and presented in an electronic format.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.340 Compliance

An authorized party must comply with the requirements of ~~this~~ Subpart C or the provisions of community relations activities approved by the Agency.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

Section 1600.APPENDIX A Contents of a Model Community Relations Plan

This Appendix A lists the four key elements of a CRP for an authorized party proceeding under Section 1600.315 ~~of this Part~~ and several factors that might be included with each element in a CRP prepared for the site where the release occurred. Unless otherwise required by rule, all the factors listed with each element may not be necessary for each site developing and implementing a CRP under~~pursuant to~~ this Part, but each factor should be considered when developing the CRP.

1. Site/Facility Description: The CRP should provide a brief overview of the site where the release occurred, including~~, but not limited to,~~ a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.

2. Community Issues and Concerns: The CRP should provide a brief summary of the demographics of the area surrounding the site where the release occurred, including~~, but not limited to,~~ the approximate percentage of non-English speaking persons among the affected, potentially affected, and interested persons and their preferred language~~ or languages~~, key community concerns, and ~~any~~ preferred methods of communication as learned through research~~ work~~, interviews, and surveys of a representative sample of affected, potentially affected, and interested persons identified through the process outlined in the fourth element below.

3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested persons apprised of site conditions~~ at the site~~, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact persons and contact information for public inquiries should be clearly defined. Additionally, details about the location of, and access to, the document repository should be outlined in this section of the CRP.

4. Contact List: The CRP should outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested persons, including~~, but not limited to~~:

A. Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;

B. Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

C. Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

D. Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

E. Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

F. Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use or~~ uses;

G. Occupants of properties identified in paragraphs A, D, E, and F to the extent reasonably practicable. The CRP must include the methods by which the authorized party will attempt to identify the occupants;

H. Government officials~~Officials of units of government~~ serving the affected and potentially affected properties, including ~~but not limited to~~ federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required under~~pursuant to~~ Section 1600.315(b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix); and

I. Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may

include ~~(e.g.,~~ public and private school administrators, parent organization leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups~~)~~. If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Practice and Procedure in Administrative Hearings

2) Code Citation: 77 Ill. Adm. Code 100

3) Section Number: 100.13 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100] and Sections 2310-10 and 2310-195 of the Civil Administrative Code of Illinois [20 ILCS 2310]

5) Effective Date of Rule: September 27, 2019

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7099; June 21, 2019

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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 updates the Department's hearing procedures.

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

Erin Conley

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 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:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100
PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section

100.1 Authority and Applicability
100.2 Definitions and Incorporated and Referenced Materials

SUBPART B: GENERAL HEARINGS

Section

100.3 Parties to Hearings
100.4 Appearance – Right to Counsel
100.5 Emergency Action
100.6 Hearings Requested by Complainants Pursuant to Section 3-702 of the Nursing Home Care Act or the ID/DD Community Care Act
100.7 Initiation of a Contested Case
100.8 Motions
100.9 Form of Papers
100.10 Service
100.11 Prehearing Conferences
100.12 Discovery
100.13 Hearings
100.14 Subpoenas
100.15 Administrative Law Judge's Report and Recommendations
100.16 Proposal for Decision (Repealed)
100.17 Final Orders
100.18 Records of Proceedings
100.19 Miscellaneous

SUBPART C: ADMINISTRATIVE HEARINGS UNDER
THE SMOKE FREE ILLINOIS ACT

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

100.25 Initiation of a Hearing
100.35 Parties to Hearings
100.40 Right to Counsel
100.45 Prehearing Conference
100.50 Motions
100.55 Discovery
100.60 Hearings
100.70 Report and Recommendations
100.80 Final Order and Payment of Fines
100.90 Record of Hearing

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100] and Sections 2310-10 and 2310-195 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. Reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. 5980, effective April 1, 1994; amended at 21 Ill. Reg. 3208, effective March 3, 1997; amended at 34 Ill. Reg. 11768, effective July 30, 2010; amended at 35 Ill. Reg. 7701, effective April 29, 2011; amended at 38 Ill. Reg. 19538, effective September 22, 2014; amended at 43 Ill. Reg. 11672, effective September 27, 2019.

SUBPART B: GENERAL HEARINGS

Section 100.13 Hearings

a) All hearings conducted in any proceedings shall be open to the public.

b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearings, any reference in this Section to the administrative law judge shall be read to refer to the Director.

c) The administrative law judge shall have the authority to conduct a hearing, take all necessary actions to avoid delay, maintain order, ensure the development of a clear and complete record and set reasonable limits on the scope of testimony or argument. He or she shall also have the authority to: administer oaths and ensure that all witnesses are duly sworn; issue subpoenas; hold informal conferences for

the settlement, simplification or definition of issues; dispose of procedural requests, motions and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.

d) The administrative law judge shall direct all parties to enter their appearances on the record.

e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.

f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. The administrative law judge shall accept all stipulations as conclusive fact binding the stipulating parties, unless he or she makes a finding on the record that the stipulation is made in bad faith, together with the basis of the bad faith determination. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default or motion.

g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.

h) *The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under* those *rules of evidence may be admitted, however, (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent* persons *in the conduct of their affairs.* Immaterial, irrelevant or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department that is made by photostatic or other method of accurate and permanent reproduction shall be admitted in evidence at the hearing without further proof of the accuracy of the copy. *Objections to evidentiary offers may be made and shall be noted in the record.* (Section 10-40(a) of the IAPA)

i) Official *notice may be taken of matters of which the circuit courts of this State may take judicial notice. In addition,* official *notice may be taken of generally recognized technical or scientific facts within the* Department's *specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest*

the material so noticed. The Department's *experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.* (Section 10-40(c) of the IAPA)

j) A party may offer into evidence any of the following documents without foundation or other proof, provided that a copy of the document has been timely provided to all other parties in accordance with Section 100.12(b):

1) records and reports of health care facilities, doctors, nurses, physical therapists or other health care providers; however, these records and reports shall not include affidavits or other documents specifically prepared for litigation;

2) investigation reports from governmental law enforcement agencies;

3) the enforcing agency's inspection or investigative reports produced pursuant to Section 100.12(a).

k) For good cause shown, including, but not limited to, age, infirmity or inability to travel due to ill health, evidentiary depositions shall be allowed.

l) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements of Section 100.12(b), and no witness shall testify whose name was not provided pursuant to Section 100.12(c). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 100.12(b) and (c).

m) The Department will ~~arrange for a certified stenographic reporter (court reporter) to~~ make a ~~stenographic~~ record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the ~~stenographic~~ record ~~from the reporter~~. The Department reserves the right to employ a certified stenographic reporter, and will do so when required by statute. ~~There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.~~ Unless an applicable statute expressly provides otherwise, the actual costs of the stenographic reporter's attendance, if one was employed, and the transcript or

transcripts shall be shared equally among the parties whenever a party~~Respondent~~ requests review of a Department decision by the circuit court. The party~~Respondent~~ shall provide payment prior to the Department's transmission of the transcript to the circuit court.~~Circuit Court~~

n) Corrections to the transcript of the record may be made by the Director or administrative law judge.

o) If a party, or any person at the instance of or in collusion with a party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

1) that further proceedings be stayed until the order or rule is complied with;

2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;

3) that the offending party be barred from maintaining any particular claim or defense relating to that issue;

4) that a witness be barred from testifying concerning that issue;

5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that his or her pleading be dismissed without prejudice; or

6) that any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

p) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or otherwise engaging in conduct that disrupts the hearing.

q) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

r) All objections shall be raised using a short and concise statement of the basis for

the objection.

s) The administrative law judge shall have the authority to conduct hearings on motions and other matters by telephonic or other electronic means, so long as all parties of record are afforded the option to attend using a similar electronic method. If the administrative law judge permits the use of electronic means, the administrative law judge and all parties may choose to participate from any location. However, if a controlling statute mandates the location of a hearing, all parties shall be afforded the option to attend from a statutorily mandated location.

(Source: Amended at 43 Ill. Reg. 11672, effective September 27, 2019)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Secretary of State Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 2000

3) Section Number: 2000.2020 — Adopted Action: Amendment

4) Statutory Authority: The Secretary of State Act [15 ILCS 305/19]

5) Effective Date of Rule: September 24, 2019

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*: 43 Ill. Reg. 6158; May 24, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. No technical changes were recommended by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements issued.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The Secretary of State Act was amended by PA 100-801 to require the Secretary of State to establish aspirational goals for contract awards substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and to annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Secretary of State
Amy Williams, Assistant General Counsel
298 Howlett Building
Springfield IL 62701

217/785-3094

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000
SECRETARY OF STATE STANDARD PROCUREMENT

SUBPART A: GENERAL

Section
2000.01 Title
2000.05 Policy
2000.08 Illinois Procurement Code
2000.10 Application
2000.15 Definition of Terms Used in This Part
2000.25 Property Rights

SUBPART B: PROCUREMENT RULES

Section
2000.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section
2000.1005 Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
2000.1510 Illinois Procurement Bulletin
2000.1560 Supplemental Notice
2000.1570 Error in Notice
2000.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

2000.2005 General Provisions
2000.2010 Competitive Sealed Bidding
2000.2012 Multi-Step Sealed Bidding
2000.2015 Competitive Sealed Proposals
2000.2020 Small Purchases
2000.2025 Sole Economically Feasible Source Procurement
2000.2030 Emergency Procurements
2000.2035 Competitive Selection Procedures for Professional and Artistic Services
2000.2036 Other Methods of Source Selection
2000.2037 Tie Bids and Proposals
2000.2038 Mistakes
2000.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
2000.2043 Suppliers
2000.2044 Vendor List/Required Use
2000.2045 Prequalification
2000.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
2000.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
2000.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
2000.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

2000.2060 Duration of Contracts − General

SUBPART K: CONTRACT MATTERS

Section
2000.2560 Prevailing Wage
2000.2570 Equal Employment Opportunity; Affirmative Action
2000.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section
2000.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
2000.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section
2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

2000.4530 Correctional Industries
2000.4535 Sheltered Workshops for the Disabled
2000.4540 Gas Mileage
2000.4545 Small Business
2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

Section
2000.5013 Conflicts of Interest
2000.5015 Negotiations for Future Employment
2000.5020 Exemptions
2000.5030 Revolving Door
2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions
2000.5039 Procurement Communication Reporting Requirement

SUBPART Q: CONCESSIONS

Section
2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section
2000.5510 Complaints Against Vendors or Subcontractors
2000.5520 Suspension
2000.5530 Resolution of Contract Controversies
2000.5540 Violation of Statute or Rule
2000.5550 Protests
2000.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section
2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Section
2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective November 8, 1999; amended at 35 Ill. Reg. 4629, effective March 3, 2011; recodified Title header at 39 Ill. Reg. 5903; amended at 39 Ill. Reg. 11100, effective July 24, 2015; amended at 40 Ill. Reg. 13954, effective September 23, 2016; amended at 43 Ill. Reg. 6185, effective May 9, 2019; amended at 43 Ill. Reg. 8944, effective August 2, 2019; amended at 43 Ill. Reg. 11680, effective September 24, 2019.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 2000.2020 Small Purchases

a) Application

1) Procurements of $80,000~~40,000~~ or less for supplies or services, other than professional and artistic, and $80,000~~30,000~~ or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than $20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using

the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 43 Ill. Reg. 11680, effective September 24, 2019)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3)

Section Numbers:	Emergency Actions:
1800.2010	New Section
1800.2020	New Section
1800.2030	New Section
1800.2040	New Section
1800.2050	New Section
1800.2060	New Section

4) Statutory Authority: Implementing and authorized by Sections 20 (c) and 78 (b) the Video Gaming Act [230 ILCS 40/78 (b)] as amended by PA101-0031, effective June 28, 2019.

5) Effective Date of Rules: September 26, 2019

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rules will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: September 26, 2019

8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.

9) Reason for Emergency: Section 20 (c) of the Video Gaming Act [230 ILCS 40/20 (c)], which was added by PA 101-31, effective June 28, 2019, provides in pertinent part that:

> In-location bonus jackpot games are hereby authorized. The Board shall adopt emergency rules pursuant to Section 5-45 of the Illinois Administrative Procedure Act to implement this subsection (c) within 90 days after the effective date of this amendatory Act of the 101st General Assembly."

The present emergency rules implement this emergency rulemaking directive.

10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking implements the provisions of Section 20 (c) of the Video Gaming Act as

added by PA 101-31, effective June 28, 2019. Section 20 (c) requires that within 90 days of the effective date of the public act, the Illinois Gaming Board (IGB) shall implement emergency rules to implement the in-location progressive jackpot games that the subsection authorizes. To this end, the emergency rulemaking does the following:

New Section 1800.2010 (In-location Progressive Games) requires all in-location jackpot games to be conducted in accordance with the requirements of the Video Gaming (General) Subpart [11 Ill. Adm. Code 1800] and with approval by the Administrator.

New Section 1800.2020 (Optional Nature of In-location Progressive Games) makes the operation of in-location jackpot games optional on the part of both terminal operators and licensed video gaming locations.

New Section 1800.2030 (Procedures Within Licensed Video Gaming Locations) sets forth the procedures by which in-location progressive games must be conducted within licensed video gaming locations. Provisions of this section are the following:

> All in-location progressive games shall be conducted only within a single video gaming location (subsection (a)).
>
> A location conducting in-location jackpot games must designate one or more of its owners or employees to implement the procedures set forth in this Section (subsection (b)).
>
> Upon the winning of a jackpot of $1,200 or more, the video gaming terminal on which the jackpot has been won shall immediately issue a voucher with the date, time, amount won, and identity of the video gaming terminal where the jackpot was won. The voucher shall identify the terminal operator and specify a phone number that a patron can call for payment instructions. The voucher shall not be redeemable at any video gaming redemption kiosk. The designated owner or employee of the licensed video gaming location shall require one of several listed, acceptable forms of identification from the progressive jackpot winner (subsection (c)).
>
> The designated owner or employee of the licensed video gaming location shall complete and sign a progressive jackpot form previously provided to the location by the terminal operator. It shall be the duty of a terminal operator that has entered into a use agreement with a location where progressive jackpot play takes place to provide these forms in to the location in advance. There shall be three

copies of this form, with one copy given to the winner, one copy retained by the location, and one copy provided to the terminal operator. Information on the form will include the name and address of the winning player, identification number from an authorized form of identification as established by subsection (c), date and time the progressive jackpot was won, amount of the progressive jackpot, license number and location of the video gaming terminal on which the progressive jackpot was won, and video gaming ticket number for which payment is made (subsection (d)).

In no event shall the winning jackpot, or any portion thereof, be expressed as credits available for play on a video gaming terminal (subsection (e)).

All completed progressive jackpot forms, payment receipts or confirmations, progressive gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for a time period as prescribed by the Administrator (subsection (f)).

New Section 1800.2040 (Payments of Progressive Jackpot Amount) requires, in conformity with the underlying statute, that payment of progressive jackpots shall be made within three days of the date of winning. After retaining all applicable withholdings as specified in Section 1800.2050, a terminal operator shall pay the remainder of the progressive jackpot amount to the progressive jackpot winner. Terminal operators must obtain prior approval from the Administrator for all methods of payment.

New Section 1800.2050 (Deductions from Progressive Jackpots) provides the following:

Any terminal operator planning to operate in-location progressive games shall first obtain from the Illinois Department of Healthcare and Family Services (HFS) all necessary permissions and certifications to conduct past-due child support withholdings in accordance with 89 Ill. Adm. Code 160.70 (q), including credentials to access the Gaming Intercept Program Certification System (GIPCS) (subsection (a)).

After being presented with a progressive jackpot voucher and a completed progressive jackpot form, the terminal operator shall: 1) confirm that the individual seeking to claim the jackpot winnings is the same individual whose identifying information appears on the progressive jackpot form; 2) complete all necessary tax forms; 3) access the GIPCS system to determine if the winner has a past-due child support obligation; and 4) withhold any past-due child support and remit the required amount to the Division of Child Support Services within HFS in a manner prescribed by HFS (subsection (b)).

For the withholding of past-due child support, the terminal operator shall be entitled to an administrative fee of four percent of the total amount of cash winnings paid to the jackpot winner, up to a maximum of $150 (subsection (c)).

Only mandatory taxes shall be withheld from a progressive jackpot before the amount due to the Division of Child Support Services and the administrative fee. Voluntary taxes shall be deducted only after mandatory taxes, past-due child support and the administrative fee are withheld. In no event shall the total amount withheld exceed the amount of the progressive jackpot (subsection (d)).

If there is withholding for past-due child support, the terminal operator shall provide the progressive jackpot winner with a Notice of Gaming Intercept provided by HFS (subsection (e)).

A terminal operator that complies with this Section 1800.2050 shall not be further liable to the progressive jackpot winner or any other individual or entity, other than the Board, for past-due child support amounts or withheld taxes. (subsection (f)).

New Section 1800.2060 (Progressive Jackpot Coordinator) provides the following:

Each terminal operator offering in-play progressive games shall employ a progressive jackpot coordinator, and shall disclose this individual to the Administrator (subsection (a)).

The progressive jackpot coordinator shall be a person with significant influence or control, as defined in Section 1800.110 (subsection (b)).

No terminal operator may offer in-play progressive games until its progressive jackpot coordinator and this individual has been disclosed to, and approved by, the Administrator (subsection (c).
The progressive jackpot coordinator will facilitate all aspects of the progressive jackpots, including but not limited to: (1) coordinating necessary approvals and credentials; (2) creating and distributing the progressive jackpot form; (3) coordinating with progressive jackpot winners to pay out the jackpot; and (4) ensuring that all payments and withholdings comply with applicable law, including this new subpart (subsection (d)).

No provision of the In-Location Progressive Games Subpart (11 Ill. Adm. Code 1800.2010 through 1800.2060) shall be construed to render a terminal operator not

subject to discipline for the actions or inactions of a progressive jackpot coordinator whom the terminal operator has employed or who acts at the terminal operator's behest (subsection (e)).

11) Are there any other rulemakings pending to this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1800.110	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.250	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.260	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.420	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.430	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.540	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.580	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.1810	New Section	43 Ill. Reg. 9209, August 30, 2019
1800.1910	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1920	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1930	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1940	New Section	43 Ill. Reg. 9312, September 6, 2019

12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

13) Information and questions regarding these emergency rules shall be directed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
Agostino.lorenzini@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

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1800.115 Gender
1800.120 Inspection
1800.130 Board Meetings

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1800.210 General Duties of All Video Gaming Licensees
1800.220 Continuing Duty to Report Information
1800.230 Duties of Licensed Manufacturers
1800.240 Duties of Licensed Distributors
1800.250 Duties of Licensed Video Terminal Operators
1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270 Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

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1800.320 Minimum Standards for Use Agreements
1800.330 Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

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1800.410 Coverage of Subpart
1800.420 Qualifications for Licensure
1800.430 Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1800.440 Undue Economic Concentration

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1800.530 Submission of Application
1800.540 Application Fees
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications and Surrender of Licenses
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Renewal Fees and Dates
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section
1800.610 Coverage of Subpart
1800.615 Requests for Hearing
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1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
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1800.670 Prohibition on Ex Parte Communication
1800.680 Sanctions and Penalties
1800.690 Transmittal of Record and Recommendation to the Board
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section
1800.710 Coverage of Subpart
1800.715 Notice of Proposed Disciplinary Action Against Licensees
1800.720 Hearings in Disciplinary Actions

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

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1800.730 Appointment of Administrative Law Judge
1800.735 Discovery
1800.740 Subpoenas
1800.745 Motions for Summary Judgment
1800.750 Proceedings
1800.760 Evidence
1800.770 Prohibition on Ex Parte Communication
1800.780 Sanctions and Penalties
1800.790 Transmittal of Record and Recommendation to the Board
1800.795 Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED VIDEO GAMING LOCATIONS

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1800.810 Location and Placement of Video Gaming Terminals
1800.815 Licensed Video Gaming Locations Within Malls
1800.820 Measurement of Distances from Locations
1800.830 Waivers of Location Restrictions

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1800.920 Notice of Enforcement of a Security Interest
1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION, AND DISTRIBUTION OF VIDEO GAMING TERMINALS

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1800.1020 Transportation of Video Gaming Terminals into the State
1800.1030 Receipt of Video Gaming Terminals in the State
1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
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ILLINOIS GAMING BOARD

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1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

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1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
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1800.1410 Ticket Payout Devices
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SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

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1800.1610 Use of Gaming Device or Individual Game Performance Data

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

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1800.1710 Conversations About Responsible Gaming
1800.1720 Responsible Gaming Education Programs
1800.1730 Problem Gambling Registry
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SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section
1800.2010 In-location Progressive Games
EMERGENCY
1800.2020 Optional Nature of In-location Progressive Games
EMERGENCY
1800.2030 Procedures Within Licensed Video Gaming Locations
EMERGENCY
1800.2040 Payments of Progressive Jackpot Amount
EMERGENCY
1800.2050 Deductions from Progressive Jackpots
EMERGENCY
1800.2060 Progressive Jackpot Coordinator
EMERGENCY

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1,

2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days.

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section 1800.2010 In-location Progressive Games
EMERGENCY

All in-location progressive games shall be conducted in accordance with the requirements of this subpart and with approval by the Administrator.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

Section 1800.2020 Optional Nature of In-location Progressive Games
EMERGENCY

Nothing in the Act or this Part shall be construed to require a terminal operator or licensed video gaming location to offer or operate in-location progressive games.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

Section 1800.2030 Procedures Within Licensed Video Gaming Locations EMERGENCY

All in-location progressive games authorized by the Act shall operate according to the following procedures within licensed video gaming locations:

a) An in-location progressive game shall be conducted only within a single video gaming location.

b) The location shall designate one or more of its owners or employees to implement the procedures set forth in this section. At least one designated individual shall be available at the licensed video gaming location at all times during which in-location progressive games are available for play.

c) Upon the winning of a progressive jackpot of $1,200 or more, the following procedures shall be implemented:

1) The video gaming terminal on which the progressive jackpot has been won shall immediately issue a voucher with the date, time, and amount won. The voucher shall identify the terminal operator and specify a phone number that a patron can call for payment instructions. The voucher shall also reflect the video gaming terminal on which the patron won the jackpot. Such voucher shall not be redeemable at any location redemption kiosk.

2) The video gaming terminal shall communicate that a progressive jackpot voucher has been printed to the central communication system, which shall then immediately notify the terminal operator.

3) The designated owner or employee of the location shall require from the progressive jackpot winner identification in the form of one of the following:

A) A driver's license or state photo identification card issued in the United States;

B) Passport;

C) Military I.D. issued by the United States;

D) Photo identification cards issued by government entities located within the United States or U.S. territories and possessions; or

E) Permanent residence card issued by the United States.

d) The designated owner or employee of the licensed video gaming location shall complete a progressive jackpot form previously provided to the location by the terminal operator. Upon completion, the form shall be signed by the designated owner or employee and the progressive jackpot winner. There shall be three copies of the signed progressive jackpot form, with one copy given to the progressive jackpot winner, one copy retained by the location, and one copy provided to the terminal operator. It shall be the duty of all terminal operators that have entered into use agreements with locations where in-location progressive game play takes place to provide progressive jackpot forms to the locations before in-play progressive game play take place. Information to be provided by a progressive jackpot winner on a progressive jackpot form shall include the following:

1) Name and address of the winning player;

2) Identification number from the authorized forms of identification in subsection (c)(2);

3) Date and time the progressive jackpot was won;

4) Amount of the progressive jackpot;

5) License number and location of the video gaming terminal on which the progressive jackpot was won; and

6) Video gaming ticket number for which payment is made.

e) In no event shall the winning jackpot, or any portion thereof, be expressed as credits available for play on a video gaming terminal.

f) Completed progressive jackpot forms, payment receipts or confirmations, progressive video gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for a time period as prescribed by the Administrator.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

Section 1800.2040 Payments of Progressive Jackpot Amount
EMERGENCY

a) Any terminal operator offering in-location progressive games must make provisions to pay the jackpot winner within three days of the jackpot being won.

b) After retaining all applicable withholdings, including those described in Section 1800.2050, from the progressive jackpot amount, a terminal operator shall pay the remainder of the progressive jackpot amount to the progressive jackpot winner. Terminal operators must obtain prior approval from the Administrator for any method used to pay a progressive jackpot.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

Section 1800.2050 Deductions from Progressive Jackpots
EMERGENCY

a) Any terminal operator seeking to operate in-location progressive games shall first obtain from the Illinois Department of Healthcare and Family Services (HFS) all necessary permissions and certifications to conduct past-due child support withholdings in accordance with 89 Ill. Adm. Code 160.70(q), including credentials to access the Gaming Intercept Program Certification System (GIPCS) database.

b) After being presented with a progressive jackpot voucher and a completed progressive jackpot form, the terminal operator shall:

1) Confirm that the individual seeking to redeem the jackpot winnings is the same individual whose identifying information appears on the progressive jackpot form using any of the identification listed in Section 1800.2030(c);

2) Complete all necessary tax forms;

3) Access the GIPCS system to determine if the progressive jackpot winner has past-due child support subject to withholding under 89 Ill. Adm. Code 160.70(q);

4) Withhold from the progressive jackpot winnings any past-due child support that the GIPCS system indicates a jackpot winner may owe and remit the required amount to the Division of Child Support Services within HFS in a manner prescribed by HFS.

c) For the withholding of past-due child support, the terminal operator shall be entitled to an administrative fee of four percent of the total amount of cash winnings paid to the progressive jackpot winner, up to $150.

d) Only mandatory taxes shall be withheld from the progressive jackpot before the amount due to the Division of Child Support Services and the administrative fee. Voluntary taxes elected to be withheld by the progressive jackpot winner shall be deducted from the amount remaining due to the progressive jackpot winner, if any, after mandatory taxes and the amount due the Division of Child Support Services. In no event shall the total amount withheld from the progressive jackpot, including the unpaid child support deduction, administrative fee and withheld taxes, exceed the total cash winnings of the progressive jackpot winner.

e) If there is a withholding for an amount due the Division of Child Support Services, the terminal operator shall provide the progressive jackpot winner with a Notice of Gaming Intercept provided by the Division of Child Support Services.

f) A terminal operator that in good faith complies with the requirements of this section shall not be further liable to the progressive jackpot winner or any other individual or entity, other than the Board, for disputed past-due child support amounts or withheld taxes.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 1900.2060 Progressive Jackpot Coordinator
EMERGENCY

a) Each terminal operator offering in-location progressive games shall employ a progressive jackpot coordinator. The terminal operator shall disclose the progressive jackpot coordinator to the Administrator.

b) The progressive jackpot coordinator shall be a person of significant influence or control.

c) No terminal operator may offer in-location progressive games until a progressive jackpot coordinator has been disclosed and approved by the Administrator.

d) The progressive jackpot coordinator will facilitate all aspects of the progressive jackpots, including, but not limited to:

1) Coordinating all necessary approvals and credentials with HFS;

2) Creating and distributing the progressive jackpot form;

3) Coordinating with progressive jackpot winners to pay out the jackpot; and

4) Ensuring that all payments and withholdings are conducted in accordance with all applicable laws and regulations, including this Part.

e) No provision of this subpart shall be construed to render the terminal operator not subject to discipline for the actions or inactions of a progressive jackpot coordinator under the employ, or acting at the behest of, the terminal operator.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3)

Section Numbers:	Emergency Actions:
112.251	Amendment
112.252	Amendment

4) Statutory Authority: Implementing Article 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 Rules: October 1, 2019

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: September 26, 2019

8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: The rules are proposed as emergency because it impacts the public interest, including the safety and welfare of TANF households.

10) A Complete Description of the Subject and Issues: Pursuant to PA 101-103, this rulemaking states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty level guidelines. The rulemaking also states that TANF grant amounts shall be apportioned so that 75% of the grant will be designated for the child or children of the assistance unit and 25% shall be designated for the adult member or members of the assistance unit.

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

12) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this emergency rule shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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112.5 Incorporation by Reference
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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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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
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112.414 Child Care Overpayments and Recoveries (Repealed)
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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, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory 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; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory 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 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 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, 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; 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; peremptory 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 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081,

effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days.

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels
EMERGENCY

a) The Payment Levels are flat, monthly standard amounts. The TANF Benefit Levels are indexed annually so that the maximum TANF benefit level for each family size is no less than 30% of the most current Federal Poverty Level (FPL). The amount for an assistance unit is based on two variables:

1~~a~~) the number in the assistance unit; and

2~~b~~) the presence or absence of an adult in the assistance unit.

b) The TANF grant amounts shall be apportioned so that 75% of the grant will be designated for the child or children of the assistance unit and 25% shall be designated for the adult member or members of the assistance unit.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days)

Section 112.252 Payment Levels − All Counties
EMERGENCY

a) The following Payment Levels are established for all counties.

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE AND CHILD(REN) PAYMENT LEVEL	CHILD ONLY PAYMENT LEVEL
1	$ 312~~304~~	$ 234~~228~~
2	423~~412~~	317~~309~~
3	533~~520~~	400~~390~~
4	644~~628~~	483~~471~~
5	754~~736~~	566~~552~~
6	865~~844~~	649~~633~~
7	975~~952~~	731~~714~~

8	1,086~~1,060~~	815~~795~~
9	1,196~~1,168~~	897~~876~~
10	1,307~~1,276~~	980~~957~~
11	1,417~~1,384~~	1,063~~1,038~~
12	1,528~~1,492~~	1,146~~1,119~~
13	1,638~~1,600~~	1,229~~1,200~~
14	1,749~~1,708~~	1,312~~1,281~~
15	1,859~~1,816~~	1,394~~1,362~~
16	1,970~~1,924~~	1,478~~1,443~~
17	2,080~~2,032~~	1,560~~1,524~~
18	2,191~~2,140~~	1,643~~1,605~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.63 — Emergency Action: Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Section 5(e)(6)(D) of the Food and Nutrition Act [P.L. 115-334].

5) Effective Date of Rule: October 1, 2019

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: September 26, 2019

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: The rule is proposed as emergency because it impacts the public interest, including the safety and welfare of homeless households.

10) A Complete Description of the Subject and Issues: Pursuant to the provisions of Public Law 115-334, this rulemaking adds a standard homeless shelter deduction as an alternative to the shelter deduction for homeless households. This rulemaking allows a homeless household with qualifying shelter expenses to use the standard homeless shelter deduction as a shelter deduction from net income in determining SNAP eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the standard shelter deduction or the standard utility allowances. A homeless household may choose to claim actual cost under the standard shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

12) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this emergency rule shall be directed to:

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

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 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; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 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. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

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August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; peremptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; peremptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; peremptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; peremptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; peremptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; peremptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days.

SUBPART D: ELIGIBILITY STANDARDS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 121.63 Deductions from Monthly Income
EMERGENCY

a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.

b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

c) Standard Deduction. The standard deduction for a household size of one through three persons is $160. The standard deduction for a household size of four persons is $171. The standard deduction for a household size of five persons is $202. For households of six or more persons, the standard deduction is $239. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (i~~h~~) of this Section.

d) Dependent Care Deduction

1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).

2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed $569.

2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

3) Shelter costs include only the following:

A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);

B) property taxes, State and local assessments and insurance on the structure itself; and

C) utility costs, as described in subsection (h~~g~~) of this Section.

4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:

A) the household intends to return to the home;

B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and

C) the home is not leased or rented during the absence of the household.

5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Homeless Shelter Deduction
The standard homeless shelter deduction is $152 a month for households in which all members are homeless individuals but are not receiving free shelter throughout the month. A homeless household with qualifying shelter expenses may choose to use the standard homeless shelter deduction (in lieu of the shelter deduction as defined in 121.63 (f)), as a deduction from net income in determining SNAP

eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the shelter deduction or the standard utility allowances. A homeless household may choose to claim actual costs under the shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.

h) Utility Costs

1) Utility costs include:

A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;

B) basic service fee for one telephone (including tax on the basic fee) of $30; and

C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(hg)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of $478. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of $328. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of $74. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of $30 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2013)). Households who receive a LIHEAP payment of $21 or more during the month of application or the preceding 12-month period shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.

i~~h~~) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013) and Section 121.61. When a qualifying household member incurs medical expenses that are over $35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is $450 a month for residents of Group Homes or Supportive Living Facilities and $165 a month for all other eligible households. Households whose medical expenses exceed $485 and $200 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over $35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by $7 per month for all SNAP households.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Peremptory Actions:
310.100	Amendment
310.260	Amendment
310.Appendix A Table M	Repealed
310.Appendix A Table Q	New Section
310.Appendix A Table AC	Amendment
310.Appendix A Table AD	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) Sections 310.100 and 310.260, repealing Section 310.Appendix A Table M and adding the new Section 310.Appendix A Table Q to reflect the Agreement between the State of Illinois – Department of Central Management Services (Natural Resources) and the Illinois Fraternal Order of Police (FOP) Labor Council for RC-061 (Conservation Police Officer Trainee and Conservation Police Officer I and II titles) signed August 29, 2019. The Agreement is effective July 1, 2015 and shall continue in full force and effect until midnight June 30, 2023, and thereafter from year-to-year unless not more than 180, but not less than 60 days prior to June 30, 2023, or any subsequent June 30, either party gives written notice to the other of its intention to amend or terminate the Agreement. Effective June 6, 1991, the Conservation Police Lodge RC-110 bargaining unit was certified by the Illinois Labor Relations Board as the exclusive representative of the Conservation Police Officer Trainee and Conservation Police Officer I and II titles. Effective June 29, 2016, FOP RC-061 bargaining unit was certified by the Illinois Labor Relations Board as the exclusive representative of the Conservation Police Officer Trainee and Conservation Police Officer I and II titles. Pay provisions in the RC-061 Agreement or its attached memoranda of understandings include: including worked unpaid meal period treatment as hours worked for computing overtime; determination of RC-061 pay grade assignment to a classification; shift differential pay; treatment of accrued compensatory time at the end of a fiscal year; holiday, call-back and stand-by pay; paid maternity/paternity/adoption leave; accrued vacation payment; clothing and equipment reimbursement; geographical transfer expenses reimbursement; reimbursement of damage to personal property; tuition reimbursement; effective August 29, 2019, a one-time stipend of $2,500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019; salary history rebuild; 1.50%, 2.10%, 3.95%, and 3.95% increases effective January 1,

2020, July 1, 2020, July 1, 2021, and July 1, 2022, respectively, to the salary scales for all positions; and annual step increases depending on the title for Steps 1 through 7 and longevity bonuses at the beginning of 9, 10, 12.5, 14, 15, 17.5, 20, 21, 22.5, and 25 years of years of service.

Section 310.Appendix A Table AC are amended to reflect the Agreement by and between the State of Illinois, Departments of Central Management Services and Healthcare and Family Services and the Illinois Nurses Association for RC-036 Public Service Administrators, Option 8LSigned September 4, 2019. The provisions of the Agreement are effective July 1, 2015 and shall continue in effect until June 30, 2023. The parties agree to meet not more than sixty days and not less than thirty days prior to the expiration date. If renewal negotiations extend past June 30, 2023, the Agreement shall continue in effect subject to ten days written notice of termination by wither party. Pay provisions in the Agreement or its attached memoranda of understandings include: salary history rebuild and backpay from 2015 through 2019 missed steps or longevity pay adjustments; effective June 30, 2019, a one-time stipend of $2,500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019; accrued vacation payment; effective September 4, 2019 all employees are placed on newly effective Steps; 1.50%, 2.10%, 3.95%, and 3.95% increases effective January 1, 2020, July 1, 2020, July 1, 2021, and July 1, 2022, respectively, to the salary scales for all positions; maternity/paternity/adoption leave.

Sections 310.100 and 310.Appendix A Table AD is amended to reflect the Agreement between the Departments of Central Management Services and Natural Resources and the Service Employees International Union (SEIU) Local 73 for Public Service Administrator title, Option 8X (that were reclassified to the Blasting Expert, Blasting Specialist and Blasting Supervisor titles) RC-184 signed September 4, 2019. The Agreement is effective July 1, 2015 and shall continue in full force and effect until midnight June 30, 2023, and thereafter from year-to-year unless not more than 180, but not less than 60 days prior to June 30, 2023, or any subsequent June 30, either party gives written notice to the other of its intention to amend or terminate the Agreement. Pay provisions in the Agreement or its attached memoranda of understandings include: effective July 1, 2019, 2020 and 2021, Step 1a, 1b and 1c shall be increases by an additional $25 per month; accrued holiday time payments; maternity/paternity/adoption leaves; bereavement leave; accrued vacation payment; extension of greater increase or favorable treatment to RC-0184; clothing and equipment reimbursement; all bargaining unit employees on active payroll on September 4, 2019 shall receive a one-time stipend of $2,500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019; 1.50%, 2.10%, 3.95%, and 3.95% increases effective January 1,

2020, July 1, 2020, July 1, 2021, and July 1, 2022, respectively, to all bargaining unit classifications and steps.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

6) Effective Date: September 27, 2019

7) A Complete Description of the Subjects and Issues Involved: In the table of contents, "(Repealed)" is added at the end of the heading for Section 310.Appendix A Table M. The heading for old Section 310.Appendix A Table Q and "(Repealed)" are removed and the new Section heading is added to state "RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)".

In Section 310.100, reference to the "RC-036" bargaining unit is added to subsection (d)(1) Shift Differential (A). The references to Appendix A Tables "M (RC-110)" and "(RC-033)" are removed from and after "Q" "(RC-061)"" is added to subsection (d)(1)(B). In subsection (l) Longevity Pay or Longevity Step and Bonus (2), the same reference to Appendix A Table "M (RC-110)" and "(RC-033)" are removed. "Q" is now followed by the added "(RC-061)".

In Section 310.260, the negotiated pay grade designation for the Conservation Police Officer Trainee title is changed from "RC-110" to "RC-061" because the bargaining unit that is representing the title changed.

The Section 310.Appendix A Table M is repealed.

The Section 310.Appendix A Table Q is added. The added heading is "RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)". The former heading is removed. The title table is added with the titles, title codes and pay plan codes. Notes are added for: Employer; Shift Differential; Longevity Bonuses; Successor, New or Changed Classes' Pay Grade; Meal Period; End-of-the-Fiscal-Year Accrued Compensatory Time; Holiday Pay; Call-back Pay; Stand-by Pay; Maternity/Paternity/Adoption Leaves; Vacation Payment; Temporary Assignment Pay; Clothing and Equipment; Geographical Transfer;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Damage to Personal Property; Damage to Personal Property; Tuition Reimbursement; Stipend; and Step Placement. Rate and longevity bonus rate tables are added effective June 30, 2019, January 1, 2020, July 1, 2020, July 1, 2021, and July 1, 2022.

Section 310.Appendix A Table AC, Notes are added or changed for: Employer; Steps; Cost of Living Increases (COLAs); Stipend; Backpay; and Maternity/Paternity/Adoption Leaves. A rate table is added effective July 1, 2019.

Section 310.Appendix A Table AD, Notes are added for: Employer; Stipend; General Increases; Step Increases; Sub Step Increases; Overtime; Payment Upon Separation; Maternity/Paternity/Adoption Leaves; Bereavement Leave; Vacation Payment; Clothing and Equipment Reimbursement; Department of Natural Resources (DNR) Shirts; Geographical Transfer; and Compensation in other Collective Bargaining Agreements. Rate tables are added effective July 1, 2019, January 1, 2020, July 1, 2020, July 1, 2021, and July 1, 2022.

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

9) Date Filed with the Index Department: September 26, 2019

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

12) Are there any other rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
310.260	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.410	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE L	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE S	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE W	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE X	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX D	Amendment	43 Ill. Reg. 10527; September 27, 2019

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13) Statement of Statewide Policy Objective: The peremptory rules 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 these peremptory rules shall be directed to:

Ms. Lisa Fendrich
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7976
fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47 In-Hire Rate
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes (Repealed)
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate

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310.270 Legislated Rate (Repealed)
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.415 Merit Compensation Salary Range Assignments
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase (Repealed)
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase and Bonus Guidechart
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560 Merit Incentive Program
310.570 Gain Sharing Program

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN COLLECTIVE BARGAINING UNIT AGREEMENTS

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Section
310.600 Jurisdiction (Repealed)
310.610 Pay Schedules (Repealed)
310.620 In-Hiring Rate (Repealed)
310.630 Definitions (Repealed)
310.640 Increases in Pay (Repealed)
310.650 Other Pay Provisions (Repealed)
310.660 Effective Date (Repealed)
310.670 Negotiated Rate (Repealed)
310.680 Trainee Rate (Repealed)
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' − ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D HR-001 (Teamsters Local #700)
310.TABLE E RC-020 (Teamsters Locals #330 and #705)
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) (Repealed)
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, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)
310.TABLE Q RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)~~RC-033 (Meat Inspectors, IFPE) (Repealed)~~

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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 (Supervisory Employees in Corrections and Juvenile Justice, AFSCME)
310.TABLE W RC-062 (Technical Employees, AFSCME)
310.TABLE X RC-063 (Professional Employees, AFSCME)
310.TABLE Y RC-063 (Educators, Juvenile Justice School Counselors and Special Education Resources Coordinators, 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) (Repealed)

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)

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310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)

310.APPENDIX C Comparison of Pay Grades or Salary Ranges Assigned to Classifications

310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided

310.APPENDIX D Merit Compensation System Salary Schedule
310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919,

effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26,

1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg.

10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective

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July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September

27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28,

2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill.

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Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; peremptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; peremptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; peremptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; peremptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; peremptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; peremptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; peremptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; peremptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; peremptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; peremptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days;

peremptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; peremptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; peremptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; peremptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; peremptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; peremptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; peremptory 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; peremptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; peremptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; peremptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; peremptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; peremptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; peremptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; peremptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; peremptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; peremptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; peremptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; peremptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; peremptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; peremptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; peremptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; peremptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; amended at 41 Ill. Reg. 3191, effective March 6, 2017; amended at 41 Ill. Reg. 4615, effective April 24, 2017; peremptory amendment at 41 Ill. Reg. 5822, effective May 15, 2017; peremptory amendment at 41 Ill. Reg. 6695, effective May 24, 2017; peremptory amendment at 41 Ill. Reg. 7227, effective June 9, 2017; amended at 41 Ill. Reg. 8314, effective July 1, 2017; peremptory amendment at 41 Ill. Reg. 10974, effective August 10, 2017; peremptory amendment at 41 Ill. Reg. 11447, effective August 25, 2017; peremptory amendment at 41 Ill. Reg. 12179, effective September 13, 2017; peremptory amendment at 41 Ill. Reg. 15837, effective December 12, 2017; amended at 42 Ill. Reg. 712, effective December 28, 2017; amended at 42 Ill. Reg. 5357, effective March 9, 2018; peremptory amendment at 42 Ill. Reg. 8967, effective May 16, 2018; amended at 42 Ill. Reg. 13464, effective July 1, 2018; amended at 42 Ill. Reg. 16651, effective September 4, 2018; peremptory amendment at 43 Ill. Reg. 3999, effective March 15, 2019; amended at 43 Ill. Reg. 8746, effective July 31, 2019; peremptory amendment at 43 Ill. Reg. 9886, effective August 21,

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2019; peremptory amendment at 43 Ill. Reg. 10811, effective September 20, 2019; peremptory amendment at 43 Ill. Reg. 11734, effective September 27, 2019.

SUBPART A: NARRATIVE

Section 310.100 Other Pay Provisions

a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.

b) Entrance Base Salary –

1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hire rate or the minimum base salary of the pay grade.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

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d) Differential and Overtime Pay – An eligible employee may have an amount added to the employee's base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay –

A) When Contract Contains No Provision − The contracts without a shift differential pay provision are for the RC-036, RC-056, RC-090, RC-184 and VR-706 bargaining units. An employee may be paid an amount in addition to the employee's base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

B) When Contract Contains a Provision – The shift differential pay provision in a contract is located in the Note in the Appendix A Table that exists for the specific bargaining unit. The Appendix A Tables with a shift differential pay provision are D (HR-001), E (RC-020), F (RC-019), G (RC-045), H (RC-006), I (RC-009), J (RC-014), K (RC-023), ~~M (RC-110),~~ N (RC-010), O (RC-028), P (RC-029), Q (RC-061~~RC-033~~), R (RC-042), S (VR-704), V (CU-500), W (RC-062), X (RC-063), Y (RC-063), Z (RC-063) and AA (NR-916).

2) Overtime Pay –

A) Eligibility − The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time –

i) When Contract Contains No Provision − Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

ii) When Represented by AFSCME – If evidence demonstrates that circumstances prevented an employee from receiving a rest period or resulted in a rest period being interrupted, and no alternative time is authorized, the employee shall be entitled to compensatory time. For employees represented by AFSCME except CU-500, accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Notwithstanding the above, employees who schedule compensatory time off by June 30th of the fiscal year shall be allowed to use the time through August 15th of the subsequent fiscal year. For employees represented by CU-500, hours worked in excess of the established work week but less than forty (40) shall not normally be compensated, provided that for such time so worked, compensatory overtime shall be accrued at the rate equal to the time so worked and compensatory time off

shall be granted by the Employer within the fiscal year earned at a time convenient to the employee consistent with the operating needs of the Employer, and if not so granted or taken, accrued compensatory time shall be liquidated in cash before the end of the fiscal year in which earned. Notwithstanding the above, employees who schedule compensatory off by June 1st of the fiscal year shall be allowed to use such time through August 1st of the following fiscal year. Employees who earn compensatory time after June 1st shall be allowed to use such compensatory time through August 15th of the subsequent fiscal year. Employees who receive an unpaid lunch period and are required to work at their work assignments during such period and who are not relieved, shall have such time counted as hours worked for the purposes of Section 2 below and shall be compensated at the appropriate compensatory straight or overtime rate, whichever may be applicable. Where it is currently the practice, whenever only one (1) Lieutenant is scheduled to work a particular shift, if the Lieutenant is not able to be relieved, a paid lunch shall be granted. The "purposes of Section 2 below" is being clarified with AFSCME.

3) Incentive Pay – An employee may be paid an amount in addition to the employee's base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Temporary Assignment Pay –

A) When Assigned to a Higher-Level Position Classification –

i) When Contract Contains No Provision − A bargaining unit employee may be temporarily assigned to a bargaining unit

position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

ii) When Represented by AFSCME – If the employee who has been temporarily assigned is selected for the posted vacancy, the employee shall have the employee's creditable service date adjusted to reflect the first date on which the employee was temporarily assigned without interruption. The uninterrupted time in a temporary assignment shall be credited in determining semi-automatic promotions, if the employee successfully performed the duty or duties which distinguish the position to which the employee has been temporarily assigned. When an employee in a position allocated to the Public Service Administrator title represented by an AFSCME bargaining unit is temporarily assigned to a non-bargaining unit position, the time frames shall not exceed nine months, unless mutually agreed otherwise. For other titles, the time limits for temporarily filling a position classification are in terms of work days or calendar months. The time limit herein may be extended by mutual agreement of the parties. The time limits are: While the Employer posts and fills a job vacancy for a period of 60 days from the date of posting; While an absent regular incumbent is utilizing sick leave, or accumulated time

(vacation, holidays, personal days); Up to 30 work days in a six calendar month period while a regular incumbent is on disciplinary suspension or layoff; While a regular incumbent is attending required training classes; Up to six months while a regular incumbent is on any illness or injury, Union or jury leave of absence. Extension shall not be unreasonably denied; and Up to 90 work days in a 12 month period for other leaves, or where there is temporary change in work load, or other reasonable work related circumstances. Extension shall not be unreasonably denied.

B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

C) When Required to Apply Chemical Manually and Represented By Teamsters RC-019 – Employees represented by RC-019 and appointed to the Highway Maintainer title who are required to perform duties of manual chemical application which require proper certification in chemical spraying shall receive $1.00 an hour over their base pay during the time they are applying the chemical.

5) Travel for Required Training –

A) When Represented by American Federation of State, County and Municipal Employees (AFSCME) − When an employee is in a position represented by an AFSCME bargaining unit, overtime shall be paid to the employee required to travel for training, orientation, or professional development when travel is in excess of the employee's normal commute and outside the employee's normal work hours. Where current practice exists, the employee who is paid overtime for travel during the employee's normal commute time outside normal work time, the practice shall

continue.

B) When represented by Illinois Federation of Public Employees (IFPE) RC-029 – When an employee is in a position represented by IFPE RC-029 and in the Department of Agriculture, time spent traveling from an employee's residence to and/or from a work site in Cook, Will, Lake, DuPage, McHenry and Kane Counties is not considered work time except when an employee is required to travel in excess of 20 miles one way or 25 minutes as measured from the employee's official headquarters in which case the miles in excess of 20 miles or minutes in excess of 25 minutes will be considered work time. The workday shall commence at the time of the pre-trip inspection for employees assigned to drive vehicles that require a commercial driver's license.

e) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

f) Equivalent Earned Time – Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of 15 minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.

g) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves

of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during the employee's regular work hours will be to use the employee's current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i) Salary Treatment Upon Return From Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave With Pay (80 Ill. Adm. Code 303.175), Disaster Service Leave With Pay – Terrorist Attack (80 Ill. Adm. Code 303.176), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which the employee would have been entitled during the employee's period of leave. Creditable service date will be maintained.

2) An employee returning to the employee's former pay grade from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the step on which the employee was situated prior to the employee's leave, and the employee's creditable service date will be extended by the duration of the leave.

j) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be

placed at the same salary step as held at the time of the layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

k) Reinstatement – The salary upon reinstatement should not provide more than a 5% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

l) Longevity Pay or Longevity Step and Bonus –

1) When Contract Contains No Provision − The contracts without a longevity pay provision are for the HR-001, RC-019, RC-020, RC-090 and RC-184 bargaining units. The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade.

2) When Contract Contains a Provision − The longevity pay or longevity step and bonus provision in a contract is located in the Note in the Appendix A Table that exists for the specific bargaining unit. The Appendix A Tables with a longevity pay provision are A (RC-104), B (VR-706), C (RC-056), G (RC-045), H (RC-006), I (RC-009), J (RC-014), K (RC-023), ~~M (RC-110),~~ N (RC-010), O (RC-028), P (RC-029), Q (RC-

061~~RC-033~~), R (RC-042), S (VR-704), V (CU-500), W (RC-062), X (RC-063), Y (RC-063), Z (RC-063), AA (NR-916) and AC (RC-036).

m) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

n) Maximum Security Rates – An employee represented by an AFSCME bargaining unit with seven or more years of continuous service with the Departments of Corrections and Juvenile Justice who is currently employed at Department of Corrections or Juvenile Justice maximum security institution shall be placed on the maximum security schedule as long as they remain an employee at a maximum security facility. Maximum Security rates are denoted by Pay Plan Codes P and S (defined in Section 310.50).

(Source: Amended by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02

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Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-16
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11
Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-061 ~~RC-110~~	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Corrections Nurse Trainee	09836	RC-023-17	MS-16
Corrections Treatment Officer Trainee	09866	RC-006-11	MS-13
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economist Associate	12940	None	MS-12
Economic Development Representative Trainee	12939	None	MS-10
Educator Intern	13135	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Environmental Health Specialist I	13768	RC-062-14	MS-11

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Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Firearms Eligibility Analyst Trainee	15375	Pending Negotiations	
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07	MS-04
Human Rights Investigator Trainee	19768	None	MS-09
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04
Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Insurance Performance Examiner Trainee	21680	None	MS-09
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Land Reclamation Specialist Trainee	23137	None	MS-09
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09

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Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-029	MS-07
Medicaid Management Intern	26305	None	MS-13
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Natural Resources Coordinator Trainee	28830	None	MS-09
Office Occupations Trainee	30075	None	MS-01
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05

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Retirement Benefits Representative Trainee	38316	None	MS-07
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09
Well Inspector Trainee	49425	None	MS-09

(Source: Amended by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE M RC-110 (Conservation Police Lodge) (Repealed)

Title	Title Code	Pay Plan Code
Conservation Police Officer I	09341	Q
Conservation Police Officer II	09342	Q
Conservation Police Officer Trainee	09345	Q

NOTES: Clothing Allowance – Effective July 1, 2014, the employer shall issue each officer in active duty status as of that date a clothing and equipment allowance of $300. Any distributions, already submitted for and received by the officer during fiscal year 2015 shall be deducted from the amount. Effective March 1, 2015, each officer shall receive an additional $100 in clothing allowance. The clothing allowance shall be $400 each year thereafter to be paid on or before October 1.

Longevity Bonus – Effective July 1, 2014, the longevity bonuses will be increased by $25 at each step for employees who attain 21 or more years of continuous service.

Shift Differential Pay – Effective July 1, 2010, officers that work between the hours of 12:00 a.m. and 6:00 a.m. shall be paid premium pay of an additional $0.25 per hour for all time worked between the hours of 12:00 a.m. and 6:00 a.m.

Signing Bonus – Each officer, covered by the Agreement by and between the Conservation Police Lodge and the Departments of Central Management Services and Natural Resources State of Illinois for RC-110 July 1, 2012 through June 30, 2015 signed November 24, 2014 and currently employed by the Department of Natural Resources on October 24, 2014, shall receive a $500 signing bonus to be paid by January 1, 2015.

Effective July 1, 2014

	STEPS						
Title	1	2	3	4	5	6	7
Conservation Police Officer I	5003	5242	5622	5886	6162	6455	6455
Conservation Police Officer II	0	0	5706	5972	6245	6539	6539
Conservation Police Officer Trainee	4014	4172					

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~Longevity Bonus Rates~~

~~Conservation Police Officer I~~

~~9 Yrs~~	~~10 Yrs~~	~~12.5 Yrs~~	~~14 Yrs~~	~~15 Yrs~~	~~17.5 Yrs~~	~~20 Yrs~~	~~21 Yrs~~	~~22.5 Yrs~~	~~25 Yrs~~
~~6762~~	~~7158~~	~~7335~~	~~7335~~	~~7443~~	~~7443~~	~~7443~~	~~7468~~	~~7468~~	~~7468~~

~~Conservation Police Officer II~~

~~9 Yrs~~	~~10 Yrs~~	~~12.5 Yrs~~	~~14 Yrs~~	~~15 Yrs~~	~~17.5 Yrs~~	~~20 Yrs~~	~~21 Yrs~~	~~22.5 Yrs~~	~~25 Yrs~~
~~6846~~	~~7243~~	~~7422~~	~~7422~~	~~7877~~	~~8243~~	~~8634~~	~~8742~~	~~9146~~	~~9569~~

(Source: Repealed by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE Q RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)~~RC-033 (Meat Inspectors, IFPE) (Repealed)~~

Title	Title Code	Pay Plan Code
Conservation Police Officer I	09341	Q
Conservation Police Officer II	09342	Q
Conservation Police Officer Trainee	09345	Q

NOTES: Employer – "Employer" refers to the Illinois Department of Central Management Services or Natural Resources as the context may require.

Shift Differential – Effective July 1, 2010, officers that work between the hours of 12:00 am and 6:00 am shall be paid premium pay of an additional $0.25 per hour for all time worked between the hours of 12:00 a.m. and 6:00 a.m.

Longevity Bonuses – Effective January 1, 1991, employees shall receive a step increase to the next higher step upon satisfactory completion of twelve (12) months creditable service in such step and within such position classification, including successor title changes not involving pay grade changes. Effective July 1, 2000, employees covered by this Agreement shall receive longevity bonuses, pursuant to Schedule A, at the beginning of 9, 10, 12.5, 14, 15, 17.5, 20, 21, 22.5, and 25 years of service. Effective July 1, 2010, longevity bonuses will be increased by $25 at each step for employees who attain 15 or more years of continuous service. Effective July 1, 2014, the longevity bonuses will be increased by $25 at each step for employees who attain 21 or more years of continuous service.

Successor, New or Changed Classes' Pay Grade – Employer agrees to negotiate with the Illinois Fraternal Order of Police Council (FOP) as to the appropriate pay grade to be assigned to job classifications determined to be in the RC-061 bargaining unit. If no agreement is reached between the parties, the FOP shall be allowed to file a grievance in accordance with Article X of the Agreement signed August 29, 2019. The grievance shall be filed at Step 4 of the grievance procedure. In the event that an appropriate resolution is not reached at Step 4, then the issue may be submitted to an arbitrator. The arbitrator shall determine the reasonableness of the proposed salary grade in relationship to: (a) The job content and responsibilities attached thereto in

comparison with the job content and responsibilities of other position classifications in the classification series and in the bargaining unit; and (b) Like positions with similar job content and responsibilities within the labor market generally. The pay grade originally assigned by the Employer shall remain in effect pending the arbitrator's decision.

Meal Period – Employers agrees to grant a meal period of not less than 30 but not more than 60 consecutive minutes to employees with a fixed work site approximately midway during the workday. Employer shall grant a meal period of not less than 30 but not more than 60 consecutive minutes to employees with a non-fixed work site approximately midway in the workday where current practice so provides. However, this shall not preclude work schedules which provide for a paid meal period. Those employees who receive an unpaid meal period and are required to work at their work assignments and are not relieved for such meal periods, shall have such time treated as hours worked for the purpose of computing overtime. Such meal periods as defined above shall be granted except in the case of an operational emergency.

End-of-the-Fiscal-Year Accrued Compensatory Time – At the end of each fiscal year, the agency shall review the amount of money that the Law Enforcement, Personal Service Funds will lapse. Based on the amount of money that is to lapse, the employer agrees to pay the employees compensatory time that fiscal year at an equal rate, (per employee). The amount paid per employee shall not exceed the total amount of compensatory time on the books at the end of the fiscal year and the total for all employees shall not exceed the amount of money scheduled to lapse. Each employee shall be permitted, upon request, to retain and carry over 80 hours of compensatory time.

Holiday Pay – Any employee who works a holiday may choose to receive double time, except for Christmas Day, Thanksgiving Day, and Labor Day, for which the compensation rate shall be double time and a half cash payment in lieu of having compensatory time off on a future date. For the purpose of overtime computation, any and all time worked on holidays shall count as time worked, unless such holiday falls on the employee's regularly scheduled day off.

Call-back Pay – An employee called back to work by the Employer outside of the employee's regularly scheduled shift or on the employee's scheduled days off shall be compensated at the appropriate straight time or overtime rate for a minimum of two (2) hours of work. Payment shall be made pursuant to this Article.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Stand-by Pay – An employee who is directed by the Employer to be available for work within one hour shall be entitled to stand-by pay and shall receive two (2) hours pay for any period of stand-by of twelve (12) hours or less, whether required to work or not.

Maternity/Paternity/Adoption Leaves – All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 10 weeks (50 work days) of paid maternity/paternity leave for each pregnancy resulting in birth or multiple births. Should both parents be employees they shall each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive days). Regardless of the number of pregnancies in a year, no employee shall receive more than 10 weeks (50 work days) of paid leave under this Section per year. The State shall require proof of the birth. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity. Leaves under this section shall also be granted in cases of a full term still born child for a maximum of five (5) weeks. All bargaining unit members are eligible for ten weeks (50 days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. In the event the child was in foster care immediately preceding the adoption process the leave will commence once a court order has been issued for permanent placement and the foster parent has been so notified of their right to adopt as long as the foster child has not resided in the home for more than three (3) years. The agency personnel office must be notified, and the member must submit proof that the adoption has been initiated. Should both parents be employees they shall each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive work days). Regardless of the number of adoptions in a year no individual shall receive more than 10 weeks (50 work days) of said leave under this Section per year. Maternity/Paternity leave is for the purpose of bonding with the new member of the household. Employees are not eligible for the above referenced leave in the event the adoption is for a step-child or relative with whom the employee has previously established residency for a period one (1) year or more.

Vacation Payment – If because of operating needs Employer cannot grant an employee's request for vacation time within the 24 month period after the expiration of the calendar year such time was earned, such vacation time shall be liquidated in cash

at straight time provided the employee has made at least three (3) separate requests, consisting of different days not including regular days off, for such time within the calendar year preceding liquidation. No salary payment shall be made in lieu of vacation earned but not taken except as provided in this Section and on termination of employment for eligible employees with at least six (6) months of continuous service in which case the effective date of termination shall not be extended by the number of days represented by said salary payment.

Temporary Assignment Pay − Employer may temporarily assign an employee to perform the duties of another position classification. To be eligible for temporary assignment pay, the employee must: A. Be assigned, by Employer, to assume the duties and responsibilities of a different position classification. B. Perform a preponderance of duties and responsibilities which distinguish the position. C. Perform duties and responsibilities not provided for in their regular position classification. An employee temporarily assigned to the duties of a position classification in an equal or lower pay grade than his/her permanent position classification shall be paid his/her permanent position classification rate. If the employee is temporarily assigned to a position classification having a higher pay grade than his/her permanent position classification, the employee shall be paid as if the employee had received a promotion into such higher pay grade. Employer agrees to pay the employee the higher rate as set forth above for the full time of such assignment. For the purpose of calculation, any temporary assignment of less than one-half day shall be counted as one-half day and any temporary assignment of more than one-half day but less than a full day shall be considered one full day. No employee shall be required to work in a temporary position in excess of six (6) months per calendar year. When the Employer makes a temporary assignment, it will give notice to the employee of the anticipated length of the assignment and extensions thereof. An employee's refusal to take a temporary assignment to a higher level position outside the bargaining unit which assignment is anticipated to last more than two months will not subject the employee to discipline.

Clothing and Equipment – Employer shall provide any special clothing, office supplies, and/or equipment, or the equivalent by reimbursement, which is required by Employer and/or is determined by Employer as being necessary for such employees to perform their work. Employer shall pay for the maintenance of all clothing and equipment determined by the Employer as being necessary. Upon execution of the Agreement signed August 29, 2019, any expenditure for Fiscal Years 2013 and 2014 shall be considered fulfillment of the Article XVIII of the Agreement signed August 29, 2019 for those years. Effective July 1, 2014, the Employer shall issue each officer in active duty status as of that date a clothing and equipment allowance of three

hundred ($300.00) dollars. Each officer shall receive this $300.00 payment as soon as practical after ratification. Any disbursements, already submitted for and received by an officer during fiscal year 2015, shall be deducted from this amount. Effective March 1, 2015 each officer shall receive an additional one hundred ($100) dollars in clothing allowance. The clothing allowance shall be four hundred ($400) each year thereafter to be paid on or before October 1st.

Geographical Transfer – In the event of a geographical transfer under Personnel Rule 302.430 is required, seniority as defined in Article VI of the Agreement signed August 29, 2019 shall govern, the most senior employee being given first preference. If no employee wishes to accept such transfer, the least senior employee the effected position classification shall be required to take such transfer. An employee shall be reimbursed for all reasonable transportation and moving expenses incurred in moving to a new location because of an involuntary permanent geographical transfer.

Damage to Personal Property – Where current agency practices so provides, the Employer shall reimburse employees for any losses of personal property incurred as a result of the performance of their official duties. If no agency practice exists, a policy statement shall be subject of discussion at agency level local negotiations.

Tuition Reimbursement – Effective July 1, 2001, the Office of Law Enforcement shall provide up to $5000 per fiscal year for the purpose of tuition reimbursement. Consideration of requests for reimbursement shall be in accordance with Department of Natural Resources Policy and Procedures Chapter 3 Sec. 3C-2.

Stipend – All bargaining unit employees on active payroll on the date of effectuation shall receive a one-(1) time stipend of $2500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019. The stipend shall be paid as soon as practicable after the effectuation of the Agreement signed August 29, 2019.

Step Placement – Employees shall have their salary history rebuilt and employees shall be placed on the correct step for the salary steps missed during the 2015 -2019 contract year, which includes promotional steps missed.

Effective June 30, 2019
RC-061 Bargaining Unit

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	STEPS						
Title	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Conservation Police Officer I	5003	5242	5622	5886	6162	6455	6455
Conservation Police Officer II			5706	5972	6245	6539	6539
Conservation Police Officer Trainee	4014	4172					

Longevity Bonus Rates

Conservation Police Officer I

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
6762	7158	7335	7335	7443	7443	7443	7468	7468	7468

Conservation Police Officer II

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
6846	7243	7422	7422	7877	8243	8634	8742	9146	9569

Effective January 1, 2020
RC-061 Bargaining Unit

	STEPS						
Title	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Conservation Police Officer I	5078	5321	5706	5974	6254	6552	6552
Conservation Police Officer II			5792	6062	6339	6637	6637
Conservation Police Officer Trainee	4074	4235					

Longevity Bonus Rates

Conservation Police Officer I

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
6863	7265	7445	7445	7555	7555	7555	7580	7580	7580

Conservation Police Officer II

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
6949	7352	7533	7533	7995	8367	8764	8873	9283	9713

Effective July 1, 2020

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-061 Bargaining Unit

	STEPS						
Title	1	2	3	4	5	6	7
Conservation Police Officer I	5185	5433	5826	6099	6385	6690	6690
Conservation Police Officer II			5914	6189	6472	6776	6776
Conservation Police Officer Trainee	4160	4324					

Longevity Bonus Rates

Conservation Police Officer I

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7007	7418	7601	7601	7714	7714	7714	7739	7739	7739

Conservation Police Officer II

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7095	7506	7691	7691	8163	8543	8948	9059	9478	9917

Effective July 1, 2021
RC-061 Bargaining Unit

	STEPS						
Title	1	2	3	4	5	6	7
Conservation Police Officer I	5390	5648	6056	6340	6637	6954	6954
Conservation Police Officer II			6148	6433	6728	7044	7044
Conservation Police Officer Trainee	4324	4495					

Longevity Bonus Rates

Conservation Police Officer I

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7284	7711	7901	7901	8019	8019	8019	8045	8045	8045

Conservation Police Officer II

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7375	7802	7995	7995	8485	8880	9301	9417	9852	10309

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective July 1, 2022
RC-061 Bargaining Unit

	STEPS						
Title	1	2	3	4	5	6	7
Conservation Police Officer I	5603	5871	6295	6590	6899	7229	7229
Conservation Police Officer II			6391	6687	6994	7322	7322
Conservation Police Officer Trainee	4495	4673					

Longevity Bonus Rates

Conservation Police Officer I

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7572	8016	8213	8213	8336	8336	8336	8363	8363	8363

Conservation Police Officer II

9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
7666	8110	8311	8311	8820	9231	9668	9789	10241	10716

(Source: Old Appendix A Table Q repealed by peremptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; new Appendix A Table Q added by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AC RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)

Title	Title Code	Bargaining Unit	Pay Plan Code
Public Service Administrator, Option 8L (Department of Healthcare and Family Services' Office of Inspector General's Bureau of Administrative Legislation)	37015	RC-036	B

NOTES: Employer – "Employer" refers to the Illinois Department of Central Management Services or Healthcare and Family Services as the context may require.

Steps – The parties agree that the wage step increases will be reinstated effective 7/1/12. Effective July 1, 2019, all bargaining unit employees will be placed on the following pay scale on their current applicable step. The Employees next step increase will be on current creditable service dates following the date of this agreement.

Cost of Living Increases (COLAs) – The COLAs are as follows: January 1, 2020 1.5%; July 1, 2020 2.1%; July 1, 2021 3.95%; and July 1, 2022 3.95%.

Stipend – All bargaining unit employees on active payroll on the date of effectuation shall receive a one-time stipend of $2,500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019. The stipend shall be paid as soon as practicable after the effectuation of the Agreement.

Backpay – The Employer will pay bargaining unit members for all backpay owed from the wage freeze from 2015 through to 2019, including any pay from missed steps or longevity adjustments.

Longevity Pay – Effective September 23, 2013, the Step 8 rate shall be increased by $75 a month for employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For 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, 2013, the Step 8 rate shall increase by $100 a month.

Maternity/Paternity/Adoption Leaves – All female bargaining unit members who show proof that they have received prenatal care in the first twenty (20) weeks will be eligible for four (4) weeks (20 work days) paid maternity leave. Such proof shall be provided to the Employer no later than the 24th week of pregnancy. All male bargaining unit members who show proof that their spouses have received prenatal care in the first twenty (20) weeks, with notification to the Employer within 24 weeks, will be eligible for four (4) weeks (20 work days) of paid paternity leave. The State shall require proof of the birth and marriage for a non-covered spouse. Maternity and/or paternity leave shall be limited to one (1) leave per family per each birth. Leaves under this Section shall also be granted in cases of a full term still born child. All bargaining unit members are eligible for four (4) weeks (20 days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. The agency personnel office must be notified, and the member must submit proof that the adoption has been initiated. Adoption leave shall be limited to one (1) leave per family per year; Employees are not eligible for the above referenced leave in the event the adoption is for a child with whom the employee has previously established residency.

Effective July 1, 2019
RC-036 Bargaining Unit

S T E P S

1c	**1b**	**1a**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**
6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472

~~**Effective July 1, 2014**~~
~~**S T E P S**~~

~~**1c**~~	~~**1b**~~	~~**1a**~~	~~**1**~~	~~**2**~~	~~**3**~~	~~**4**~~	~~**5**~~	~~**6**~~	~~**7**~~	~~**8**~~
~~6009~~	~~6188~~	~~6374~~	~~6564~~	~~6913~~	~~7277~~	~~7623~~	~~7976~~	~~8335~~	~~8859~~	~~9213~~

(Source: Amended by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AD RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)

Title	Title Code	Bargaining Unit	Pay Grade
Blasting Expert	04720	RC-184	22
Blasting Specialist	04725	RC-184	21
Blasting Supervisor	04730	RC-184	23

NOTES: Employer – "Employer" refers to the Illinois Departments of Central Management Services or Natural Resources as the context may require.

Stipend – All bargaining unit employees on active payroll on the date of effectuation shall receive a one (1) time stipend of $2,500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019. The stipend shall be paid as soon as practicable.

General Increases – Effective January 1, 2020, the pay rates for all bargaining unit classifications and steps shall be increased by 1.50%. Effective July 1, 2020, the pay rates for all bargaining unit classifications and steps shall be increased by 2.10%. Effective July 1, 2021, the pay rates for all bargaining unit classifications and steps shall be increased by 3.95%. Effective July 1, 2022, the pay rates for all bargaining unit classifications and steps shall be increased by 3.95%.

Step Increases – Employees shall receive a step increase to the next step upon satisfactory completion of twelve (12) months creditable service.

Sub-Step Increases – Effective July 1, 2019, Step 1a, 1b, and 1c shall be increased by $25 per month. Effective July 1, 2020, Step 1a, 1b, and 1c shall be increased by an additional $25 per month. Effective July 1, 2021, Step 1a, 1b, and 1c shall be increased by an additional $25 per month.

Overtime – Employees shall receive straight time compensatory time for hours worked in excess of the normal work week but less than 40 hours. Employees shall receive overtime at the applicable overtime rate for any hours worked in excess of 40 hours in a work week. up to 16 hours in a 24 hour period. For hours worked in excess of 16 hours in a 24 hour period, the employee shall be paid double time.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Payment Upon Separation – Upon separation for any reason, the employee shall be paid for all accrued holidays.

Maternity/Paternity/Adoption Leaves – All employees who proved proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 10 weeks (50 work days) of paid maternity/paternity leave for each pregnancy resulting in birth or multiple births. Should both parents be employees, they shall each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive days). Regardless of the number of pregnancies in a year, no employee shall receive more than 10 weeks (50 work days) of paid leave under this Section per year. The State shall require proof of the birth. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity. Leaves under this Section shall also be granted in cases of a full term still born child for a maximum of five (5) weeks. All bargaining unit members are eligible for ten (10) weeks (50 days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. In the event the child was in foster care immediately preceding the adoption process the leave will commence once a court order has been issued for permanent placement and the foster parent has been notified of their right to adopt as long as the foster child has not resided in the home for more than three (3) years. The agency personnel office must be notified, and the member must submit proof that the adoption has been initiated. Should both parents be employees they shall each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. Regardless of the number of adoptions in a year no individual shall receive more than 10 weeks (50 work days) of said leave under this Section per year. Maternity/Paternity leave is for the purpose of bonding with the new member of the household. Employees are not eligible for the above referenced leave in the event the adoption is for a step-child or relative with whom the employee has previously established residency, for a period of one (1) year or more.

Bereavement Leave – Upon request, employees shall be granted paid leave of up to two (2) scheduled work days to attend the funeral or similar service, for related travel, and bereavement time, upon the death of a member of the employee's immediate family. Leave shall be limited to one instance per calendar year. Documentation of the reason for the funeral/bereavement leave, attendance at the funeral or similar

service, and relationship to the deceased may be required. Immediate family is defined pursuant to this Section as: father, mother, sister, brother, spouse, children, grandparent and grandchildren including relationships established by marriage. For purposes of application of Bereavement Leave, relationships existing due to marriage will terminate upon death or divorce of the relative through whom the marriage relationship exists. Current marital status will be defined in accordance with State law.

Vacation Payment – If due to operational needs, the Employer cannot grant an employee's request for vacation time within the 24 month period after the expiration of the calendar year such time was earned, such vacation time shall be liquidated in cash at straight time provided the employee has made at least three (3) separate requests with at least 15 days between each request, for such time within the calendar year preceding liquidation. No salary payment shall be made in lieu of vacation earned but not taken except as provided in this paragraph and on termination of employment for eligible employees with at least six (6) months of continuous service in which case the effective date of termination shall not be extended by the number of days represented by said salary payment.

Clothing and Equipment Reimbursement – The Employer shall provide any special clothing, and/or equipment or the equivalent by reimbursement which is required by the Employer and/or is determined by the Employer as being necessary for such employees to perform their work. The Employer shall pay for the maintenance of all clothing and equipment determined by the Employer as being necessary. The Employer shall reimburse employees for any losses of personal property incurred as a result of the performance of their official duties.

Department of Natural Resources (DNR) Shirts – Two (2) DNR logo shirts will be provided to employees covered by the RC-184 bargaining unit one (1) time per the duration of this collective bargaining agreement.

Geographical Transfer – In the event of a geographical transfer under Personnel Rule 302.430 is required, seniority as defined in Article 7 of the Agreement signed September 4, 2019 shall govern, the most senior employee being given first preference. If no employee wishes to accept such transfer, the least senior employee in the effected position classification shall be required to take such transfer. The employee shall be reimbursed for all reasonable transportation and moving expenses incurred in moving to a new location because of an involuntary permanent geographical transfer.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Compensation in other Collective Bargaining Agreements – In the event the Employer voluntarily agrees to give any other bargaining unit under the jurisdiction of the Governor whose members are covered by the Illinois Pension Code or the State's Group Health and Life Plan a general wage increase greater than the increases provided for in this Agreement or gives more favorable treatment for insurance premiums and/or health care plan design, excluding unions opting out of the State's Group Health and Life Plan, in a contract that is negotiated after the effective date of this Agreement and expires on or before June 30, 2023, then such increases and/or favorable insurance treatment shall be afforded to the employees covered by this agreement.

Effective July 1, 2019
Bargaining Unit: RC-184

Pay Grade	Pay Plan Code	STEPS 1c	1b	1a	1	2	3	4	5	6	7	8
21	B	5168	5337	5506	5652	5944	6230	6520	6818	7101	7545	7846
22	B	5463	5641	5821	5975	6288	6593	6906	7226	7526	7995	8315
23	B	5792	5983	6172	6337	6674	7017	7348	7688	8021	8527	8870

Effective January 1, 2020
Bargaining Unit: RC-184

Pay Grade	Pay Plan Code	STEPS 1c	1b	1a	1	2	3	4	5	6	7	8
21	B	5246	5417	5589	5737	6033	6323	6618	6920	7208	7658	7964
22	B	5545	5726	5908	6065	6382	6692	7010	7334	7639	8115	8440
23	B	5879	6073	6265	6432	6774	7122	7458	7803	8141	8655	9003

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective July 1, 2020
Bargaining Unit: RC-184

Pay Grade	Pay Plan Code	STEPS 1c	1b	1a	1	2	3	4	5	6	7	8
21	B	5381	5556	5731	5857	6160	6456	6757	7065	7359	7819	8131
22	B	5686	5871	6057	6192	6516	6833	7157	7488	7799	8285	8617
23	B	6027	6226	6422	6567	6916	7272	7615	7967	8312	8837	9192

Effective July 1, 2021
Bargaining Unit: RC-184

Pay Grade	Pay Plan Code	STEPS 1c	1b	1a	1	2	3	4	5	6	7	8
21	B	5619	5800	5982	6088	6403	6711	7024	7344	7650	8128	8452
22	B	5936	6128	6321	6437	6773	7103	7440	7784	8107	8612	8957
23	B	6290	6497	6701	6826	7189	7559	7916	8282	8640	9186	9555

Effective July 1, 2022
Bargaining Unit: RC-184

Pay Grade	Pay Plan Code	STEPS 1c	1b	1a	1	2	3	4	5	6	7	8
21	B	5841	6029	6218	6328	6656	6976	7301	7634	7952	8449	8786
22	B	6170	6370	6571	6691	7041	7384	7734	8091	8427	8952	9311

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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23	B	6538	6754	6966	7096	7473	7858	8229	8609	8981	9549	9932

~~Effective July 1, 2014~~
~~Bargaining Unit: RC-184~~

~~Pay Grade~~	~~Pay Plan Code~~	~~STEPS~~										
		~~1c~~	~~1b~~	~~1a~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~21~~	~~B~~	~~5143~~	~~5312~~	~~5481~~	~~5652~~	~~5944~~	~~6230~~	~~6520~~	~~6818~~	~~7101~~	~~7545~~	~~7846~~
~~22~~	~~B~~	~~5438~~	~~5616~~	~~5796~~	~~5975~~	~~6288~~	~~6593~~	~~6906~~	~~7226~~	~~7526~~	~~7995~~	~~8315~~
~~23~~	~~B~~	~~5767~~	~~5958~~	~~6147~~	~~6337~~	~~6674~~	~~7017~~	~~7348~~	~~7688~~	~~8021~~	~~8527~~	~~8870~~

(Source: Amended by peremptory rulemaking at 43 Ill. Reg. 11734, effective September 27, 2019)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 23, 2019 through September 30, 2019. The Department of Revenue rulemaking is scheduled for the November 12, 2019 meeting; other listed rulemakings are scheduled for the October 8, 2019 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/6/19	Agriculture, Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	7/5/19 43 Ill. Reg. 7323	10/8/19
11/7/19	Natural Resources, General Definitions (62 Ill. Adm. Code 1701)	12/21/18 42 Ill. Reg. 23587	10/8/19
11/7/19	Natural Resources, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction (62 Ill. Adm. Code 1703)	12/21/18 42 Ill. Reg. 23620	10/8/19
11/7/19	Natural Resources, Requirements for Permits and Permit Processing (62 Ill. Adm. Code 1773)	12/21/18 42 Ill. Reg. 23624	10/8/19
11/7/19	Natural Resources, Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights (62 Ill. Adm. Code 1774)	12/21/18 42 Ill. Reg. 23636	10/8/19
11/7/19	Natural Resources, Permit Applications-Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 Ill. Adm. Code 1778)	12/21/18 42 Ill. Reg. 23643	10/8/19

11/8/19	Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	8/2/19 43 Ill. Reg. 7919	10/8/19
11/13/19	Revenue, Practice and Procedure for Hearings Before the Illinois Department of Revenue (86 Ill. Adm. Code 200)	7/5/19 43 Ill. Reg. 7379	11/12/19

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

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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: Mr. Raymond Chin, Vice President of R.M. Chin & Associates, Inc.

3. Date of Violations: June 27, 2013, September 9, 2013 and December 10, 2013

4 Description of Violations: Mr. Chin, an affiliated person of the business entity R.M. Chin & Associates, Inc., made the following contributions:

- $300.00 to the Taxpayers for Quinn (June 27, 2013), a campaign committee established to support the election of Pat Quinn to public office. At the time of the contribution, Pat Quinn was the incumbent officeholder for Governor, and R.M. Chin & Associates, Inc. had in place active contracts with General Services, of which was in excess of $50,000.
- $500.00 to Sheila Simon for Illinois (September 9, 2013), a campaign committee established to support the candidacy of Sheila Simon to public office. At the time of the contribution, Sheila Simon was the incumbent officeholder for Lieutenant Governor, and R.M. Chin & Associates, Inc. had in place active contracts with General Services, of which was in excess of $50,000.
- $500.00 to the Citizens for Rauner, Inc. (December 10, 2013), a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of Governor, and R.M. Chin & Associates, Inc. had in place active contracts with General Services, of which was in excess of $50,000.

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

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the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified R.M. Chin & Associates, Inc. of the apparent violations, reviewed responsive material provided by R.M. Chin & Associates, Inc., and has considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by R.M. Chin & Associates, Inc. of the violations and their understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Taxpayers for Quinn, Sheila Simon for Illinois and Citizens for Rauner, Inc., are required to pay to the State an amount equal to the value of the contributions within 30 days of the publication of this notice.

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.410, 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates whenever new criteria is derived.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings derived water quality criteria which were adjusted during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995: 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011; 35 Ill. Reg. 8574, June 3, 2011; 35 Ill. Reg. 12835, July 29, 2011; 35 Ill. Reg. 18973, November 14, 2011; 36 Ill. Reg. 3977, March 9, 2012; 36 Ill. Reg. 8521, June 8, 2012; 36 Ill. Reg. 13326, August 17, 2012; 36 Ill. Reg. 16406, November 16, 2012, and 37 Ill. Reg. 2735, March 8, 2013, 37 Ill. Reg. 5992, May 3, 2013, 37 Ill. Reg. 6882, May 17, 2013, 37 Ill. Reg. 7493, May 31, 2013, and 43 Ill. Reg. _____.

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Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201), Lake Michigan Basin (35 Ill. Adm. Code 303.443), and Chicago Area Waterway System (CAWS) and Lower Des Plaines River waters (35 Ill. Adm. Code 302.204) are listed below. General Use human health criteria are derived for protection of primary contact waters. Criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). The Chicago Area Waterway System and Lower Des Plaines River Waters criteria are derived to protect for primary contact recreation, incidental contact or non-contact recreational uses (except where designated as non-recreational waters), commercial activity (including navigation and industrial water supply uses), and the highest quality aquatic life and wildlife attainable, limited only by the physical condition of these waters and hydrologic modifications to these waters. Newly derived criteria are highlighted in bold print.

General Use Criteria

Chemical: Acenaphthene CAS #83-32-9 Acute criterion: 120 ug/l Chronic criterion: 62 ug/l Date criteria derived: November 14, 1991; revised February 1999
Chemical: Acenaphthylene CAS # 208-96-8 Acute criterion: 190 ug/L Chronic criterion: 15 ug/L Date criteria derived: March 1, 1998
Chemical: Acetochlor CAS #34256-82-1 Acute criterion: 150 ug/l Chronic criterion: 12 ug/l Date criteria derived: September 26, 2007
Chemical: Acetone CAS #67-64-1 Acute criterion: 1,500 mg/l Chronic criterion: 120 mg/l Date criteria derived: May 25, 1993
Chemical: Acetonitrile CAS #75-05-8 Acute criterion: 380 mg/l Chronic criterion: 30 mg/l Human health criterion (HTC): non-primary contact, 20 mg/L Date criteria derived: December 7, 1993; revised January 23, 2007
Chemical: Acrolein CAS #107-02-8 Acute criterion: 2.7 µg/l Chronic criterion: 0.22 µg/l Date criteria calculated: February 1999; reviewed January 2008
Chemical: Acrylonitrile CAS #107-13-4 Acute criterion: 910 ug/l Chronic criterion: 73 ug/l Human health criterion (HNC): 0.21 ug/l

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Date criteria derived: November 13, 1991
Chemical: Aniline CAS #62-53-3 Acute criterion: 120 µg/l Chronic criterion: 15 µg/l Date criteria calculated: July 24, 1998; reviewed April 15, 2009
Chemical: Anthracene CAS #120-12-7 Acute criterion: 0.66 ug/L Chronic Criterion: 0.53 ug/L Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993, revised May 30, 2007
Chemical: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008
Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005
Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999
Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999
Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999
Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999
Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Human health criterion (HNC): 1.9 ug/l Date criteria derived: February 1999; reviewed: June 2009
Chemical: Bromodichloromethane CAS #75-27-4 Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13.3 ug/l Non-primary contact: 14.9 ug/l Public and food processing water supply: 0.54 ug/l Date criteria derived: February 1, 1999, revised March 28, 2013

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Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993
Chemical: Chloroacetic acid CAS #79-11-8 **Human health criterion (HTC): 4,000 ug/L** **Non-primary contact: 5,700 ug/L** **Public and food processing water supply: 60 ug/L** **Date criteria derived: February 19, 2013; reviewed May 20, 2019**
Chemical: 2-Chloroaniline CAS #95-51-2 Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009
Chemical: 4-Chloroaniline CAS #106-47-8 Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009
Chemical: Chlorobenzene CAS #108-90-7 Acute criterion: 990 ug/l Chronic criterion: 79 ug/l Date criteria derived: December 11, 1991
Chemical: Chlorodibromomethane CAS #124-48-1 Human health criterion (HNC): 9.8 ug/l Non-primary contact: 11.0 ug/l Public and food processing water supply: 0.4 ug/l Date criteria derived: February 1, 1999, revised March 28, 2013
Chemical: Chloroethane CAS #75-00-3 Acute criterion: 13 mg/l Chronic criterion: 1 mg/l Date criteria derived: December 11, 1991
Chemical: Chloromethane CAS #74-87-3 Acute criterion: 16 mg/l Chronic criterion: 1.3 mg/l Date criteria derived: December 11, 1991
Chemical: Chloroform CAS #67-66-3 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992
Chemical: Chrysene CAS #218-01-9 Human health criterion (HNC): 16 ug/l Date criteria derived: August 10, 1993; revised February 1999
Chemical: 2,4-D CAS #94-75-7 Acute criterion: 100 ug/l Chronic criterion: 8 ug/l

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Date criteria derived: July 1, 1993; reviewed April 15, 2009
Chemical: Dibenz(a,h)anthracene CAS #53-70-3 Human health criterion (HNC): 0.016 ug/l Date criteria derived: February 1999, reviewed June 2007
Chemical: 1,2-dichlorobenzene CAS #95-50-1 Acute criterion: 210 ug/l Chronic criterion: 17 ug/l Date criteria derived: December 1, 1993
Chemical: 1,3-dichlorobenzene CAS #541-73-1 Acute criterion: 500 ug/l Chronic criterion: 200 ug/l Date criteria derived: July 31, 1991
Chemical: 1,1-dichloroethane CAS #75-34-3 Acute criterion: 20 mg/l Chronic criterion: 2 mg/l Date criteria derived: July 31, 1991
Chemical: 1,2-dichloroethane CAS #107-06-2 Acute criterion: 25 mg/l Chronic criterion: 4.5 mg/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992
Chemical: 1,1-dichloroethylene CAS #75-35-4 Acute criterion: 3,000 ug/l Chronic criterion: 240 ug/l Human health criterion (HTC): 110 ug/l Non-primary contact: 120 ug/l Public and food processing water supply: 6.6 ug/l Date criteria derived: March 20, 1992; revised May 04, 2009
Chemical: 1,2-dichloroethylene CAS #540-59-0 Acute criterion: 14 mg/l Chronic criterion: 1.1 mg/l Date criteria derived: November 18, 2008
Chemical: trans-1,2-dichloroethylene CAS #156-60-5 Human health criterion (HTC): 34 mg/l Date criteria derived: February 1, 1999; reviewed December 2, 2010
Chemical: 2,4-dichlorophenol CAS #120-83-2 Acute criterion: 630 ug/l Chronic criterion: 83 ug/l Date criteria derived: November 14, 1991
Chemical: 1,2-dichloropropane CAS #78-87-5 Acute criterion: 4,800 ug/l Chronic criterion: 380 ug/l Date criteria derived: December 7, 1993
Chemical: 1,3-dichloropropylene CAS #542-75-6 Acute criterion: 99 ug/l Chronic criterion: 7.9 ug/l Date criteria derived: November 13, 1991

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Chemical: 2,4-dimethyl phenol CAS #105-67-9 Acute criterion: 740 ug/l Chronic criterion: 220 ug/l Date criteria derived: October 26, 1992
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1 Acute criterion: 29 ug/l Chronic criterion: 2.3 ug/l Date criteria derived: November 14, 1991
Chemical: 2,4-dinitrophenol CAS #51-28-5 Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l Date criteria derived: December 1, 1993
Chemical: 2,6-dinitrotoluene CAS #606-20-2 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l Date criteria derived: February 14, 1992
Chemical: Diquat CAS #85-00-7 Acute criterion: 990 ug/l Chronic criterion: 80 ug/l Date criteria derived: January 30, 1996
Chemical: Ethyl mercaptan (ethanethiol) CAS #75-08-1 Acute criterion: 17 ug/l Chronic criterion: 2 ug/l Date criteria derived: April 8, 2002
Chemical: Fluoranthene CAS #206-44-0 Acute criterion: 4.3 ug/L Chronic Criterion: 1.8 ug/L Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic)
Chemical: Fluorene CAS #86-73-7 Acute criterion: 59 ug/L Chronic Criterion: 16 ug/L Date criteria derived: June 6, 2007
Chemical: Formaldehyde CAS #50-00-0 Acute criterion: 4.9 mg/l Chronic criterion: 0.39 mg/l Date criteria derived: January 19, 1993
Chemical: Hexachlorobenzene CAS #118-74-1 Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991
Chemical: Hexachlorobutadiene CAS #87-68-3 Acute criterion: 35 ug/l Chronic criterion: 2.8 ug/l Date criteria derived: March 23, 1992
Chemical: Hexachloroethane CAS #67-72-1 Acute criterion: 380 ug/l Chronic criterion: 31 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991

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Chemical: n-Hexane CAS #110-54-3 Acute criterion: 250 ug/l Chronic criterion: 20 ug/l Date criteria derived: April 8, 2002
Chemical: Indeno(1,2,3-cd)pyrene CAS #193-39-5 Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February 1992, reviewed June 2007
Chemical: Isobutyl alcohol = 2-methyl-1-propanol CAS #78-83-1 Acute criterion: 430 mg/l Chronic criterion: 35 mg/l Date criteria derived: December 1, 1993
Chemical: Methylene chloride CAS #75-09-2 Acute criterion: 17 mg/l Chronic criterion: 1.4 mg/l Human health criterion (HNC): 330 ug/l Non-primary contact: 490 ug/l Public and food processing water supply: 4.6 ug/l Date criteria derived: January 21, 1992; revised November 25, 2008
Chemical: Methylethylketone CAS #78-93-3 Acute criterion: 320 mg/l Chronic criterion: 26 mg/l Date criteria derived: July 1, 1992
Chemical: 4-methyl-2-pentanone CAS #108-10-1 Acute criterion: 46 mg/l Chronic criterion: 1.4 mg/l Date criteria derived: January 13, 1992
Chemical: 2-methyl phenol CAS #95-48-7 Acute criterion: 4.7 mg/l Chronic criterion: 0.37 mg/l Date criteria derived: November 8, 1993
Chemical: 4-methyl phenol CAS #106-44-5 Acute criterion: 670 ug/l Chronic criterion: 120 ug/l Date criteria derived: January 13, 1992
Chemical: Methyl tert-butyl ether (MTBE) CAS #134-04-4 Acute criterion: 67 mg/l Chronic criterion: 5.4 mg/l Date criteria derived: September 18, 1997
Chemical: Metolachlor CAS #51218-45-2 Acute criterion: 380 ug/l Chronic criterion: 30.4 ug/l Date criteria derived: February 25, 1992; revised October 1, 2007
Chemical: Naphthalene CAS #91-20-3 Acute criterion: 510 ug/l Chronic criterion: 68 ug/l Date criteria derived: November 7, 1991; revised February 1999
Chemical: 4-nitroaniline CAS #100-01-6 Acute criterion: 1.5 mg/l Chronic criterion: 0.12 mg/l

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Date criteria derived: May 5, 1996
Chemical: Nitrobenzene CAS #98-95-3 Acute criterion: 15 mg/l Chronic criterion: 8.0 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999
Chemical: PCBs CAS #1336-36-3 Human health criterion (HNC): 0.056 ng/l Non-primary contact: 0.056 ng/l Public and food processing water supply: 0.056 ng/l Date criteria derived: December 6, 2011
Chemical: Pentachlorophenol CAS #87-86-5 Acute criterion: 20 ug/l Chronic criterion: 13 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986
Chemical: Peracetic Acid CAS #79-21-0 **Acute criterion: 160 ug/l Chronic criterion: 340 ug/l** **Date criteria derived: May 13, 2019**
Chemical: Phenanthrene CAS #85-01-8 Acute criterion: 46 ug/l Chronic criterion: 3.7 ug/l Date criteria derived: October 26, 1992
Chemical: Propylene CAS #115-07-1 Acute criterion: 4.0 mg/l Chronic criterion 0.40 mg/l Date criteria derived: April 8, 2002
Chemical: Pyrene CAS #120-00-0 Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992
Chemical: Styrene CAS #120-42-5 Acute criterion: 2.5 mg/L Chronic criterion: 0.2 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009
Chemical: Tetrachloroethylene CAS #127-18-4 Acute criterion: 1,200 ug/l Chronic criterion: 150 ug/l Date criteria derived: March 23, 1992
Chemical: Tetrahydrofuran CAS #109-99-9 Acute criterion: 220 mg/l Chronic criterion: 17 mg/l Date criteria derived: March 16, 1992
Chemical: Thallium CAS #7440-28-0 Acute criterion: 86 ug/l Chronic criterion: 11 ug/l Human health criterion (HTC): 3.0 ug/l Non-primary contact: 3.0 ug/l

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Public and food processing water supply: 1.2 ug/l Date criteria derived: October 22, 2007; revised November 18, 2008
Chemical: 1,2,4-trichlorobenzene CAS #120-82-1 Acute criterion: 370 ug/l Chronic criterion: 72 ug/l Date criteria derived: December 14, 1993; revised February 1999
Chemical: 1,1,1-trichloroethane CAS #71-55-6 Acute criterion: 4,900 ug/l Chronic criterion: 390 ug/l Date criteria derived: October 26, 1992
Chemical: 1,1,2-trichloroethane CAS #79-00-5 Acute criterion: 19 mg/l Chronic criterion: 4.4 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999
Chemical: Trichloroethylene CAS #79-01-6 Acute criterion: 12,000 ug/l Chronic criterion: 940 ug/l Human health criterion (HNC): 25 ug/l Non-primary contact: 26 ug/l Public and food processing water supply: 2.5 ug/l Date criteria derived: October 23, 1992; revised November 18, 2008
Chemical: 1,2,4-trimethylbenzene CAS #95-63-6 Acute criterion: 360 ug/l Chronic criterion: 29 ug/l Date criteria derived: July 15, 1998; reviewed December 2, 2010
Chemical: Vinyl chloride CAS #75-01-4 Acute criterion: 22 mg/l Chronic criterion: 1.7 mg/l Human health criterion (HNC): 1.5 ug/l Non-primary contact: 2 ug/l Public and food processing water supply: 0.025 ug/l Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008

Lake Michigan Basin Criteria

Chemical: Antimony CAS #7440-36-0 Aquatic Life Criteria: Acute criterion: 470 ug/l Chronic criterion: 120 ug/l Date criteria derived: September 29, 2008
Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Aquatic Life Criteria:

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Acute criterion: 76 ug/l Chronic criterion: 17 ug/l Human Health Non-threshold Criteria: Public and food processing water supply: 2.8 ug/l Non-drinking water: 3.2 ug/l Date criteria derived: June 20, 2006
Chemical: 1,2-dichloroethylene CAS #540-59-0 Aquatic Life Criteria: Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l Date criteria derived: November 18, 2008
Chemical: Methylene Chloride CAS #75-09-2 Aquatic Life Criteria: Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l Human Health Non-threshold Criteria: Public and food processing water supply: 47 ug/l Non-drinking water: 2,600 ug/l Date criteria derived: June 20, 2006
Chemical: Thallium CAS #7440-28-0 Aquatic Life Criteria: Acute criterion: 54 ug/l Chronic criterion: 15 ug/l Human Health Threshold Criteria: Public and food processing water supply: 1.3 ug/l Non-drinking water: 3.7 ug/l Date criteria derived: June 20, 2006; revised November 18, 2008
Chemical: Vinyl Chloride CAS #75-01-4 Aquatic Life Criteria: Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l Human Health Non-threshold Criteria: Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l Date criteria derived: June 20, 2006

For additional information concerning these criteria or the derivation process used in generating them, please contact:

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Springfield IL 62794-9276

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